

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

Greenskies Clean Energy, LLC petition for a declaratory ruling for the proposed construction, maintenance and operation of a 3.0-megawatt-AC solar photovoltaic electric generating facility on two parcels at the Elmridge Golf Course located to the east and west of North Anguilla Road at the intersection with Elmridge Road, Stonington, Connecticut, and associated electrical interconnection.

Petition No. 1410

July 31, 2020

**REQUEST FOR PARTY STATUS AND NOTICE OF CEPA INTERVENTION
AND REQUEST FOR PUBLIC HEARING**

Proponents for Responsible Emplacement of Stonington Solar ("PRESS") is an association of residents in Stonington, Connecticut who live in close proximity to the solar generating facility proposed by Greenskies Clean Energy, LLC ("Greenskies") at the Elmridge Golf Course in Stonington. PRESS seeks party status in this proceeding and also hereby intervenes in this proceeding under the Connecticut Environmental Protection Act, Conn. Gen. Stat. §§ 22a-16 *et seq.* ("CEPA"). PRESS also requests that the Siting Council hold a public hearing on this petition.

Contact information for proposed party:

Proposed party: Proponents for Responsible Emplacement of Stonington Solar ("PRESS")
Mailing address: c/o Rhandi Lee, 1 Fairway Court, Pawcatuck, CT 06360
Phone: (860) 608-7370
Email: davidrhand@comcast.net

Contact information for representative of proposed party:

Name: Emily Gianquinto
Address: 21 Oak Street, Suite 601, Hartford, CT 06106
Phone: (860) 785-0545
Email: emily@eaglawllc.com

I. Manner in which proposed party claims to be substantially and specifically affected

PRESS is at present an unincorporated association formed by and comprised of officers Mary Ann Canning McComiskey, Rhandi Lee and John Pistolese.¹ The proposed facility will substantially impact PRESS because of its proximity to the homes of PRESS's members. The eastern parcel abuts the residential neighborhood in which the PRESS members live. Ms. Lee resides at 1 Fairway Court; Mr. Pistolese resides at 5 Arbor Court; and Ms. McComiskey resides at 5 Fairway Court. Ms. McComiskey's property abuts the eastern parcel and she was served by Greenskies with notice of the petition pursuant to Regulations § 16-50j-40(a). (*See* Petition Ex. K at 2.) Ms. Lee's home is just two houses south of Ms. McComiskey, and Mr. Pistolese's home is to the southeast of Fairway Court. The residential neighborhood that abuts the eastern site consists of more than 50 residences, all of whom, including the members of PRESS, are members of the High Ridge Homeowners Association. Petitioner Greenskies also served the High Ridge Homeowners Association pursuant to Regulations § 16-50j-40(a). (*See* Petition Ex. K at 2.) The locations of Ms. Lee, Ms. McComiskey and Mr. Pistolese's properties are labeled on the map attached as Exhibit A, and they are depicted on numerous figures submitted by Greenskies, including Figures 2, 3, 4 and 13. Given their proximity to the proposed facility, the rights of PRESS's members will be substantially and specifically affected by the Siting Council's decision. PRESS is also concerned with the impact of the proposed facility on the environment, including with respect to stormwater issues, groundwater concerns, and the protection of local wetlands and watercourses. All of the above, described in more detail below, gives PRESS an interest in the proceeding, both as a party and as a CEPA intervenor.

¹ As PRESS is an association, and not a corporation, the attached CEPA intervention verifications are executed by each member of PRESS.

II. Contention of the proposed party

PRESS contends that the proposed solar facility will have a negative impact on the environment because Greenskies' site plans and the assumptions included in those and related plans do not comply with the water quality standards of the State of Connecticut and do not demonstrate that its project will not have a substantial adverse impact on the environment. PRESS also contends that the proposed solar facility will have a negative impact on public health and safety, as well as the rights of residents in proximity to the facility to quietly enjoy their property. PRESS believes that installing this solar array in such proximity to a dense neighborhood, over a protected groundwater area, and in proximity to wetlands that drain into Anguilla Brook and eventually into Fishers Island Sound, with insufficient stormwater plans and incomplete assessment of impact on residences in proximity to the facility, is irresponsible development.

