



**ALLCO FINANCE LIMITED INC.**  
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New Haven, CT 06510  
Telephone (212) 681-1120

June 19, 2025

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

Re: **PETITION NO. 1395A—Petitioner’s written request for modification of the Council’s notice of enforcement action and, in the alternative, a written application for a hearing**

Dear Attorney Bachman,

I appreciate the Council’s indulgence with respect to our delay in responding to the Council’s initial correspondence regarding the complaint of Kim Wisniewski. We have been investigating how to respond to the complaint, and what options there might be to address the complained of issues. *First*, as to the Wisniewski complaint as to the lack of maintenance regarding the silt fence, the project is still subject to the DEEP general permit conditions, of which the silt fence is one. We have concluded that there has been sufficient stabilization of the site for the removal of the silt fence. The silt fence was removed on June 18, 2025. *Second*, as to the Wisniewski complaint regarding weeds and rats on the Wisniewski property, we can only say that it is specious to assert that the solar facilities caused weeds and rats to cross the road to take up residence on the Wisniewski property. I would also note that the occupants of the house on the solar property site at 31 Benz St. have not notified us of any rats or weeds. *Third*, although not required, we are installing another 48 arborvitae to enhance the screening in front of the fence across from the Wisniewski property, and we are also landscaping around the house that is on the solar site to improve the overall aesthetics of the property.

**I. The Notice of Enforcement Action.**

On June 10, 2025, the Council issued a *Notice of Enforcement Action* asserting two alleged violations:

1. The facility site is allegedly currently not in compliance with Condition No. 1(f) of the Council’s June 21, 2021 Declaratory Ruling, and
2. the Petitioner is not in compliance with the D&M Plan reporting requirements under RCSA §16- 50j-62.

**A. The Petitioner is in compliance with Condition No. 1(f).**

As to the black chain link fence, the Council’s June 21, 2021 Declaratory Ruling for this

Project included a D&M Condition #1f as follows- “Installation of a black vinyl-coated solar field perimeter fence along Benz Street with a six inch gap at the bottom for wildlife movement if WS opts not to host sheep grazing at the site.” The Petitioner understands that condition to mean that if the Petitioner opted to host sheep grazing, which it has, then the black vinyl coated fence would not be required.

In any case, the use of an agricultural fence (which has been installed) was a requirement of the settlement with the City of Ansonia of the federal lawsuit in *PLH Vineyard Sky LLC et al. v. City of Ansonia et al.*, Case No. 23-cv-833 (KAD) in the Federal District Court for the District of Connecticut involving the solar facilities. Paragraph 9 of the settlement agreement dated as of September 13, 2023, requires the use of a fixed-knot game fence as the perimeter fence for the solar facilities.

We apologize for the error on the Civil Plan (Site Plan 3) that was provided as part of an interrogatory response on October 17, 2024, showing a chain-link fence around the site. The interrogatory responses also included a Solar Grazing Management Plan that stated an 8-foot knot fence would be installed for agricultural activities, which is required by the settlement agreement with the City of Ansonia. Enclosed is a corrected civil plan showing the correct fence.

In any case, the fence is not part of the statutory definition of facility, and the modification of the fence would not be a “modification” for purposes of Regs., Conn. State Agencies § 16-50j-2a, which contains the following definitions:

(11) "Facility" means a facility as defined in Section 16-50i(a) of the Connecticut General Statutes

(19) "Modification" means a significant change or alteration in the general physical characteristics of a facility, including, but not limited to, design, capacity, process or operation that the Council deems significant, except where a modification involves a temporary facility as determined by the Council.

Section 16-50i(a)(3) of the Connecticut General Statutes defines, in relevant part, “Facility” as including: “any electric generating or storage facility using any fuel, including nuclear materials, including associated equipment for furnishing electricity.” While the solar facilities in the aggregate constitute a “facility,” the fence is not a part of the statutory definition of the facility. Even if it were, the change in the fence is not “a significant change or alteration in the general physical characteristics of a facility.” Thus, it would not constitute a modification as defined in the regulation.

***B. The Petitioner is now in compliance with the D&M Plan reporting requirements under RCSA §16-50j-62.***

Regs., Conn. State Agencies § 16-50j-62(b)(3) provides that “[t]he certificate holder, or facility owner or operator, shall provide the Council with a monthly construction progress report, or a construction progress report at time intervals determined by the Council or its designee,

indicating changes and deviations from the approved D&M plan. The Council may approve changes and deviations, request corrections or require mitigation measures.” Petitioner interprets this requirement as requiring a report only if there have been changes or deviations from the approved D&M plan.

