

111 Huntington Avenue
9th Floor
Boston, MA 02199-7613
Telephone: 617-239-0100
Fax: 617-227-4420
www.lockelord.com

Stephen Bright
Associate
Direct Telephone: 617-239-0133
Direct Fax: 888-325-9053
stephen.bright@lockelord.com

July 22, 2021

Via Electronic Mail and First Class Mail

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

RE: ***Petition 1397*** – Constitution 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 20-megawatt AC solar photovoltaic electric generating facility on approximately 149 acres comprised of four separate parcels located off of Cornell Road in Plainfield, Connecticut and associated electrical interconnection – ***Development and Management Plan Conditional Approval***

Dear Ms. Bachman:

I am writing on behalf of the Petitioner, Constitution Solar, LLC, (“Constitution”) to request the Connecticut Siting Council’s (“Council”) approval of certain revisions to Constitution’s approved Development and Management Plan (“D&M Plan” as outlined below).¹

On May 10, 2021, the Connecticut Department of Energy and Environmental Protection (“DEEP”) notified Constitution that its Connecticut Construction General Permit (“General Permit”) application was insufficient (“Notification”). Since that time, Constitution has been diligently conducting the actions necessary to comply with recommendations outlined in the Notification. Specifically, the Notification required Constitution to conduct additional stormwater testing in numerous locations on the project site. Conducting testing at one of these locations requires Constitution to take actions subject to Council review and approval.

One of the testing sites (“Test Site”) consists of three test pits located in one basin, identified in the attached map as Basin 3B. During the field reconnaissance conducted in advance of the additional stormwater testing, Constitution confirmed that Basin 3B intersects the unusual stone wall that was previously identified on the project site and the construction of the stormwater

¹ Petition 1397, Council Decision on D&M Plan (March 21, 2021).

basin will require removal of a portion of the stone wall.² This stone wall was identified during project development, and in consultation with the State Historic Preservation Office (“SHPO”) it was determined that Constitution would avoid disturbing the wall during site construction.³ Constitution has been unable to identify an alternative location for Basin 3B that would avoid disturbing the stone wall. Accordingly, Constitution has consulted further with SHPO on a proposed plan for the preservation of the stone wall, which SHPO has approved.⁴ This plan consists of the careful dismantling and removal of the stone wall from its current location and reconstructing the stone wall to its approximate current appearance and alignment in a nearby location within the Project site. Constitution seeks Council approval of the proposed preservation of the stone wall in accordance with this plan, including the proposed dismantling and removal of a portion of the stone wall at this time to access and conduct the necessary testing at the Test Site in Basin 3B.

In addition, the Test Site at Basin 3B is in a location that requires the clearing of a minimal number of trees to provide access. As outlined in the November 11, 2020 Revised Final Determination of DEEP’s Natural Diversity Data Base (“NDDB”), no cutting of trees can occur on site between May 15th and October 31st to protect state listed bat species.⁵ Constitution has coordinated with NDDB and received its approval on its proposed plan to conduct limited tree clearing to access the Test Site at Basin 3B.⁶ Constitution seeks Council approval of its proposed, limited tree clearing work to conduct the necessary testing at the Test Site at Basin 3B.

Attached to this letter are maps identifying the Test Site at Basin 3B, the location of the stone wall in relation to Basin 3B and the Test Site, and the limited amount of tree clearing necessary to access the Test Site.

Accordingly, Constitution seeks Council approval of its proposed approaches to access the Test Site at Basin 3B and to preserve the unusual stone wall in accordance with the plan developed in consultation with, and approved by, SHPO. Please feel free to contact the undersigned or David Bogan (860-541-7711) should you have any questions regarding this submission.

Very truly yours,



Stephen Bright

² Petition 1397, Council Declaratory Ruling at Page 6 (July 17, 2020).

³ *Id.*

⁴ See Attached Correspondence from SHPO (July 21, 2021).

⁵ See NDDB Revised Final Determination at 4 (November 11, 2020).

⁶ See Attached Correspondence from NDDB (July 21, 2021).