Greenskies' plans will not adequately control and treat the stormwater that will be running off of the impervious panels of the solar array. The location and sizing of the single stormwater basin proposed for each grouping of panels is inadequate to protect the surrounding properties from impacts of stormwater runoff and do not comply with the requirements of the CT DEP 2004 Storm Water Quality Manual. The sensitive location of the proposed project in proximity to the protected groundwater also raises concerns with respect to possible leaching of chemicals used in solar panels, including lead, cadmium, and PFAS. As Greenskies does not seem to have even committed to a type of solar panel to be used, it is impossible to determine the risks of such chemicals ending up in the groundwater or in the wells of homeowners in proximity to the site.

PRESS has many other concerns about the petition. For example, Greenskies has also not presented any plan with respect to fire safety, and unless there is a water source at each site, it is

likely that a fire involving the panels would quickly burn, releasing chemicals into the water. Greenskies also failed to provide a noise study with respect to the noise to be generated by the panels; it simply took basic specifications for a type of panel and associated equipment, provided measurements from the equipment pads to the nearest residences, and said baldly that “[a]ny sound generated by the equipment located at the pads is expected to be attenuated by distance, slatted fence and existing vegetation and will not be detectable beyond the Project parcel.” (Petition at 24.) In the absence of the full specifications for the equipment to be used (only limited pages were provided embedded into a larger plan set) and an actual noise modeling analysis, the Siting Council cannot make that finding. Given the proximity to numerous residences, Greenskies should at least be required to conduct a noise survey.

PRESS contends that Greenskies has failed to provide evidence that would provide the Siting Council with the information necessary to fulfill its obligation of balancing the need for adequate and reliable public utility services at the lowest reasonable cost to consumers with the need to protect the environment and ecology of the state and to minimize damage to the scenic, historic, and recreational values while also assuring the welfare and protection of the people of the state. The petition should be vetted at a public hearing and should ultimately be denied.

III. Relief sought by the proposed party

PRESS asks that the Siting Council hold a public hearing on this petition and ultimately seeks to have the Siting Council deny Greenskies’ petition with prejudice. With respect to the hearing, PRESS notes that members of the general public have not to date had any chance to weigh in on this project at any public forum. Greenskies apparently spent time with a few town officials beginning at least in January 2020, doing a site visit, and later provided information to town officials with instructions that they “hold this file as ‘Confidential’ and not for public review.” (Petition, App’x K, email dated Apr. 23, 2020.) Greenskies did not meet with “any

Town Commissions or Boards” due to COVID-19 restrictions, as noted in its petition. (*See* Petition at 18.) Nor did it hold any information sessions where members of the public could review the plans and discuss concerns. Given the proximity of the proposed project to so many residences, a public hearing process before the Siting Council is needed to permit the public to weigh in on this important proposed development. PRESS also notes that the Town of Stonington’s planning and zoning commission has submitted a letter outlining its concerns about the project, supported by review of a professional engineer. A public hearing would therefore also permit the Town’s concerns to be weighed and considered in a public forum where residents could also participate through their Town representatives.

PRESS urges the Siting Council to hold a hearing on this proposal to ensure that Stonington residents have at least one opportunity to express their thoughts on the project and have the opportunity to listen to the Siting Council’s vetting of the developer’s plans.

IV. Statutory or other authority therefore

PRESS is entitled to party status pursuant to Sections 4-177a, 16-50l, 16-50n, 22a-14 through 22a-20 of the Connecticut General Statutes and Sections 16-50j-13 through 17, 16-50j-40 and 16-50j-43 of the Regulations of the Siting Council. PRESS is also requesting party status as an intervenor under the Connecticut Environmental Protection Act (“CEPA”), which permits any person, including associations, to “intervene as a party upon the filing of a verified pleading asserting that the proceeding or action for judicial review involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state.” *See* Conn. Gen. Stat. §§ 22a-19, 22a-20.

