STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

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VIA ELECTRONIC MAIL

August 27, 2025

Melanie Bachman, Executive Director
Connecticut Siting Council
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DOCKET NO. 492A – Gravel Pit Solar (Applicant) Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 120-megawatt-AC solar photovoltaic electric generating facility on eight parcels generally located to the east and west of the Amtrak and Connecticut Rail Line, south of Apothecaries Hall Road and north of the South Windsor town boundary in East Windsor, Connecticut and associated electrical inter-connection. Reopening of this Certificate based on changed conditions pursuant to Connecticut General Statutes §4-181a(b).

Dear Attorney Bachman,

The Council on Environmental Quality (Council) supports the development of clean, renewable energy technologies on appropriate sites in Connecticut. The Council offers the following comments regarding Docket 492A.

In a letter from the Council to the Connecticut Siting Council regarding Docket 492 dated October 1, 2020, the Council noted its concerns including "the scale of the statewide conversions of active, or potentially usable, farmland, which the legislature intended to be preserved when it enacted PA 17-218, for renewable energy installations." The Council also noted that "the continuing concentration of solar energy facilities on the tillable farmland, rather than on peripheral land, threatens the continued viability of the agricultural economy in the State" and that "these conversions have been most notable in the Connecticut River Valley, which is its own unique ecological area and a United States Department of Agriculture (USDA) designated resource area because of the excellent soils and microclimate."[1] The Council remains concerned about the conversion of agricultural land for energy development.

Farmland Soils

The Applicant states that "all 15 parcels have mapped Prime Farmland Soils and/or Soils of Statewide Importance." For just the three properties proposed for the solar arrays (parcels 046-49-004, 038-65-026, 028-65-027B, 017-66-022, 038-68-030, 029-68-010, and 029-68-011), the total area of prime farmland soils exceeds 150 acres. As it did in 2020, the Council wants to reiterate the importance of agricultural land in Connecticut, and specifically prime farmland soils, which provide the "best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these uses." The Council recommends that the Applicant consult with the Connecticut Department of Agriculture to assess the proposed measures identified in the Applicants Agricultural Soil Protection Plan

and employ best practices during construction and operation that might allow for the future restoration of farmland soils to a more productive agricultural state.

Wetlands and Vernal Pools
The Applicant notes in Exhibit B - Vernal Pool Memo that Parcel 028-65-027B, the "Maslak Property" contains a ±1.25-acre, isolated depression wetland that was determined to be functioning as a Tier I (exemplary) vernal pool based on evidence of breeding by obligate vernal pool species. Further, the Applicant states that "management recommendations for Tier 1 pools includes preservation of 75 percent or more forest within the critical terrestrial habitat" and that "development guidance includes establishment or maintenance of directional corridors consisting of unfragmented forest with at least a partly closed canopy." Because the Applicant has focused the potential impacts on the critical terrestrial habitat (CTH) to "Area 2", a subset of the total area that comprises the CTH, (located north and northwest of the vernal pool), it is unknown what percentage of the total CTH west of Wapping Road would be retained as suitable habitat for the vernal pool obligate species. The Council suggests that the Applicant assess the proposed amount/percentage of undeveloped area within the entire CTH west of Wapping Road with the goal of limiting development to 25 percent. In addition to the "Proposed Vernal Pool Protection Measures" identified in Exhibit B, the Council recommends that the Applicant maintain native understory vegetation; minimize disturbances to forest floor; and ensure that the closed-canopy stand can provide shade, deep litter, and woody debris within the CTH to the greatest extent practicable.

Noise
The Applicant states that "the results of the acoustical analysis demonstrated that the operation of the proposed equipment will comply with CT DEEP's noise standards at the sensitive receptor locations" and that "the sound levels attributed to the proposed equipment ranges from approximately 17 dB(A) to 49 dB(A)." However, according to Table 5 Daytime Sound Levels at Receptor Locations, dB(A) two locations: R72A – 57 Wapping Road and R91 – 25 Miller Road have a calculated/projected noise level as high as 53 dBA, while the standard for those locations is 55 dBA. The Council recommends that the Applicant conduct a post-construction operational noise study that documents compliance with state standards, and the identification of any noise mitigation measures that might be employed to adhere to the standards, if necessary.

