

December 19, 2023

**Via Electronic Mail**

Melanie A. Bachman, Esq.  
Executive Director  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051  
Siting.council@ct.gov

Re: **PETITION NO. 1310A** - Quinebaug Solar, LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 50 megawatt AC solar photovoltaic electric generating facility on approximately 561 acres comprised of 29 separate and abutting privately-owned parcels located generally north of Wauregan Road in Canterbury and south of Rukstela Road and Allen Hill Road in Brooklyn, Connecticut. Reopening of this petition based on changed conditions pursuant to Connecticut General Statutes §4-181a(b). **Notification of Landowner Activities.**

Dear Ms. Bachman:

Quinebaug Solar, LLC (“Quinebaug Solar”) is writing to inform and update the Connecticut Siting Council (the “Council”) as to certain landowner activities that have occurred on or near the Project site.

As the Council is aware, in January 2020, and as later revised in July 2022, Quinebaug Solar, and certain landowner parties, including Strategic Commercial Realty, Inc. (“Strategic”), O&G Industries, Inc. (“O&G”), and River Junction Estates, LLC (“River Junction”) (collectively “Land Parties”), agreed via a letter (“the Letter”) to the Connecticut Department of Energy and Environmental Protection (“CT DEEP”) not to develop certain areas of land identified in pink on the attached map (the “Conservation Areas”). See Attachment A. These Conservation Areas were agreed to with input from CT DEEP, and were intended to last for the duration of the Project. The Letter was incorporated into CT DEEP’s March 5, 2020 Determination and by reference to that Determination in the Council’s approval for the Project (see Condition 1(h) of the Council’s April 23, 2020 Decision and Order). The terms of the Letter were also formally incorporated into the lease terms with the applicable Land Parties. For reference, the Letter is included in this correspondence as Attachment B.

Quinebaug Solar recently became aware that some of the Land Parties’ gravel related activities were encroaching on adjacent Conservation Areas. Quinebaug Solar immediately went to the site to review the approximate location and extent of the allowed gravel activities in as much as they relate to the agreed to Conservation Areas. Field conditions were such that the border of the Conservation Area was unclear. Therefore, Quinebaug Solar installed signage, at approximate 50ft intervals, to demarcate

the extent of the Conservation Area near the mining activities and avoid future impacts by the Land Parties. See approximate locations of the signs in green included as Attachment C.

Because there was a disagreement regarding the locations of the installed signs and additional activities in the Conservation Areas, in November 2023, the Quinebaug Solar team met with a representative of one of the Land Parties on the Project site. During this site visit, Quinebaug Solar witnessed tree felling in a nearby Conservation Area and learned these were contractors of one or more of the Land Parties. See map of approximate tree felling in red included as Attachment D. A representative of River Junction advised, that per the Letter, it was only restricted from “developing” in the Conservation Areas. Quinebaug Solar advised that while the term “development” is not defined in the Letter the general purpose of a conservation area is to protect land in its natural state and to limit certain land disturbing activities. The Conservation Areas in this case was intended to address CT DEEP’s concerns related to wildlife protection. Quinebaug Solar advised that without clarity from the permitting agencies commercial felling of trees is likely inconsistent with lands designated as conservation areas. After discussion, the Land Party agreed to cease tree felling in the Conservation Areas.

While it Quinebaug Solar’s understanding the Land Parties’ activities in the Conservation Areas have ceased, Quinebaug Solar is sending this notice to advise the Council that Quinebaug Solar has not performed any development work in the Conservation Areas and has been working to ensure the terms of the Letter are followed by the Land Parties.

Please let us know if you have any questions regarding the above or attached.