Regs., Conn. State Agencies § 16-50j-62(b)(4) provides that “[t]he certificate holder, or facility owner or operator, shall provide the Council with written notice of completion of construction and site rehabilitation.” This requirement has not yet been triggered given the remaining seeding that needs to be done this summer.

Regs., Conn. State Agencies §16-50j-62(c) provides that “[t]he certificate holder, or facility owner or operator, shall provide the Council with a final report for the facility not later than 180 days after completion of all site construction and site rehabilitation. This report has not yet been triggered.

Steve Broyer submitted the missing reports under Regs., Conn. State Agencies § 16-50j-62(b)(3) on June 19, 2025. As a result, Petitioner believes there is no existing violation of the reporting requirements.

For the reasons described above, we do not believe there is any violation, and we request that the Council modify the notice of violation by vacating it.

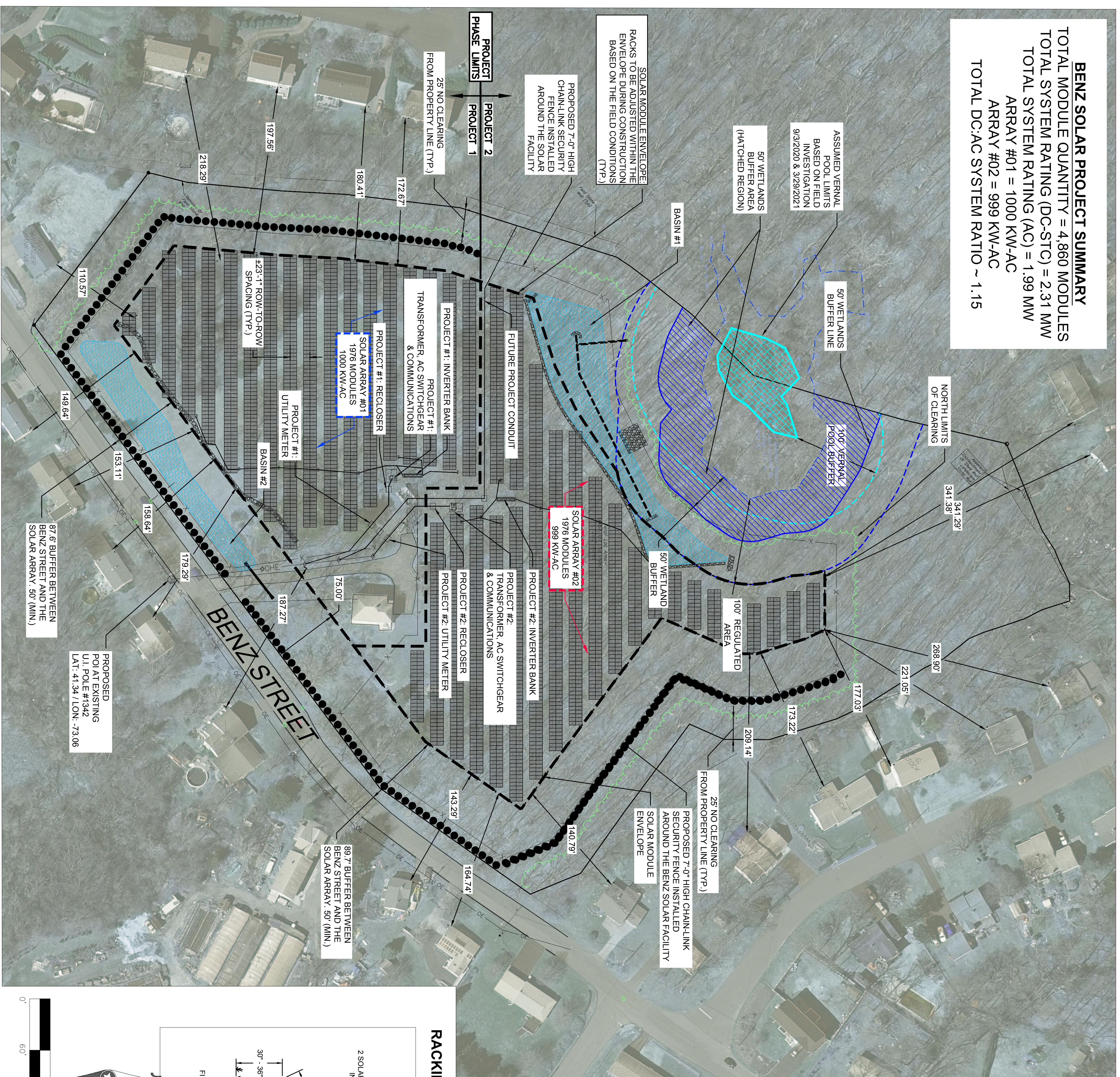
In the absence of the Council vacating the notice of violation, Petitioner requests a hearing and a civil jury as guaranteed by the Connecticut Constitution Art. 1, §19 (“The right of trial by jury shall remain inviolate.”) Although the United States Constitution’s Seventh Amendment guarantee of a right to a jury trial applies only in the federal courts (as of now), the similarity between the state and federal right to a civil jury was recognized by the Connecticut Supreme Court in *Swanson v. Boschen*, 143 Conn. 159, 162-63 (1956). In *SEC v. Jarkesy*, 144 S. Ct. 2117 (2024), the United States Supreme Court held that if an administrative agency asserts a penalty fine (as here) against a person, then that person is entitled to a trial by jury. Thus, under the Connecticut Constitution, Petitioner would be entitled to a civil jury trial if the Council proposed to assert any fine, and Petitioner hereby requests such a jury.