V. Nature of the evidence that the petitioner intends to present

If granted party status, PRESS intends to present evidence including, but not limited to:

- Testimony by Ms. Lee, Ms. McComiskey, and/or Mr. Pistolese about matters concerning PRESS and concerns of its members, including public health and safety issues, property rights issues, and environmental concerns;
- Studies, surveys and expert opinion about the adverse impact of the solar facility on the groundwater, wetlands, forest, and other natural resources located on and around the proposed site;
- Evidence, whether by testimony or otherwise, about other solar facility projects in the state and elsewhere that contained the same flawed assumptions as are present in the site plans, stormwater management plans and erosion control plans presented by Greenskies and which led to the impairment and/or destruction of wetlands, watercourses and other natural resources both on and off the sites of the failed projects;
- Evidence, whether by testimony or otherwise, that the proposed solar facility will unreasonably impair and/or destroy the public trust in the waters of the state and in the natural resources of the state by disturbing or destroying wetlands and watercourses and wildlife habitats.

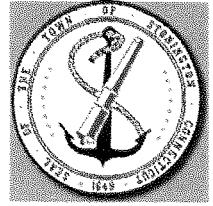
**PROPONENTS FOR RESPONSIBLE
EMPLACEMENT OF STONINGTON SOLAR**

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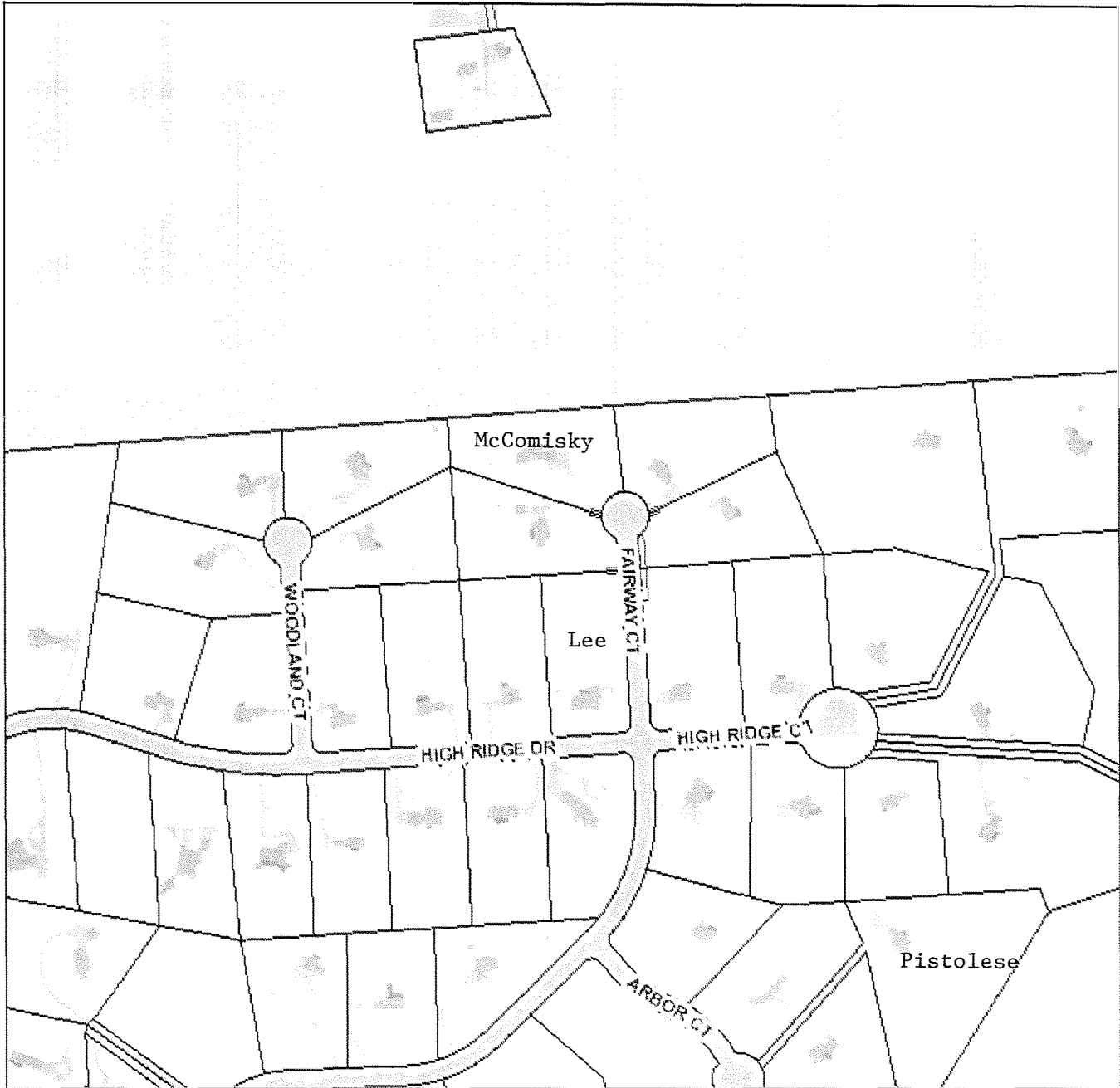
EXHIBIT A