The Council's comments above address only certain elements of the materials provided by the Applicant 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

c. Commissioner Bryan P. Hurlburt, Connecticut Department of Agriculture

Attachments(3) – Council comments regarding Docket 492, Petition 1422 and Petition 1463

[1] The Council provided similar comments regarding the conversion of prime farmland for energy production for Petitions 1422 and 1463 (see attached).

STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

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Executive Director

October 1, 2020

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

RE: DOCKET NO. 492 – Gravel Pit Solar application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 120-megawatt-AC solar photovoltaic electric generating facility on eight parcels generally located to the east and west of the Amtrak and Connecticut Rail Line, south of Apothecaries Hall Road and north of the South Windsor town boundary in East Windsor, Connecticut and associated electrical interconnection.

Dear Ms. Bachman:

The Council on Environmental Quality ("the Council") supports the development of clean, renewable energy technologies on appropriate sites in Connecticut. The Council is concerned about the scale of the statewide conversions of active, or potentially usable, farmland, which the legislature intended to be preserved when it enacted PA 17-218, for renewable energy installations. This farmland usually contains prime farmland soils, which are the soils that are "best suited to producing food, feed, forage, fiber and oilseed crops". These conversions have been most notable in the Connecticut River Valley, which is its own unique ecological area and a United States Department of Agriculture (USDA) designated resource area because of the excellent soils and microclimate[i].

Both the preservation of farmland and development of renewable energy sources are essential to the State's future. It is at the Siting Council that these priorities intersect and sometimes conflict. The Council urges the Siting Council to assess the cumulative regional economic and ecological factors when assessing the scale and location of this proposed siting. Consideration of such cumulative and regional impacts by the Siting Council is within its authority under CGS Sec. 16-50p(a).

Since June of 2020, this Council has reviewed seven proposals to utilize farmland for renewable energy projects. The total farm acreage of active or potentially usable farmland in those six Petitions and one Application is approximately 350 acres of active or potentially usable farmland. Inclusion of the all projects reviewed by this Council in the past eight months brings the total to over 540 acres of Connecticut farmland that were the target for siting of solar energy facilities. By comparison, the total acreage acquired for preservation by the State for all of 2019 was 773 acres. The continuing concentration of solar energy facilities on the tillable farmland, rather than on peripheral land, threatens the continued viability of the agricultural economy in the State.

Although the Applicant is proposing an Agricultural Soil Protection Plan, in order for a solar energy installation to have no impact on the status of prime farmland soils on a site, decommissioning and restoration would have to be successful at the end of the anticipated service life of the solar panels. To the Council's knowledge, long-term soil preservation has not been attempted in Connecticut, nor has removal of the supports for the panels and the buried electrical conduits and other soil disturbances. Decommissioning and restoration is an unproven promise. At the expiration of the lease term, negotiation of a new contract to take advantage of the installed solar infrastructure is as probable as is a return to agriculture. The probability that the site will never return to farming needs to be acknowledged. It has been estimated that nearly 30 percent of the State's farmers depend on land that is leased[ii]. Loss of access to those fields can severely affect the farms and disrupt their business viability, business succession planning, and even their ability to implement nutrient management plans (where a land base is needed to apply manure at safe rates). Loss of leased fields decreases farm density, and the suppliers of services and users of products are likely to move or close. The continuing accretion of multiple individual decisions to site solar facilities on productive agricultural land has cumulative regional economic and ecological implications that go beyond the loss of prime soils. For example, there are many permanent and migratory species depend on Connecticut's farm fields for habitat.

The Council offers the following additional comments regarding visibility, wildlife, vernal pools/wetlands, and groundwater:

The application shows sensitivity to visual impacts in its plan to install landscape screening features (modules) along portions of the property line to soften views from abutting properties. The Proposal would benefit from greater specificity with regard to the location(s) where black vinyl coated fencing will be deployed to "minimize light reflection and thus visibility of the fence."

The Applicant states that the conservation strategy for several species, including eastern pearlshell and American brook lamprey, will involve curtailing "illicit ATV operation within the properties it will control with fencing and other barriers". Additional details regarding what barriers or strategies will be employed to curtail illicit ATV use along Ketch Brook need to be identified; or alternative conservation strategies for the state-listed species identified by the Department of Energy and Environmental Protection Natural Diversity Database (NDDB) should be described. Furthermore, the actual height and locations of the proposed gaps under the proposed perimeter fencing for migration of turtles should be added to the Application's site plans.

