



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

VIA ELECTRONIC MAIL

February 29, 2024

Melanie Bachman, Executive Director
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PETITION NO. 1612 – TRITEC Americas, 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 0.999-megawatt AC solar photovoltaic electric generating facility located at 37 Hunters Lane, Southington, Connecticut, and associated electrical interconnection.

Dear Attorney Bachman,

The Council on Environmental Quality (Council) offers the following comments regarding Petition 1612.

1. Environmental Land Use Restriction

The Petitioner notes on the “Existing Conditions Plan” that the proposed solar arrays would be within the “Limit of Environmental Land Use Restriction Area” on the proposed site. An Environmental Land Use Restriction (ELUR) is an easement granted to the Commissioner of the Department of Energy and Environmental Protection (DEEP) by the property owner and is recorded on the municipal land records. The purpose of an ELUR is to minimize the risk of human exposure to pollutants and hazards to the environment by preventing the use of specified real property for certain purposes, or prohibiting or requiring certain activities on such property.¹ The Council questions the status of the ELUR on the proposed site and whether the ELUR would restrict the proposed activities described in the Petition, including, but not limited to, the proposed site work for the detention basin and equipment pads; excavation for the proposed underground electrical interconnection; and installation of the proposed tracking system, solar panels, and electrical conduits. The Council recommends that the ELUR be submitted to the Siting Council for inclusion in the record and that any restrictions be followed as a condition of approval.

2. Wetlands and Erosion and Sedimentation (E&S) Controls

The Petitioner states that “the majority of the Project Area is more than 100 feet from wetlands and watercourses save for the installation of portions of the chain link fence, landscape plantings and a portion of the gravel access drive.” The Council supports the use of the proposed 100-foot buffer between the proposed solar panels and the delineated wetlands. The Petitioner also notes that there would be a direct impact to the hardwood swamp associated with the proposed installation of the electrical interconnection, as depicted on the Site Layout Plan, Sheet 2.11. The Council questions if the proposed electrical interconnection could be installed above ground using poles thereby minimizing the potential direct impacts on wetlands. The Council also questions if there would be any impacts to the identified vernal pool located within the delineated wetlands, and whether E&S controls are proposed along the proposed electrical

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interconnection route since no E&S controls are depicted on the Soil Erosion & Sediment Control Plan Phase I, Sheet 2.31.

The Petitioner also notes that E&S controls, including silt fencing with wings, hay bales, and compost filter socks would be installed in accordance with the 2024 Connecticut Guidelines for Soil Erosion and Sediment Control, latest edition. The Council supports efforts to minimize the impact of erosion and sedimentation. In addition, the Council notes that certain E&S control products has been found to entangle wildlife, including reptiles, amphibians, birds and small mammals. Given the potential presence of eastern box turtles in the project area, the Council recommends that the Petitioner avoid/minimize the use of E&S control measures that are made of plastic and/or have the potential for wildlife entanglement.

3. Visibility

The Petitioner depicts in the “Proposed Conditions Viewshed Map” that the residential properties to the west of the proposed facility would have “predicted seasonal visibility” of the proposed facility from their properties. The Petitioner proposes to surround the proposed facility by a chain-link security fence; maintain existing vegetation, as appropriate; and install a vegetation buffer of evergreen trees along the south edge of the proposed facility to reduce the visual impact. The Council supports the Petitioner’s efforts to minimize the potential visual impact associated with the proposed facility. The Council recommends that the Petitioner assess measures to minimize the potential visual impact of the proposed project on the nearby residents to the west of the proposed facility, including, but not limited to, extending the planting of evergreen trees, which should be a native, deer-resistant species of sufficient size to effectively screen the proposed facility, along the western edge of the proposed site.

The Council’s comments above address 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

¹ Connecticut Department of Energy and Environmental Protection (DEEP), Environmental Land Use Restrictions;
<https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/Environmental-Use-Restrictions/Environmental-Land-Use-Restrictions>