AREA OF SELECTIVE CLEARING
FOR TESTING, SEE FIGURE 2

**SKETCH FOR
REVIEW ONLY
NOT FOR
CONSTRUCTION**

**Constitution
Solar Project**

Constitution
Solar, LLC

Plainfield, CT

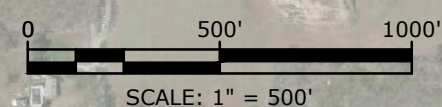
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OVERALL SITE PLAN

SCALE: 1" = 500'

FIGURE 1
SHEET 1 OF 2



Jul 22, 2021-11:53am Plotted By: JGenga Tighe & Bond, Inc. C:\Users\jgenga\appdata\local\temp\AcPublish_10012\Constitution Design CD 4.2.dwg



From: [McKay, Dawn](#)
To: [Jeffrey Shamas](#)
Subject: [External] Re: Constitution Solar-NDDB
Date: Wednesday, July 21, 2021 12:47:02 PM
Attachments: [Outlook-o1I53gpn.png](#)

Jeff,

[REDACTED]

There is no conflict with the test pit project at constitution solar. I do not anticipate any adverse impacts to state listed species. I hope all goes well. Thank you for checking with our program.

Take care,

Dawn

Dawn M McKay
Environmental Analyst 3
Natural Diversity Data Base Program
Wildlife Division
Bureau of Natural Resources
Connecticut Department of Energy and Environmental Protection
79 Elm Street, Hartford, CT 06106-5127
P: 860.424.3592 | | E: dawn.mckay@ct.gov



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*Conserving, improving and protecting our natural resources and environment;
Ensuring a clean, affordable, reliable, and sustainable energy supply.*

From: Jeffrey Shamas <jshamas@VHB.com>
Sent: Wednesday, July 21, 2021 12:02 PM
To: McKay, Dawn <Dawn.McKay@ct.gov>
Subject: RE: Constitution Solar-NDDB

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hi Dawn,

Please let me know if you had a chance to review the Constitution figure and proposed area needed to be cleared and if it is okay. We have the contractor ready for tomorrow to finish the test pits if you are satisfied that the are proposed will not negatively affect any areas of concern for you.

Thank you,
Jeff

Jeffrey Shamas
Director of Environmental Services

P 860.807.4388
M 203.400.1558
www.vhb.com

From: Jeffrey Shamas
Sent: Tuesday, July 20, 2021 3:27 PM
To: Dawn McKay (dawn.mckay@ct.gov) <dawn.mckay@ct.gov>
Cc: Natalie Flinn <Natalie.Flinn@nexteraenergy.com>; Rivard, Linda <Linda.Rivard@tetrattech.com>
Subject: RE: Constitution Solar-NDDDB [Filed 21 Jul 2021 09:56]

Hi Dawn,

As a follow-up to our discussion earlier today regarding tree clearing proposed at the Constitution Solar site, please find attached a sketch map showing the area in the northeast portion of the site where soil sampling work is required in support of the stormwater basin design. These surveys were requested by DEEP to facilitate their review and approval of the stormwater permit for the project.

Limited tree clearing is needed to facilitate excavator access for soil sampling and perc tests within the proposed basin area. Based on a field review of the woody area needing access, we have estimated a maximum of approximately 30 trees would be required for removal within the outline shown on the attached sketch. To the extent practicable, tree clearing will be minimized and located within the least impactful route. No trees having a DBH greater than 12-inches or dead trees/snags will be removed. Selective clearing will focus on removal of trees having a DBH of 3-inches or less, and where that is not possible, conifer trees will be chosen for removal (vs. hardwood species). To the best of our ability we will cut hardwood trees between 3-12 inches only if necessary for access.

The attached sketch identifies a small segment of an existing stonewall to be removed, which is located within the basin area to be sampled. Constitution Solar, LLC has received approval from the SHPO to move this segment of the wall to facilitate access to the basin area, and the Project will coordinate with SHPO regarding methods for removal/replacement.

Our survey plan is to finish this site work this week, on Thursday. We respectfully request your approval of the limited tree clearing proposed, which is necessary to secure the stormwater permit and construction of the project. If would like to discuss this work in more detail, we can set up a phone call tomorrow with you and our environmental team.

If you would like to discuss this request further, we area available anytime before 11:30am tomorrow (Wed) if this works with your schedule. Let me know and I can set up a Teams meeting.