A total of six vernal pools on the proposed site are classified as Tier I, which denotes exemplary pools where "management recommendations should be applied". While the proposed wetland buffer will likely reduce impacts on the "vernal pool envelope", the Applicant did not identify the area or percentage of the "critical upland habitat", (the area between 100 feet to 750 feet from the vernal pools), The Council recommends that the Applicant: 1) identify how much of the critical terrestrial habitat would be impacted by the proposed project, and 2) specify the management practices the Applicant would employ to protect the critical upland habitat of the identified Tier I vernal pools.

In addition, the Council notes that wetland #10 would be eliminated to construct the proposed project. The Council recommends that a minimum 100-foot non-disturbance buffer be applied around wetland #10 or in the alternative, a new wetland be created on the proposed site of equal or greater area in a location that would better support wildlife habitat and migration.

The groundwater at the site is identified as GAA, suitable for drinking water. A Spill Control and Countermeasures Plan (SPCC) should be included in the application for this project.

Thank you for your consideration of these comments. Please do not hesitate to contact the Council if you have any questions.

Sincerely,

Peter Hearn,
Executive Director

[i] USDA NRCS *Land Resource Regions and Major Land Resource Areas of the United States, the Caribbean, and the Pacific Basin*, at https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_050898.pdf .

[ii] UCONN webinar *Improving Access to Farmland in Connecticut*, Rachel Murray and Kip Kolesinskas 2015, at https://www.youtube.com/watch?v=nvN1WJa7mgM&feature=youtu.be

STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

August 28, 2020

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

RE: PETITION NO. 1422 - Greenskies Clean Energy, LLC petition for a declaratory ruling for the proposed construction, maintenance and operation of a 4.99-megawatt AC solar photovoltaic electric generating facility to be located at Mulnite Farms, Inc. off Barber Hill Road west of the intersection with Rockville Road, East Windsor, Connecticut.

Dear Ms. Bachman:

The Council on Environmental Quality ("the Council") supports the development of clean, renewable energy technologies on appropriate sites in Connecticut. The Council notes the recent increase in Petitions for solar energy projects that include co-location of grazing activities among the proposed solar panels. In the past two months, four Petitions (1421, 1422, 1424, 1426) proposed sheep grazing among the installed panels. At its meeting on August 26th, the Council voted to make it explicit, in its comments on those Petitions and possibly others to follow, that the co-location of ancillary agricultural activity at solar energy sites is not a remedy for the loss of prime farmland that the legislature intended to be preserved when it enacted PA 17-218.

For a solar energy installation to have no impact on the status of prime farmland soils on the site, decommissioning and restoration would have to be successful at the end of the anticipated twenty-five year service life of the solar panels. To the Council's knowledge, long-term soil preservation has not been attempted in Connecticut, nor has removal of the supports for the panels and the buried electrical conduits and other soil disturbances. Decommissioning and restoration is an unproven promise. At the expiration of the lease term, negotiation of a new contract to take advantage of the installed solar infrastructure is as probable as is a return to agriculture. The probability that the site will never return to farming needs to be acknowledged.

The Council is concerned about the scale of the statewide conversions of active, or potentially usable, farmland for renewable energy installations. These conversions have been most notable in the Connecticut River Valley, which is its own unique ecological area and a United States Department of Agriculture (USDA) designated resource area because of the excellent soils and microclimate. This farmland usually contains prime farmland soils, which are the soils that are "best suited to producing food, feed, forage, fiber and oilseed crops". Even if the addition of grazing among solar panels might assist with the short-term viability of an individual farm, conversion to a solar facility can have negative regional impacts. It has been estimated that nearly 30 percent of the State's farmers depend on land that is leased . Loss of access to those fields can severely affect the farms and disrupt their business viability, business succession planning, and even their ability to implement nutrient management plans (where a land base is needed to apply manure at safe rates). Loss of leased fields decreases farm density, and the suppliers of services and users of products are likely to move or close. Consideration of such cumulative and regional impacts by the Siting Council is within its authority under CGS Sec. 16-50p(a).