Town of Stonington

Geographic Information System (GIS)



Date Printed: 7/22/2020

**MAP DISCLAIMER - NOTICE OF LIABILITY**

This map is for assessment purposes only. It is not for legal description or conveyances. All information is subject to verification by any user. The Town of Stonington and its mapping contractors assume no legal responsibility for the information contained herein.

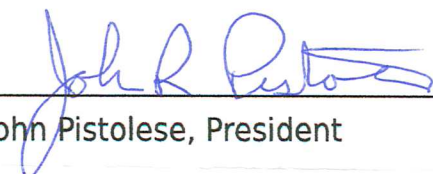
Approximate Scale: 1 inch = 400 feet

0 400
Feet



VERIFICATION

I, John Pistolese, being duly sworn, depose and say that I am president of Proponents for Responsible Emplacement of Stonington Solar, that I have read the foregoing Request for Party Status and Notice of Intervention and Request for a Hearing, and that the allegations contained therein are true to the best of my knowledge.

By: 
John Pistolese, President

Subscribed and sworn to before me this 31 day of July, 2020.


Notary Public / Commissioner of the Superior

Court

My Commission Expires: 12/31/2021

REBECCA F. MAGNER
Notary Public
My Commission Expires 12/31/2021

VERIFICATION

I, Mary Ann Canning McComiskey, being duly sworn, depose and say that I am secretary of Proponents for Responsible Emplacement of Stonington Solar, that I have read the foregoing Request for Party Status and Notice of Intervention and Request for a Hearing, and that the allegations contained therein are true to the best of my knowledge.

By:

Mary Ann Canning McComiskey
Mary Ann Canning McComiskey, Secretary

Subscribed and sworn to before me this 24th day of July, 2020.

Signed and Sworn before me, this
24 Day of July, 2020 In the
County of Providence, State of R.I.
B. F. Bucci
Notary

Beth F. Bucci
Notary Public / Commissioner of the Superior Court
My Commission Expires: 2/20/2022



VERIFICATION

I, Rhandi Lee, being duly sworn, depose and say that I am treasurer of Proponents for Responsible Emplacement of Stonington Solar, that I have read the foregoing Request for Party Status and Notice of Intervention and Request for a Hearing, and that the allegations contained therein are true to the best of my knowledge.

By:



Rhandi Lee, Treasurer

Subscribed and sworn to before me this 23rd day of July, 2020.



Notary Public / Commissioner of the Superior

Court

My Commission Expires: 8-31-2023

CERTIFICATION

I hereby certify that a copy of the foregoing document was delivered by e-mail to the following service list:

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/s/ Emily A. Gianquinto
Emily Gianquinto