

# Suisman Shapiro

Attorneys-At-Law

June 7, 2021

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**Via Federal Express Mail & Electronic  
Mailing (siting.council@ct.gov)**

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

**RE: PETITION NO. 1443 – SR North Stonington, 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 9.9-megawatt AC solar photovoltaic electric generating facility on five parcels located north and south of Providence New London Turnpike (State Route 184), west of Boombridge Road and north of Interstate 95 in North Stonington, Connecticut, and associated electrical interconnection.**

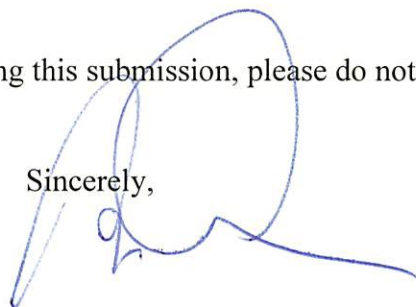
Dear Attorney Bachman:

The Town of North Stonington hereby submits its pre-hearing submission to the Connecticut Siting Council in connection with the above-referenced Petition.

I hereby certify that on this date a copy of this filing was sent via electronic mail to the service list dated June 3, 2021.

If you have any questions concerning this submission, please do not hesitate to contact me.

Sincerely,



Robert A. Avena  
North Stonington Town Attorney

RAA/lap  
Enclosures

cc: Juliet Hodge; Planning, Development & Zoning Official  
Kenneth C. Baldwin, Esquire  
Jonathan H. Schaefer, Esquire  
Ali Weaver, Director Project Development

*A Tradition of Innovative Solutions*

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

**PETITION NO. 1443 – SR North Stonington, 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 9.9-megawatt AC solar photovoltaic electric generating facility on five parcels located north and south of Providence New London Turnpike (State Route 184), west of Boombridge Road and north of Interstate 95 in North Stonington, Connecticut, and associated electrical interconnection.**

**Petition No. 1443**

**June 7, 2021**

**WITNESSES AND EXHIBITS OF THE TOWN OF NORTH STONINGTON**

Pursuant to the Siting Council's pre-filing deadlines, the Town of North Stonington, hereby discloses its lists of witnesses and exhibits. The Town of North Stonington reserves the right to supplement these lists as the hearing proceeds.

**WITNESSES**

1. Juliet Hodge, North Stonington Planning, Development & Zoning Official
2. Robert C. Russo, C.S.S., CLA Engineers, Inc.

**EXHIBITS TO BE OFFERED**

1. Juliet Hodge, North Stonington Planning, Development & Zoning Official correspondence to the Connecticut Siting Council, dated March 25, 2021 (copy attached).
2. Juliet Hodge, North Stonington Planning, Development & Zoning Official correspondence to the Connecticut Siting Council, dated April 26, 2021 (copy attached).
3. Robert Russo, C.S.S., CLA Engineers, Inc. report pertaining to the Silicon Ranch Wetland Review, Route 184, North Stonington dated April 26, 2021 (copy attached).
4. Resume of Robert Russo, C.S.S., CLA Engineers, Inc. (copy attached).

The Town of North Stonington reserves the right to offer additional exhibits, testimony, witnesses and administratively noticed materials as new and pertinent information and materials come to its attention and in rebuttal to positions taken by the Council, parties or intervenors.

**TOWN OF NORTH STONINGTON**

BY: 

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## CERTIFICATION

I hereby certify that on the 7<sup>th</sup> day of June, 2021, a copy of the foregoing document was delivered by electronic mail to the following service list:

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\_\_\_\_\_  
Robert A. Avena  
Commissioner of Superior Court



Town of  
**North Stonington, CT**

PLANNING AND ZONING

**March 25, 2021**

Connecticut Siting Council  
Ten Franklin Square  
New Britain, CT 06051  
[siting.council@ct.gov](mailto:siting.council@ct.gov)

**RE: Pending Petition 1443, SR North Stonington LLC**

Dear Ms. Bachman and Siting Council Members:

I am writing on behalf of the Planning and Zoning Commission and Inland Wetland Commission Chairman to express concerns about Petition No. 1443 of SR North Stonington LLC for the 9.9MW Solar Energy Facility proposed off Providence New London Turnpike (Rte. 184) and Boom Bridge Road in North Stonington. My concerns are shared with many of the abutters and several other residents. I understand that the Town has no jurisdiction in these matters, but I sincerely ask that you give serious consideration to the following concerns raised and allot the Town additional time to review the material provided and do a thorough site walk.

