



STATE OF CONNECTICUT  
*CONNECTICUT SITING COUNCIL*

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**VIA ELECTRONIC MAIL**

August 14, 2020

Carrie Larson Ortolano, Esq.  
Lodestar Energy LLC  
40 Tower Lane, Suite 201  
Avon, CT 06001

RE: **PETITION NO. 1398** – LSE Pictor, 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 1.99-megawatt AC solar photovoltaic electric generating facility on an approximately 104 acre parcel located off of Platt Hill Road, Winchester, Connecticut and associated electrical interconnection.

Dear Attorney Ortolano:

The Connecticut Siting Council (Council) requests your responses to the enclosed questions no later than September 4, 2020. To help expedite the Council's review, please file individual responses as soon as they are available. At this time, consistent with the Council's policy to prevent the spread of Coronavirus, please submit an electronic copy only to [siting.council@ct.gov](mailto:siting.council@ct.gov). However, please be advised that the Council may later request one or more hard copies for records retention purposes.

Any request for an extension of time to submit responses to interrogatories shall be submitted to the Council in writing pursuant to §16-50j-22a of the Regulations of Connecticut State Agencies.

Sincerely,

*s/ Melanie A. Bachman*

Melanie A. Bachman  
Executive Director

c: Jeffrey Macel, LSE Pictor, LLC

MB/RM

**Petition No. 1398**  
**Interrogatories**  
**Set Three**  
**August 14, 2020**

88. Referring to the petitioner's response to interrogatory 37, the soil surface will be lightly scarified by an excavator prior to seeding to loosen any compacted soil which might have occurred during the solar panel construction phase.
- a. Is this standard practice used to deal with the potential compaction of soil during construction of a solar project?
  - b. Is this a practice that would be applicable to all solar developments in an effort to loosen compacted soils, promote vegetation growth and lessen erosion problems?
89. Referring to the petitioner's response to interrogatory 38, it states that since the petitioner is not proposing to remove top soil or otherwise disturb the soil in the area of the array, there will likely be little to no accumulation of sediment behind a control barrier.
- a. Is the petitioner claiming that the installation of the solar panel support structure and mounting of panels will not disturb surrounding soils?
  - b. Will the removal of stumps and woody debris from the ground surface disturb the existing structure of underlying soils?
  - c. Will scarification of soils result in disturbed soils in the area of solar panel array?
90. Referring to the petitioner's response to interrogatory 39, provide the following:
- a. Is the four-foot or less berm height based on a definition or ruling by the Dam Safety Division? If yes, please identify where it can be found.
  - b. Are there any other considerations that might require the need for a Dam Safety license?
  - c. The berm shown on the site plan ranges in height from 6 to 8 feet on the south side. Why was the berm height of the basin identified as 4 feet or less in the response?
91. Referring to the site visit conducted in November 2019 to verify wetlands limits:
- a. Did this site visit include a re-examination of existing vernal pools identified in 2005?
  - b. Did the site visit attempt to locate any new vernal pools that may have developed since the original subdivision wetlands review?
  - c. The July 5, 2005 wetland investigation report states "*With respect to the possibility of other vernal pools on site, the large wetland contains many pockets of standing water and does not support fish populations. Amphibians are probably breeding within cryptic vernal pools within the large wetland, although no amphibian species were directly observed....*" Was any attempt made to verify the existence of other vernal pools located on the site? If not, why not?
92. What is the distance between the edge of the solar array and the wetlands situated to the east/southeast of the site? What is the distance between edge of eastern swale and the eastern wetlands?

93. Referring to the petitioner's response to interrogatory 56, given the east and west swale dimensions of 2' deep and 6' wide, the swales are capable of redirecting a significant amount of overland flow towards the wetland detention basin at the south end of the site.
- Please explain how there is no diversion of runoff from wetland resources directly to the east and west when the site plans and associated stormwater report demonstrate a diversion of water via swales from the east and west to the south end of the site.
  - Will the diversion of runoff from the eastern side of the development to the southwest end cause an adverse impact on the wetland seeps and large forested wetland (red maple swamp) situated to the east of the proposed solar array? Please explain in detail.
  - How would the diversion of overland flow affect cryptic vernal pools in the eastern wetland?
94. Regarding the constructed wetland detention basin:
- Why is the basin proposed within 100 feet of wetlands?
  - Is this location consistent with the proposed DEEP stormwater general permit section associated with the development of solar arrays?
  - Given that the petition claims there are two intermittent streams situated to the west of the proposed solar array, how will some level of water be maintained in constructed wetland detention basin if the site generally dries up?
  - Is stormwater retention associated with certain construction practices (i.e., clay bottom or poorly drained soil fill)?
95. Referring to the petitioner's response to interrogatory 54, given the potential of low water levels within existing "intermittent" watercourses, why wouldn't the wetland detention basin function as a decoy pool? What studies have been done to determine if vernal pool obligate species are utilizing the western wetland corridor?
96. According to the site plans, the location of the wetland detention basin emergency spillway is approximately 20 feet away from wetlands, discharging at the wetland edge.
- What is the proposed maintenance schedule for the spillway?
  - If the emergency spillway was utilized, and if it should fail, wouldn't this cause sedimentation entering the wetlands system? How will such a situation be remediated?
97. Referring to the petitioner's response to interrogatory 65, the response is incomplete. If accumulated sediment is removed from stormwater features, where will it be disposed of?
98. The stormwater calculations appear to show an increase in net runoff volumes for the 10-year, 25-year, 50-year and 100-year storm events. What impact will increased volumes have on downstream property owners?
99. Referring to the petitioner's response to interrogatory 78, identify the locations where the 1.25 acres of the solar array area has slopes in excess of 15 percent. Is it good engineering practice to construct solar arrays on slopes that exceed 15 percent? Will there be any grading in the area where slopes exceed 15 percent in order to lessen the severity of project site grades? If not, why not?

100. Has the petitioner contacted the local Fire Marshal regarding compliance with the CT State Fire Prevention Code, Ground Mounted Photovoltaic System Installations section 11.12.3 in regards to site design clearance requirements around the solar array? If not, when will the petitioner contact the local Fire Marshall to ensure the current proposed site design has the minimum required clearances?
101. In its correspondence to the Council dated May 27, 2020, the Council on Environmental Quality recommended a tree clearing restriction to protect potential tree roosting bats that may utilize the site. Has any bat study been conducted? Would the petitioner be amenable to a tree clearing restriction for tree roosting bats (typically late fall to early spring)?
102. Referring to the petitioner's response to interrogatory response 77:
  - a. Identify the location where DEEP requires a wetland detention basin for stormwater control at a solar facility.
  - b. Provide information as to why a non-wetland stormwater detention basin cannot be constructed at the site in a location that provides a 100-foot buffer to the existing undisturbed wetland/watercourse corridor.
  - c. If a non-wetland stormwater detention basin is constructed at the south end of the solar array, is it possible to construct an upland discharge point where the discharge will remain as overland flow and not become concentrated flow? If not, why not?