



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

February 3, 2023

Matt Davis
Assistant Planner
Planning and Zoning Department
Enfield Town Hall
820 Enfield Street
Enfield, CT 06082-2997
mdavis@enfield.org

RE: **PETITION NO. 1557** – LSE Hercules LLC (Lodestar Energy) petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 4-megawatt AC solar photovoltaic electric generating facility located at 95, 105 and 113 Raffia Road, Enfield, Connecticut, and associated electrical interconnection.

Dear Matt Davis:

The Connecticut Siting Council (Council) is in receipt of the Town of Enfield Planning and Zoning Commission and Department's request for an extension of time to submit comments for the above-referenced petition, dated February 1, 2023. The Council hereby grants the request for an extension of time to **February 23, 2023**.

Referencing the second portion of the February 1, 2023 request, please be advised that the Council has exclusive jurisdiction over the construction, maintenance and operation of electric generating facilities throughout the state. The timeline for review of a petition for a declaratory ruling is established by statute.

The Council received the above-referenced petition on January 6, 2023 and sent correspondence to the Town seeking comments on the petition on January 9, 2023. Aside from the Town's February 1, 2023 request, there is no other pending or approved request for an extension in the record as evidenced by the schedule for the petition that is posted on the Council's website.

Ms. Driver contacted the Council's office on January 10, 2023 requesting a hard copy of Lodestar Energy's (Lodestar) petition. **As a courtesy**, an extra copy of the petition from the Council's office was mailed to Ms. Driver on January 11, 2023. There is no requirement for a hard copy to be submitted by the petitioner or provided by the Council. Lodestar provided notice of its petition in compliance with the Council's regulations. Also, the February 1, 2023 request from the Town states Lodestar contacted the Town about the proposed facility in 2022.

With regard to Ms. Driver's January 18, 2023 correspondence, please be advised that the Council is not proposing to construct, maintain and operate the proposed solar facility. It is not the petitioner. Lodestar is the petitioner. The Council is the state agency with exclusive jurisdiction to

evaluate the potential environmental effects of the proposed facility and issue a declaratory ruling on the proposed solar facility.

Under state law, the Council cannot answer substantive questions from a municipality or members of the public about proposed jurisdictional facilities pending before it. This would amount to prohibited ex parte communications. Any substantive questions about the proposed solar facility while it is pending before the Council may be directed to Lodestar. Its attorney is copied on this correspondence. Also, the full petition and service list for the petition are posted on the Council's website along with the schedule and record to date.

Should you have any further questions, please feel free to contact our office.

Sincerely,

A handwritten signature in dark ink, appearing to read "Melanie Bachman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Melanie Bachman
Executive Director

MB/MP/laf

c: Service List, dated January 9, 2023
Carrie Larson Ortolano, Esq.

From: Davis, Matt <mdavis@enfield.org>
Sent: Wednesday, February 1, 2023 12:48 PM
To: CSC-DL Siting Council <Siting.Council@ct.gov>
Cc: Whitten, Lauren <lwhitten@enfield.org>; Driver, Georgianna <gdriver@enfield.org>; Fiore, Lewis <lfiore@enfield.org>
Subject: Petition #1557, Raffia Road, Enfield CT

Good afternoon-

On behalf of the Town of Enfield Planning and Zoning Commission and Department, we would like you to please extend the comment period for the above for at least two additional weeks after the 2/5/23 cut off, to allow us sufficient time to fully review the proposal.

The (at the time) prospective applicant had initially indicated a willingness to meet with us on a pre-application basis, but retracted that offer in late 2022. Shortly thereafter, on 1/5/23, the Town (Enfield Planning Department) received notice via electronic mail of a formal application to the CSC. Requested materials were received by us on 1/12/23 for review. We believe CSC staff had also indicated that the 2/5/23 would be extended, however, apparently we misunderstood.

Ms. Driver (copied above) did her best to accommodate the CSC schedule and to provide review comments, however, although she has been able to raise certain valid concerns, in light of our staffing here, work load, commission meeting schedules and other relevant considerations, we have not yet been able to undertake a full review or to coordinate internally with affected stakeholders. The Petition was discussed with the Town IWC at a special meeting held last evening for this purpose, as well as with the Enfield PZC on 1/26/23. The PZC raised concerns regarding environmental matters, primarily under the local jurisdiction of the IWC, and asked staff to communicate those to the IWC.

In addition, Ms. Driver's 1/18/23 letter to Executive Director Bachman asked certain specific questions, and those have yet to be addressed (see 1/25/23 CSC reply). In particular, we would like clarification as to which sediment trap was removed, as the plans we have still show a sediment trap in a location of concern (within an escarpment area) and including associated clearing and grading that we are still evaluating. In general, both SW management and SW quality are concerns and we anticipate providing detailed comments/questions. We are also looking more closely at the "Resource Protection Program" and anticipate having additional comments in that regard, as well as with respect to the erosion control plan and tree "topping" component. We would also like to clear up the question of scope, in light of the "up to 4 MW" used in one part of the Petition, which seems to conflict with the 6.5MW used in the Carbon Debt Analysis summary.

Therefore, we believe that in light of the above, the most prudent and reasonable course at this point would be to allow the Town of Enfield at least another two weeks to complete a full review and to submit comments, suggestions and questions to the CSC. We feel this is a minor procedural inconvenience and that our having sufficient opportunity to conduct a more comprehensive review is a reasonable accommodation, given the scale and potential impacts of the project.

Assuming you agree, please confirm at your earliest convenience in writing that CSC agrees to the requested extension. Thank you for your anticipated assistance.

Thank you –

Respectfully,

M. Davis
Assistant Planner
Enfield CT