



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

Web Site: portal.ct.gov/csc

VIA ELECTRONIC MAIL

November 9, 2020

Lee D. Hoffman, Esq.
Pullman & Comley LLC
90 State House Square
Hartford, CT 06103-3702
(860) 424-4315
lhoffman@pullman.com

RE: PETITION NO. 1437 – Burlington Solar One, 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 3.5-megawatt AC solar photovoltaic electric generating facility and associated electrical interconnection located at Lot 33, Prospect Street, Burlington, Connecticut.

Dear Attorney Hoffman:

The Connecticut Siting Council (Council) received the petition for a declaratory ruling for the above-referenced facility on November 3, 2020.

According to Section 16-50j-39a of the Regulations of Connecticut State Agencies, “no declaratory ruling shall be issued to any person until a complete petition containing all information deemed relevant by the Council has been filed.”

Staff has reviewed this petition for completeness and has identified the following deficiencies:

- a) In compliance with Connecticut General Statutes §16-50k(a). Effective July 1, 2017, under Public Act 17-218, Connecticut General Statutes §16-50k(a) requires, “...**for a solar photovoltaic facility with a capacity of 2 or more megawatts**, to be located on prime farmland or forestland,... the Department of Agriculture represents, in writing, to the Council, that such project will not materially affect the status of such land as prime farmland or the Department of Energy and Environmental Protection represents, in writing, to the Council that such project will not materially affect the status of such land as core forest...” The Council’s November 1, 2017 memorandum is attached for your convenience.

There is no letter from the Department of Energy and Environmental Protection (DEEP) submitted as part of the petition for a declaratory ruling that the above-referenced proposed facility will not materially affect the status of core forest; and

- b) Pursuant to Section 16-50j-40 of the Regulations of Connecticut State Agencies, “Prior to submitting a petition for a declaratory ruling to the Council, the petitioner shall, where applicable, provide notice to each person other than the petitioner appearing as record as an owner of property which abuts the proposed primary or alternative sites of the proposed facility, each person appearing of record as an owner of the property or properties on which the primary or alternative proposed facility is to be located, and the appropriate municipal officials and government agencies. Proof of such notice shall be submitted with the petition for declaratory ruling.”

Notice to State Senator Derek Slap is not evident.

Therefore, the petition is incomplete and not in compliance with the statute at this time. The Council recommends that the petitioner:

- a) Provide written correspondence from DEEP that the proposed facility will not materially affect the status of core forest on or before December 9, 2020. If additional time is needed to consult with the DEEP, please submit a written request for an extension of time prior to December 9, 2020; **or** submit the proposed project as an Application for a Certificate of Environmental Compatibility and Public Need pursuant to the provisions of Connecticut General Statutes §16-50l; and
- b) Provide proof of service of a copy of the petition for a declaratory ruling on State Senator Derek Slap on or before December 9, 2020. If additional time is needed, please submit a written request for an extension of time prior to December 9, 2020.

Thank you for your attention to this matter. Should you have any questions, please feel free to contact me at 860-827-2951.

Sincerely,

s/Melanie A. Bachman

Melanie A. Bachman
Executive Director

Enclosure- Council Memo dated November 1, 2017

- c: Commissioner Katie Dykes, Department of Energy and Environmental Protection
The Honorable Theodore C. Shafer, First Selectman, Town of Burlington
William Herchel, Burlington Solar One, LLC
Bryan Fitzgerald, Burlington Solar One, LLC
Council Members



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November 1, 2017

To: Energy Industry Representatives

From: Melanie A. Bachman, Executive Director *MAB*

Re: Solar Electric Generating Facilities with a generating capacity of 2 or more megawatts

Please be advised that effective July 1, 2017, pursuant to Public Act 17-218, Connecticut General Statutes §16-50k(a) requires:

“...for a solar photovoltaic facility with a capacity of 2 or more megawatts, to be located on prime farmland or forestland, excluding any such facility that was selected by the Department of Energy and Environmental Protection in any solicitation issued prior to July 1, 2017, pursuant to section 16a-3f, 16a-3g or 16a-3j, the Department of Agriculture represents, in writing, to the [Connecticut Siting Council] that such project will not materially affect the status of such land as prime farmland or the Department of Energy and Environmental Protection represents, in writing, to the Council that such project will not materially affect the status of such land as core forest...”

Prior to the submission of any petition for a declaratory ruling for a proposed solar project to the Connecticut Siting Council (Council) that is not exempt as described above, petitioners shall consult with the Department of Agriculture and the Department of Energy and Environmental Protection. Thereafter, the petitioner shall submit to the Council with the petition for a declaratory ruling written correspondence from the Department of Agriculture that such project will not materially affect the status of such land as prime farmland and written correspondence from the Department of Energy and Environmental Protection that such project will not materially affect the status of such land as core forest.

Any petition for a declaratory ruling for a solar facility with a capacity of 2 or more megawatts that is submitted to the Council without the above-referenced written correspondence will be rejected as incomplete. In lieu of submitting a petition for a declaratory ruling, project developers may opt to submit an Application for a Certificate of Environmental Compatibility and Public Need in accordance with the provisions of Connecticut General Statutes §§16-50k and 16-50l, which does not require the submission of written correspondence from the Department of Agriculture or the Department of Energy and Environmental Protection.

Thank you for your anticipated cooperation.

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