



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

March 26, 2021

TO: Service List, dated March 9, 2021

FROM: Melanie Bachman, Executive Director *MB*

RE: **PETITION NO. 1444** - CP NB Solar I, LLC and CP NB Solar II, LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 1-megawatt AC solar photovoltaic electric generating facility and a 0.97-megawatt AC solar photovoltaic electric generating facility located at 127 Forest Road in North Branford, Connecticut, and associated electrical interconnection.

Comments have been received from the Connecticut Council on Environmental Quality on March 25, 2021. A copy of the comments is attached for your review.

MB/emr

c: Council Members



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

March 25, 2021

Melanie Bachman, Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

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Executive Director

PETITION NO. 1444 - CP NB Solar I, LLC and CP NB Solar II, LLC petition for a declaratory ruling for the proposed construction, maintenance and operation of a 1-megawatt AC solar photovoltaic electric generating facility and a 0.97-megawatt AC solar photovoltaic electric generating facility located at 127 Forest Road in North Branford, Connecticut, and associated electrical interconnection.

Dear Ms. Bachman:

The Council offers the following comments regarding Petition 1444.

1. Visibility

The Petitioner states that the proposed project will include the planting of approximately sixty-five trees as well as the use of privacy slats within the proposed fence along portions of the proposed site (eastern side and the northwest corner) to reduce the visual impact of the proposed project. The Council notes that the visual impact analysis (photo simulation 4) indicates that there could be a significant visual impact during leaf off conditions from the residences on Neubig's Way. The Council recommends that the Petitioner consider extending the plantings and/or privacy slats along the northern fence line to minimize the visual impact to the residents on Neubig's Way.

2. Prime Farmland Soils

The Petitioner states that the proposed site is primarily used for agriculture and that within the approximately ten acres of land that will be "disturbed" for the proposed project, approximately 7.3 acres is underlain by prime farmland soils. The Council notes that the proposed project is exempt from the provisions of Public Act 17-218 because it would be less than two megawatts of solar capacity. Nonetheless, the Council is concerned about the possible loss of prime farmland, which has the "best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops", and the impact the proposed construction will have on the prime farmland soils. North Branford is one of the remaining agricultural communities close to the City of New Haven and is included in the United States Department of Agriculture Major Land Resource Area 145, a geographic area significant for soils and microclimate especially valuable for specialty crops. Additional losses of prime farmland such as what is proposed will have negative impacts on the viability of this food producing area. The Council recommends that practices be employed during construction that might allow for a future restoration of those soils to productive agricultural use. These practices include minimizing grading, trenching and compaction of prime farmland soils.

3. Eastern Box Turtle

The Petitioner notes that the proposed site provides suitable habitat for eastern box turtle (EBT), which is a State Special Concern species afforded protection under the

Connecticut Endangered Species Act and listed as a Greatest Conservation Need species in Connecticut. The Petitioner also states that “APT has developed a protection program involving training, exclusion zones and monitoring to prevent unintentional impacts to any EBT. See Appendices B and C to Attachment 1.” However, neither Appendix B nor Appendix C include any provisions for the protection of EBT. The Council recommends that the Petitioner develop and employ an EBT Protection Plan, and have that Plan reviewed by the Natural Diversity Database (NDDB) to ensure that the measures are appropriate to protect any state-listed species that may be present on the proposed site.

4. Groundwater

The Petitioner states that the groundwater underlying the proposed site is classified as “GAA”. The Council recommends that the Petitioner develop and utilize a Spill Prevention, Control and Countermeasure Plan during construction and operation of the proposed facility to reduce the likelihood and impact of any spills on the proposed site.

Thank you for your consideration of these comments.

Sincerely,



Peter Hearn
Executive Director