Respectfully submitted,  
/s/ Thomas Melone  
Thomas Melone  
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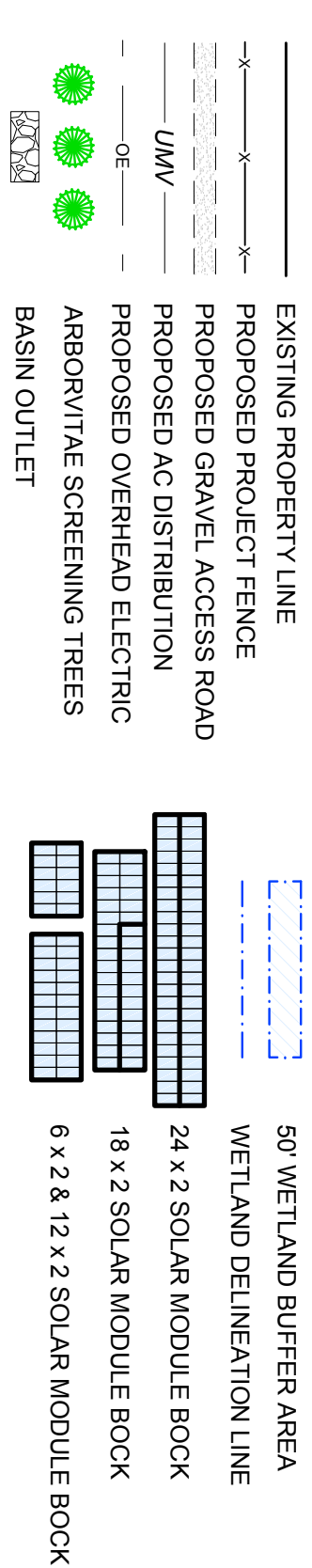
Cc: Service List, dated November 26, 2024

Kim Wisniewski (sendmelimes@gmail.com)





**LEGEND:**



## PROJECT INFORMATION:

- EXISTING ZONING : R  
PROPOSED ZONING : SPECIAL COMMERCIAL
- SPECIFIC SITE NOTES:
1. NO LIGHTING PROPOSED WITH THE PROJECT
  2. NO AUDIBLE NOISE GREATER THAN THE SITES EXISTING AMBIENT NOISE LEVEL SHALL BE DETECTABLE AT OR BEYOND THE PROPERTY LINE OF THE PROJECT
  3. EMERGENCY VEHICULAR & SITE ACCESS TO BE PROVIDED TO ALL LOCAL RESPONDERS (POLICE, FIRE, ETC.)