Thank you,
Jeff

Jeffrey Shamas

Director of Environmental Services

P 860.807.4388

M 203.400.1558

www.vhb.com

From: Jeffrey Shamas

Sent: Tuesday, July 20, 2021 9:47 AM

To: Dawn McKay (dawn.mckay@ct.gov) <dawn.mckay@ct.gov>

Cc: Natalie Flinn <Natalie.Flinn@nexteraenergy.com>; Rivard, Linda <Linda.Rivard@tetrattech.com>

Subject: Constitution Solar-NDDB

Hi Dawn,

Thank you for taking the time this morning to briefly discussing the concerns at Constitution Solar to perform one of the stormwater basin test pits that happens to be within an area that will require some selective tree cutting. Based on the NDDB determination, we want to be respectful of the conditions and remain in compliance, thus why I reached out to you this morning.

As we discussed, we will provide you a map of the area in question for you to review. If you determine we need to discuss further, I am happy to set up a Teams call later today or tomorrow if today does not work for you. This is time sensitive due to the backhoe contractor onsite this week and prepared to investigate the area of concern on Thursday. The work is needed to support the stormwater permit application.

Thank you again for your time. We will send you map of the area as soon as it is prepared for your review.

Jeff

Jeffrey Shamas

Director of Environmental Services



100 Great Meadow Road

Suite 200

Wethersfield, CT 06109-2377

P 860.807.4388 | M 203.400.1558 | F 860.372.4570

jshamas@vhb.com

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From: [David George](#)
To: [Flinn, Natalie](#); [Backer, Tracy](#); [Snyder, Natasha](#); [Bright, Steve](#)
Cc: [Brian S. Huntley](#); [Jessica B. Roberts](#)
Subject: Fwd: Consitution Solar Stone Wall
Date: Wednesday, July 21, 2021 2:45:32 PM

Caution - External Email (dgeorge@heritage-consultants.com)

Report this Email

Quick response

Emergency response

Tips

Hello all,

As seen below, we have received a favorable email response for the CT-SHPO regarding relocation/rebuildgin of the stone wall out at Constitution. Please let me know at your earliest convenience when the work will occur and if you require a monitor from Heritage to be present, as we will need to make some scheduling and personnel adjustments on our end to cover the effort. Thanks!

Dave

----- Forwarded Message -----

Subject:RE: Consitution Solar Stone Wall

Date:Wed, 21 Jul 2021 18:27:55 +0000

From:Labadia, Catherine <Catherine.Labadia@ct.gov>

To:David George <dgeorge@heritage-consultants.com>

Good Afternoon Mr. George,

While our office is very disappointed to hear about the mapping error, we appreciate a thoughtful approach to re-building this historic feature. We understand that the large vertical stones will be labelled, stored, and re-set as close as possible to their current configuration. The intervening stones will be carefully dismantled within each section, stockpiled, and used for re-building that section to resemble, as close as possible, its current configuration. Do not hesitate to contact me if you have any questions.

Thank you,

Cathy

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From: David George <dgeorge@heritage-consultants.com>

Sent: Wednesday, July 21, 2021 10:59 AM

To: Labadia, Catherine <Catherine.Labadia@ct.gov>

Subject: Consitution Solar Stone Wall

ï¿½

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Ms Labadia,

As we discussed on the phone yesterday, Constitution Solar, LLC has encountered an issue during construction. They previously agreed to the protection in place of a non-typical stone wall in the southerastern portion of the project area. It has recently been discovered that the mapped location of the wall was in error and that it actually falls within a location for a proposed stormwater basin. As we discussed, Constitution Solar, LLC has agreed to move and reset the wall in a nearby location where it will not intersect with any elements of the solar project. Constitution Solar, LLC will label each large vertical stone within the wall, remove them, and stockpile on site in a safe location. They will also remove the intervening rubble stone wall segments between the vertical wall elements and stockpile them by segment. The wall will then be reconstructed as closely as possible to the original configuration. Constitution Solar, LLC is requesting your concurrence with this plan so that they may pass it along to the Connecticut Siting Council in support of their ongoing effort. If it is easier for you, an email repsonse will suffice. As always, thank you for you time and consideration.

David

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David R. George
Heritage Consultants, LLC
55 East Cedar Street
Newington, Connecticut 06111
860.299.6328
dgeorge@heritage-consultants.com