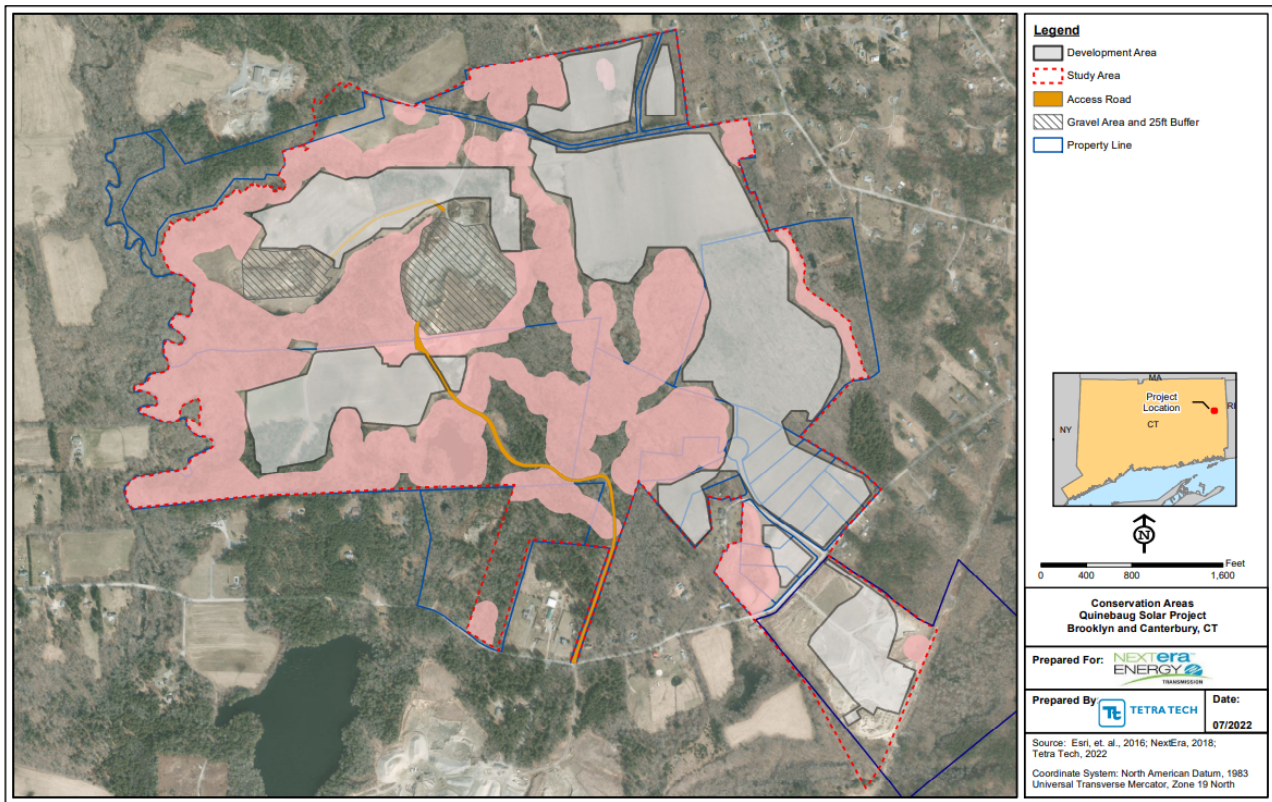
Sincerely,



Tracy L. Backer  
Senior Attorney

Cc (via Electronic Mail Only):  
David Bogan, Day Pitney, LLC; [dbogan@daypitney.com](mailto:dbogan@daypitney.com)  
CT DEEP; [deep.webmaster@ct.gov](mailto:deep.webmaster@ct.gov)

## Attachment A



## Attachment B

January 10, 2020

Connecticut Department of Energy  
and Environmental Protection  
79 Elm Street  
Hartford, Connecticut 06106

Re: Quinebaug Solar Project - Conservation Areas on the River Junction Estates Land

To Whom This May Concern:

Quinebaug Solar, LLC ("Quinebaug Solar") is currently proposing to construct a solar project (the "Project") on several parcels of land in the towns of Canterbury and Brooklyn, Connecticut. Quinebaug Solar understands the value of placing certain areas of the solar project in conservation for the duration of the solar project and therefore agrees that it will not develop solar on the areas shown in pink as further denoted on **Exhibit A**, the Conservation Areas Map, attached hereto and hereinafter incorporated by reference (the "Conservation Areas").