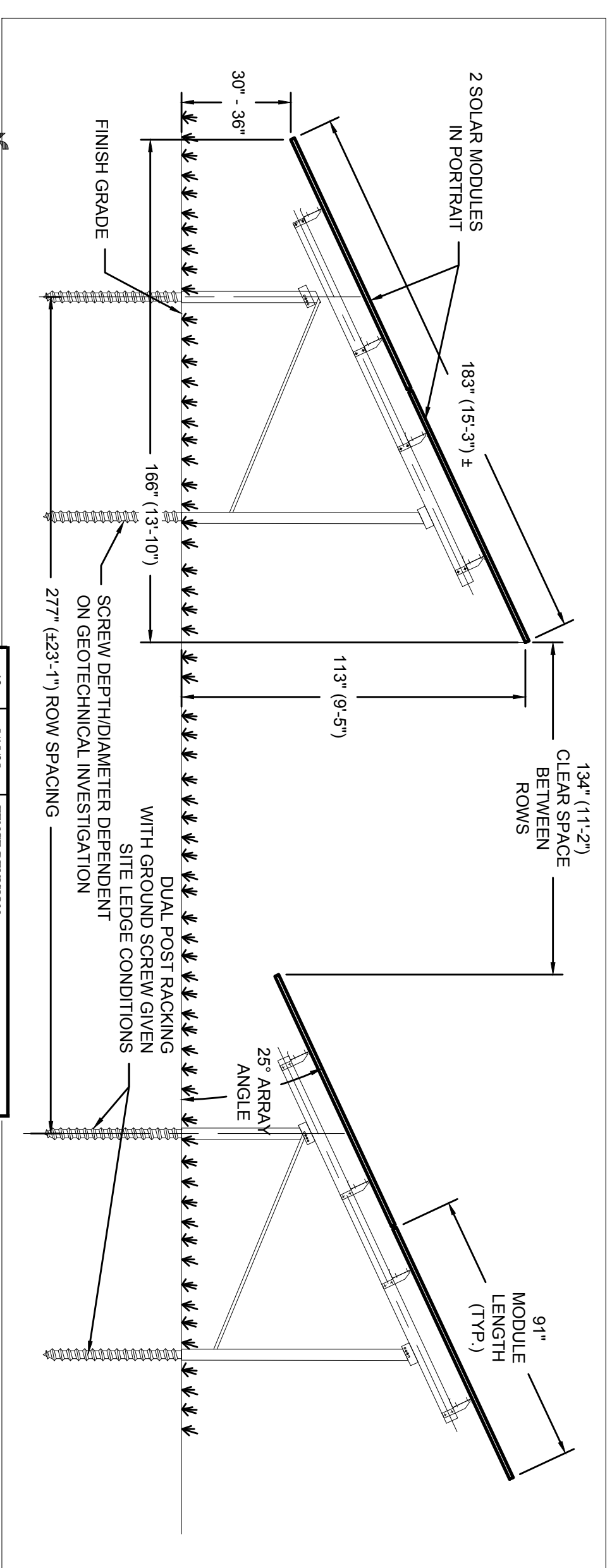
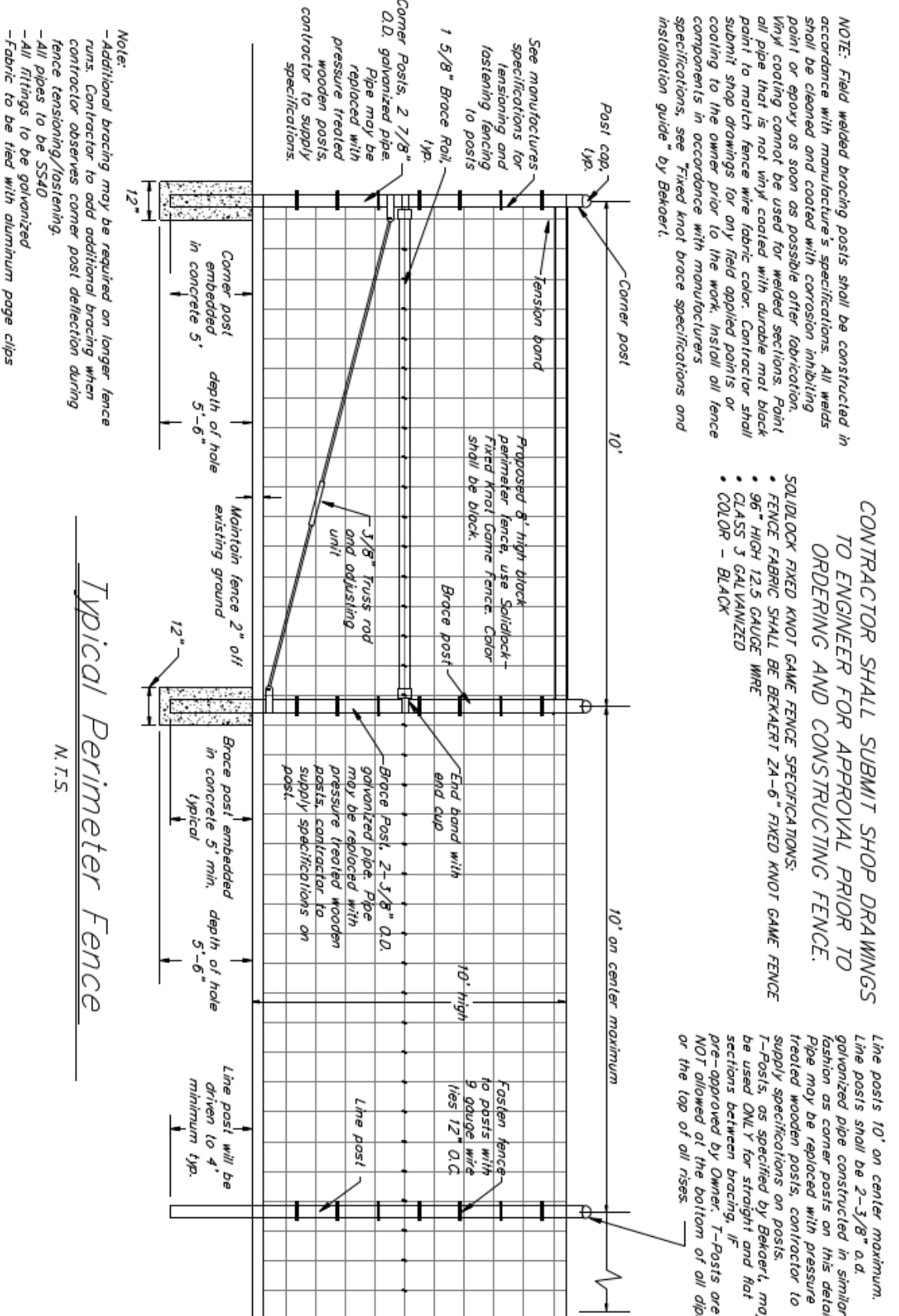
## EASTERN BOX TURTLE PROTECTION

