



## STATE OF CONNECTICUT

# COUNCIL ON ENVIRONMENTAL QUALITY

### VIA ELECTRONIC MAIL

January 24, 2024

Melanie Bachman, Executive Director  
Connecticut Siting Council  
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PETITION NO. 1608 – Greenskies Clean Energy, LLC (Petitioner) petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 3.035-megawatt AC solar photovoltaic electric generating facility located at 141 Middlefield Road, Durham, Connecticut.

Dear Attorney Bachman,

The Council on Environmental Quality (Council) offers the following comments regarding Petition 1608.

### 1. Farmland

The Petitioner notes that the project site is comprised of 7.7 acres of prime farmland and 2.5 acres of statewide important farmland soils. Although the Petitioner states that “the landowners are not farmers” and they “have no intention of farming the land themselves”, prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops. Consequently, the Council recommends that the Petitioner employ best practices during construction and operation that might allow for the future restoration of farmland soils to a more productive agricultural state by minimizing grading, trenching, and compaction of farmland soils.

### 2. Visibility

The Petitioner states that “visual impacts of the Project from multiple directions are naturally mitigated due to a variety of distance, topography, and existing vegetation.” The Petitioner also provided a “Visual Impact Study” (Appendix J) that only included a limited aerial view and cross section from the property at 159 Middlefield Road, which is located northwest of the proposed project. The Council recommends that the Petitioner assess the potential visual impact of the proposed facility from several properties to the west of the proposed project site along Middlefield Road, both as it appears currently and as it might appear with the installation of the proposed facility. The recommended analysis will help to determine if visual screening is needed to minimize any potential visual impact on the project’s neighbors.

### 3. Wildlife

The Council notes that the United State Fish and Wildlife Service (USFWS) Information for Planning and Conservation (IPaC) system identified the Northern Long-eared Bat (NLEB) (*Myotis septentrionalis*), a federally listed “Endangered” species, as a species that may potentially occur in the proposed project site. Further, the Connecticut Department of Energy and Environmental Protection’s (DEEP) Connecticut Northern Long-eared Bat Observations by

Keith Ainsworth  
*Acting Chair*

Christopher Donnelly

David Kalafa

Matthew Reiser

Denise Rodosevich

Charles Vidich

William Warzecha

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Paul Aresta  
*Executive Director*

Town<sup>1</sup> map, dated July 24, 2023, depicts North Branford, which is the town that abuts the town of Durham to the southeast, as an area known to have both summer and winter occurrences of NLEB. Since the Petitioner notes that “approximately 6.0 acres of tree clearing is proposed within the limit of work area” and the “formal construction notice to proceed would be anticipated in Spring/Summer 2024”, subject to regulatory approval, the Council recommends that the Petitioner consult with DEEP and/or utilize the NLEB Rangewide Determination Key available in IPaC to confirm that there would be no impact on NLEB.

#### **4. Wetlands**

The Petitioner notes that there is a delineated wetland area along the northern edge of an intermittent stream, which flows from northeast to southwest toward Middlefield Road, located along the southeastern edge of the proposed site. The Petitioner also states that “project limits meet or exceed the CTDEEP Stormwater General Permit’s minimum suggested setbacks for both solar panels (100’) and overall disturbance (50’) to wetlands.” The Council supports the proposed minimum setback of 100 feet between the proposed solar panels and the identified wetlands, especially since a DEEP Natural Diversity Database (NDDB) buffer area, which could be associated with the onsite and/or offsite wetlands, is depicted near the proposed project.

The Council’s comments above addresses only certain elements of the materials provided by the Petitioner at the time of the filing. Additional information can become evident through comments offered by other parties and during the Siting Council’s administrative hearing process. The absence of comment(s) by this Council about any Petition or Application, or any aspects thereof, may not be interpreted as an endorsement of a proposed project, or its components or that this Council might not have comments or concerns on more specific issues raised during the hearing process.

Thank you for your consideration of the Council’s comments.

Sincerely,



Paul Aresta  
Executive Director

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<sup>1</sup> DEEP, Connecticut Northern Long-eared bat Observations by Town, July 24, 2023; <https://portal.ct.gov/-/media/DEEP/NDDB/NoLongEaredBat-Map.pdf>