Further, the landowner, River Junction Estates, LLC and the mineral rights owners O&G Industries, Inc. and Strategic Commercial Realty, Inc. DBA Rawson Materials (collectively, referred to as the "Land Parties"), represent and warrant that for the duration of the solar project, the Land Parties will not develop or grant others the right to develop, the Conservation Areas.

Quinebaug Solar and the Land Parties agree that a short form of this letter in a format acceptable to all parties, may be recorded at the request of the Connecticut Department of Energy and Environmental Protection in the land records of the towns where such Conservation Areas lie.

Quinebaug Solar and the Land Parties further agree that the above-referenced Conservation Areas shall be effective no earlier than the start of construction of the Project and will not go into effect unless and until all applicable state and local permits have been duly issued.


QUINEBAUG SOLAR  
Quinebaug Solar, LLC

By:   
Title: Kathy Beilhart


VP of Finance, Accounting, and Tax

LAND PARTIES

Strategic Commercial Realty, Inc.  
dba Rawson Materials

By:   
Title: President

O&G Industries, Inc.

By:   
Title: AVP

River Junction Estates, LLC

By:   
Title: Manager

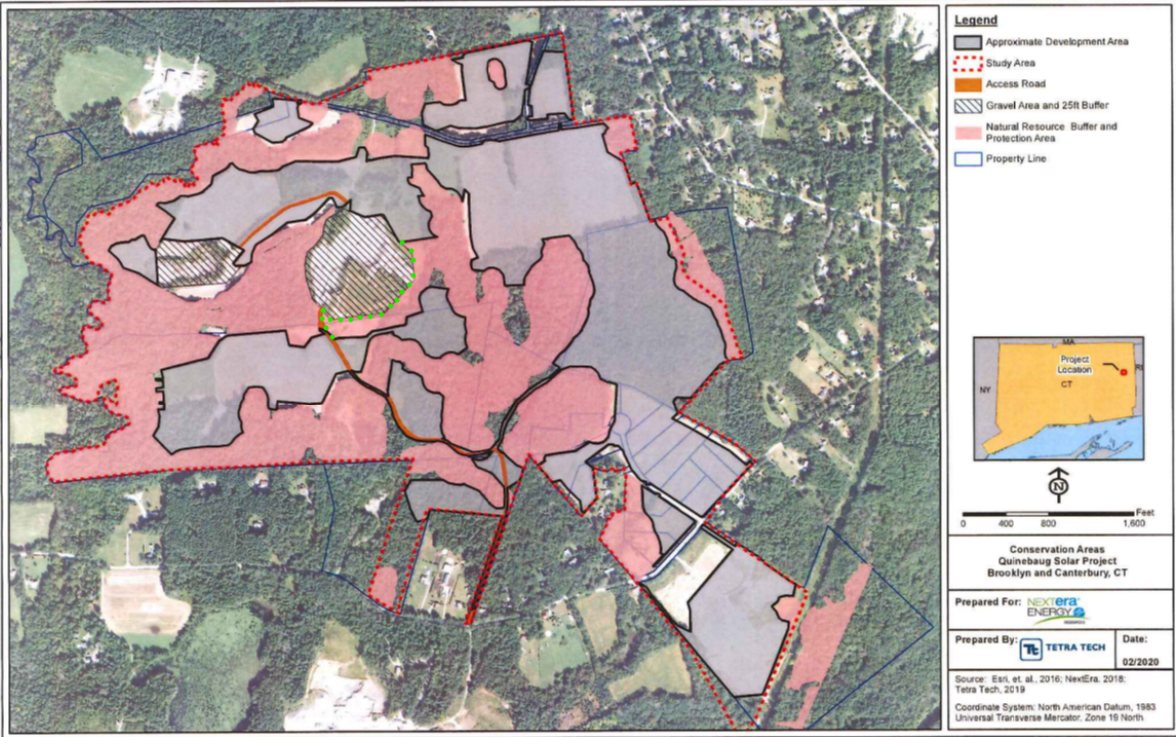


Attachment C

RECEIVED FOR RECORD  
THIS 12<sup>th</sup> DAY OF APR. 2021 AT 1:00 P  
*Natale Ruth Elliston*  
TOWN CLERK OF CANTERBURY

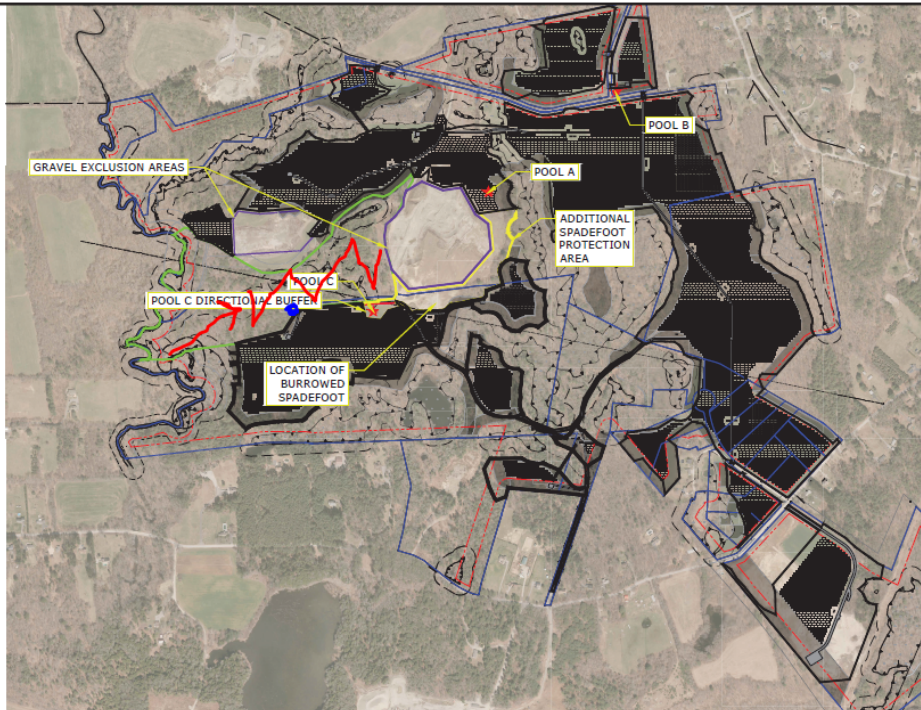
EXHIBIT A

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RECEIVED TOWN CLERK'S OFFICE

## Attachment D



- LEGEND**
- ★ POTENTIAL BREEDING POOL
  - PROPERTY LINE
  - PROPERTY LINE SETBACK
  - HERPETOFAUNA PROTECTION AREA
  - GRAVEL EXCLUSION AREA
  - DEVELOPMENT AREA
  - ADDITIONAL SPADEFOOT PROTECTION AREA

**Tight & Bond**  
Engineers | Environmental Specialists  
www.tightandbond.com

NOT FOR CONSTRUCTION

**Quinebaug  
Solar Project**

Quinebaug  
Solar, LLC

Brooklyn &  
Canterbury,  
Connecticut

VERIFY SCALE	
AS SHOWN ON	DATE
BY	DATE
BY	DATE

DATE	DATE	DESCRIPTION
PROJECT REC	RECEIVED	
DATE	01/01/2020	
PROJECT REC	01/01/2020	
DATE	01/01/2020	
PROJECT REC	01/01/2020	
DATE	01/01/2020	