



STATE OF CONNECTICUT  
*CONNECTICUT SITING COUNCIL*

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**VIA ELECTRONIC MAIL**

December 16, 2020

TO: Service List, dated December 4, 2020

FROM: Melanie Bachman, Executive Director *MAB*

RE: **PETITION NO. 1222A** - Windham Solar LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of three 2.0 Megawatt and four 1.0 Megawatt Solar Photovoltaic Electric Generating facilities located southeast of Hartford Turnpike and south of Fisk Road, Hampton, Connecticut. **Reopening of this petition based on changed conditions pursuant to Connecticut General Statutes §4-181a(b).**

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Comments have been received from the Council on Environmental Quality, dated December 16, 2020. A copy of the comments is attached for your review.

MB/MP/laf

c: Council Members

# COUNCIL ON ENVIRONMENTAL QUALITY



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*Acting Chair*

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Peter Hearn  
*Executive Director*

December 16, 2020

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

PETITION NO. 1222A - Windham Solar LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of three 2.0 Megawatt and four 1.0 Megawatt Solar Photovoltaic Electric Generating facilities located southeast of Hartford Turnpike and south of Fisk Road, Hampton, Connecticut. **Reopening of this petition based on changed conditions pursuant to Connecticut General Statutes §4-181a(b).**

Dear Ms. Bachman:

The Council on Environmental Quality (“the Council”) supports the development of clean, renewable energy technologies on appropriate sites in Connecticut and offers the following comments with regard to Petition No. 1222A (Petition):

On July 21, 2016, the Siting Council denied, without prejudice, a declaratory ruling for the construction, maintenance and operation of the 2.0 Megawatt Solar Photovoltaic Electric Generating facilities, known as the “Future Projects”. The Siting Council, in its decision of July 26, 2016, stated that the basis for denial was because “the development plans and environmental impacts for the Future Project are incomplete and not ripe for review”.

In a letter dated October 22, 2020, the Petitioner requested that the Siting Council reconsider the denial of the 2-Megawatt project because of “changed conditions. The “changed conditions” appear to include 1) the preparation of “Site/Electrical Layout, Grading/Drainage/Erosion Control/Landscaping” Plans (Cover sheet dated 1/30/19) and 2) the receipt of a general permit for stormwater from the Connecticut Department of Energy and Environmental Protection dated June 28, 2019.

Notwithstanding the two documents noted above, which may or may not satisfy the Siting Council’s need for more data regarding the environmental impacts of the Future Project, the proposed 2-MW Future Project could have the following environmental impacts:

- The proposed development could affect approximately 9.8 acres of the critical terrestrial habitat (CTH) for Vernal Pool 1, which is approximately 25 percent of the CTH. It has been found that “development pressures (buildings,

impermeable surfaces, roads, lawns) higher than 25-30% cause declines in breeding populations”<sup>1</sup> of vernal pool species.

- The development of the proposed 2-MW facility in the “Future Project” area would require the removal of trees, the removal of stumps, and site work. While it is not possible to estimate the number of trees that would be removed from the materials recently provided or included in Petition 1222, the Council is concerned about the destruction of forest habitat for the development of energy facilities.
- It is unclear whether a “professional cultural resources assessment and reconnaissance survey” was ever completed, as requested by the Deputy State Historic Preservation Officer on June 23, 2016. Consequently, there could be cultural resources on the proposed project site.

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

Sincerely,

A handwritten signature in black ink that reads "Peter Hearn". The signature is fluid and cursive, with a long horizontal line extending to the right from the end of the name.

Peter Hearn,  
Executive Director

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<sup>1</sup> Calhoun, A. J. K. and M. W. Klemens. 2002. Best development practices: Conserving pool-breeding amphibians in residential and commercial developments in the northeastern United States. MCA Technical Paper No. 5, Metropolitan Conservation Alliance, Wildlife Conservation Society, Bronx, New York.