EASTERN BOX TURTLES MAY BE PRESENT IN THE PROJECT AREA. ALL CONTRACTORS AND SUBCONTRACTORS SHALL BE AWARE OF THE EASTERN BOX TURTLE PROTECTION PLAN AND ADHERE TO THE REQUIREMENTS OUTLINED IN THE PLAN.

## PROJECT AREAS & IMPACTS:

TOTAL SITE AREA = 12.72 ACRES  
TOTAL SITE CLEARING = +9.0 ACRES  
TOTAL ARRAY FOOTPRINT (FENCE LIMITS) = 8.38 ACRES  
TOTAL PROCESSED IMPERVIOUS:  
GRAVEL, ACCESS ROAD, STRUCTURAL POSTS &  
EQUIPMENT PADS = 0.12 ACRES  
TOTAL SOLAR MODULES EFFECTIVE IMPERVIOUS = 0.66 ACRES

## RACKING PROFILE DETAIL:



No.	Date	Revision
12	5/15/25	FENCE REVISION
11	5/13/25	FINAL MONTHS
10	7/15/2024	WFOULIE COUNTS
9	6/28/2024	MISC. UPDATES AND REVISIONS
8	6/28/2024	MISC. UPDATES AND REVISIONS
7	4/10/2024	MISC. UPDATES AND REVISIONS
6	3/28/2024	MISC. UPDATES AND REVISIONS
5	9/14/20	MISC. UPDATES AND REVISIONS
4	9/14/20	MISC. UPDATES AND REVISIONS
3	5/22/20	2 WKS. EGG SUBMISSION
2	5/11/20	REVISION HYDROLOGY
1	5/11/20	EGG SUBMISSION

**CLA Engineers, Inc.**  
CIVIL • STRUCTURAL • SURVEYING

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31 BENZ STREET  
ANSONIA, CT 06401

# BENZ STREET SOLAR

## SITE PLAN