



STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

October 29, 2021

John P. Marini, Esq.  
City of Ansonia  
253 Main Street  
Ansonia, CT 06401  
[jmarini@mzslaw.com](mailto:jmarini@mzslaw.com)

RE: **PETITION NO. 1395A** – Windham Solar, LLC Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of one 1.0-megawatt (MW) and one 0.99 MW solar photovoltaic electric generating facilities located at 31 Benz Street, Ansonia, Connecticut.

Dear Attorney Marini:

The Connecticut Siting Council (Council) received a call this afternoon from Mr. Michael Melone of Allco Renewable Energy Limited on behalf of the developer of the above-referenced solar photovoltaic electric generating facility that was approved by the Council on June 20, 2021. Mr. Melone referenced a stop work order that was issued to the developer earlier today by the City of Ansonia for failure to obtain a local permit for tree clearing at the approved solar facility site. This is not legally required.

Pursuant to its authority under the Public Utility Environmental Standards Act, the Council has exclusive jurisdiction over the construction, maintenance, operation and modification of solar facilities in the state. Under Connecticut General Statutes (CGS) §16-50i (a)(3), the Council has jurisdiction over “**any electric generating facility**... using any fuel..., including associated equipment for furnishing electricity...” (Emphasis added).

Additionally, under CGS §16-50k(a), “...the Council shall, in the **exercise of its jurisdiction over the siting of generating facilities**, approve by declaratory ruling... the construction and location of any customer-side distributed resources project or facility or grid side distributed resources project or facility with a generating capacity of not more than sixty five megawatts as long as such project meets the air and water quality standards of the Department of Energy and Environmental Protection and the Council does not find a substantial adverse environmental effect.” (Emphasis added). The above-referenced solar project is an electric generating facility over which the Council has exclusive jurisdiction and for which the Council is required by statute to approve by a declaratory ruling.

Finally, CGS §16-50x(a) states in pertinent part: “Notwithstanding any other provision of the general statutes to the contrary, ... **the council shall have exclusive jurisdiction over the location and type of facilities** and over the location and type of modifications of facilities subject to the provisions of subsection (d) of this section. In ruling on applications for certificates or **petitions for a declaratory ruling** for facilities and on requests for shared use of facilities, the Council shall give such consideration to other state laws and municipal regulations as it shall deem appropriate. **Whenever the council certifies a facility pursuant to this chapter, such certification shall satisfy and be in lieu of all certifications, approvals and other requirements of state and municipal agencies in regard to any questions of public need, convenience and necessity for such facility.**” (Emphasis added).

Petition No. 1395A was properly submitted to the Council on June 23, 2020. It complied with the notice requirements for a petition for a declaratory ruling under Regulations of Connecticut State Agencies §16-50j-40. On June 26, 2020, the Council sent correspondence to Mayor David Cassetti indicating the petition had been filed with the Council and requesting comments on the petition. On and after November 20, 2020, the City of Ansonia actively participated in the Council's petition proceeding as a party.

The Council issued a Declaratory Ruling to Windham Solar, LLC for the construction, maintenance and operation of the solar photovoltaic electric generating facility on June 21, 2021. The Council approved Windham Solar, LLC's Development and Management Plan (D&M Plan) for this facility on July 30, 2021.

For your convenience, a copy of the Council's June 21, 2021 Declaratory Ruling may be accessed at this link on the Council's website: [https://portal.ct.gov/-/media/CSC/3\\_Petitions-MediaLibrary/Petitions\\_MediaLibrary/MediaPetitionNos1301-1400/PE1395A/PE1395A\\_Dcltr\\_Reconsideration.pdf](https://portal.ct.gov/-/media/CSC/3_Petitions-MediaLibrary/Petitions_MediaLibrary/MediaPetitionNos1301-1400/PE1395A/PE1395A_Dcltr_Reconsideration.pdf)

Also for your convenience, a copy of the Council's July 30, 2021 D&M Plan approval for this facility may be accessed at this link on the Council's website: [https://portal.ct.gov/-/media/CSC/3\\_Petitions-MediaLibrary/Petitions\\_MediaLibrary/MediaPetitionNos1301-1400/PE1395A/PE1395A-dcltr-partialDMPlan.pdf](https://portal.ct.gov/-/media/CSC/3_Petitions-MediaLibrary/Petitions_MediaLibrary/MediaPetitionNos1301-1400/PE1395A/PE1395A-dcltr-partialDMPlan.pdf)

In accordance with the statutory authority cited above, the Council's review and approval of a jurisdictional electric generating facility, such as the subject solar photovoltaic electric generating facility, **"shall satisfy and be in lieu of all certifications, approvals and other requirements of state and municipal agencies."**

If you have any further concerns or questions, please feel free to contact me at 860-827-2951.

Thank you.

Sincerely,



Melanie A. Bachman  
Executive Director

c: Service List, dated April 23, 2021