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Both the preservation of farmland and development of renewable energy sources are essential to the State's future. It is at the Siting Council that these priorities intersect and sometimes conflict. Since June of 2020, this Council has reviewed six proposals to utilize farmland for renewable energy projects. The total farm acreage of active or potentially usable farmland in those five Petitions and one Application is over 330 acres of active or potentially usable farmland. Inclusion of the all projects reviewed by this Council in the past eight months brings the total to over 540 acres of Connecticut farmland that were the target for siting of solar energy facilities. By comparison, the total acreage acquired for preservation by the State for all of in 2019 was 773 acres. The continuing accretion of multiple individual decisions to site solar facilities on productive agricultural land has cumulative regional economic and ecological implications that go beyond the loss of prime soils. For example, there are many permanent and migratory species depend on Connecticut's farm fields for habitat. The Council urges the Siting Council to weigh the cumulative regional economic and ecological factors when assessing the scale and location of each proposed siting.

Thank you for your consideration of these comments. Please do not hesitate to contact the Council if you have any questions.

Sincerely,

Peter Hearn
Executive Director

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STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

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Executive Director

September 22, 2021

Melanie Bachman, Executive Director
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New Britain, CT 06051

PETITION NO. 1463 – Greenskies Clean Energy, LLC petition for a declaratory ruling for the proposed construction, maintenance and operation of a 1.0-megawatt (MW) AC solar photovoltaic electric generating facility located at a Mulnite Farms, Inc. parcel off Wapping Road, and a 4.0 MW AC solar photovoltaic electric generating facility to be located at a Mulnite Farms, Inc. parcel off Miller Road, East Windsor, Connecticut, and associated electrical interconnection.

Dear Ms. Bachman:

The Council on Environmental Quality ("Council") supports the development of clean, renewable energy technologies on appropriate sites in Connecticut. The Council offers the following comments regarding Petition 1463.

1. Prime Farmland Soils

The Petitioner states that the proposed sites are currently used for the cultivation of shade tobacco. If the proposed project is approved, the Petitioner proposes to use a portion of the proposed site for vegetable production (Wapping Road Site), sheep grazing and pollinator habitat. The Petitioner also states that it does "not expect there to be a reduction in acreage used for agricultural uses". The Council recommends that the Petitioner provide more details regarding the proposed use of sheep for grazing (Solar Grazing Plan), including but not limited to the projected availability of sheep for such purposes. Further, the Council recommends that the Petitioner provide 1) additional details regarding the proposed co-use of the proposed site for crop production and 2) clarify the statement regarding no reduction in acreage used for agricultural purposes since it is proposed that vegetables would only be grown within the rows of the proposed solar panels on the Wapping Road site.

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. East Windsor is an agricultural community close to the City of Hartford and a geographic area significant for soils and microclimate especially valuable for the production of crops. Additional losses of prime farmland such as what is proposed will have negative impacts on the viability of this food producing area. The continuing accretion of multiple individual decisions to site solar facilities on productive agricultural land has cumulative regional economic and ecological implications that go beyond the loss of prime soils.

The Council recommends that the proposed agricultural co-uses become conditions of approval, should the project be approved. Additionally, the Council recommends that no prime farmland soils be removed from the proposed sites and that best 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.

2. Wildlife

The Information for Planning and Consultation (IPaC) tool of the U.S. Fish and Wildlife Service (USFWS) identifies that the Northern Long-eared Bat and ten migratory birds may be present in the vicinity of the proposed project.[1] Consequently, the Council recommends that the Petitioner survey the proposed sites to assess the presence of any migratory bird species, identified by the USFWS, that might be present. If found, the Council recommends that the Applicant consult with the NDDB and or the USFWS to develop and implement plans to eliminate or mitigate any potential adverse impacts to these migratory bird species. In addition, the Council recommends providing space at the bottom of the proposed perimeter fence to allow for the migration of small wildlife, if consistent with safety requirements.

The Council notes that the 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 on more specific issues raised during the hearing process.

Thank you for your consideration of these comments.

Sincerely,

Peter Hearn,
Executive Director

[1] The Petitioner surveyed for the wood thrush (*Hylocichla mustelina*), which was observed on May 26 and June 8, 2020. The Council notes that the bobolink, one of the ten identified migratory birds that might be present, prefers a habitat consisting of grassland.