I would first like to emphasize that the Town is not opposed to Solar Energy Facilities. One of the objectives in the Plan of Conservation and Development specifically states "encourage and permit green energy facilities." In 2017, the Town did not object to the 353-acre, 15MW Solar Energy Facility off Ella Wheeler Rd. as it was appropriately located in the Industrial Zone on a parcel that abutted the Highway and other vacant land. Just this year, a 27-acre, 5MW project was approved with no opposition by the Town off Boom Bridge Road, because potential the impact abutters was minimal. The project is small and appropriately located on land with no agricultural value, and bordered by the highway and other lands owned and occupied by Lessor. We have installed solar panels on all municipal buildings as well.

When the Town was first approached in 2016 about a possible solar project, only the southern parcels containing the former gravel pit (total of 97 acres) were identified as the "project area", and as such the proposal was met with little resistance because from the Town's perspective, the gravel pit area was considered well situated for such a use despite technically being in a Residential Zone.

This letter will focus primarily on the following concerns: noise impact caused by tree clearing, construction activities and the electrical components themselves; visual impact caused by tree clearing and presence of panels in a residential zone; and environmental concerns related to pollution, loss of habitat, tree-clearing and presence of significant wetlands and water bodies. Additional concerns related to consistency with the Plan of Conservation and Development and Zoning Regulations are also discussed below.

**Noise Impact and Concerns**

The proposed project area consists of five parcels in the R-60 Residential Zone. Adjoining properties and the surrounding area consists of residential homes, wooded land, and farmland. The four "southern" parcels

are located between Rte. 184 and I-95 and the remaining two parcels, added late to the project, are located north of the original parcels including 31-acres north of Rte. 184. Together these five parcels form a buffer from the noise (and sight) of I-95. The wooded, 31-acre parcel to the North also serves as a buffer between area residents and the animal boarding/grooming facility.

The stated purpose of the Noise Impact Assessment submitted was to *assess predicted environmental noise impact from the proposed operations on the surrounding environment, and to compare the predicted levels of the SR North Stonington Solar Project to the permissible noise level limits allowed by the Connecticut Department of Energy and Environmental Protection (CTDEEP) for residential areas.* Residents at 476 Norwich Westerly Rd. would be the most impacted with an anticipated noise level of 44.9 dBA. What was not clear in the report was whether the measurements from the electrical components of the solar facility factored in the loss of trees around the properties and natural noise buffer they currently provide. What would the readings be if there were no trees? Additionally, the report did not address at all what the noise impact from the I-95, RTE 184 and the animal boarding facility would be on the existing residential properties when the trees are removed and panels installed.

There will also be significant noise impact during the entire construction process caused by the logging, grubbing and grading work, trucks coming and going, and then the actual installation of the panels and associated electrical components etc. The narrative submitted stated that all work would be conducted during normal working hours but then stated these hours of operation would be Monday – Saturday from 7am to 7pm and Sundays too if necessary. These hours certainly extend past normal working hours and the construction noise and estimated 60-70 trucks coming and going from the site daily will impact all the abutting residents throughout the lengthy construction process and notably throughout the entire summer when people will want to enjoy some time outside.

The areas to be used for panels show clearing right up to abutting residential properties in some cases. This is not a remote industrially zoned location – particularly the 31-acre parcel to the north. The project area is right in the middle of a residential zone. Our regulations would have required a Special Permit to locate an industrial use such as this in a residential zone, and as such, would have required conformance to the Special Permit Criteria.

One of the Special Permit Criterial specifically deals with noise and appearance. It reads, *“To the extent the Commission finds such criteria applicable, the applicant shall have the burden to prove that the proposed uses and structures would be in harmony with the appropriate and orderly development of the zoning district in which they are proposed to be situated, and that the use(s) would not be noxious, offensive, or detrimental to the area by reason of odors, fumes, dust, noise, vibrations, appearance, or other similar reasons...”*

The solar project as currently proposed is certainly not in harmony with the surrounding residential neighborhood and would have a detrimental effect on quality of life and the appearance of the currently rural setting of the immediate vicinity. If the majority of the project were located in the former gravel bank area, it certainly would be more palatable as that area is more remote, has already been cleared, and is generally unsightly. I would add that the original proposal submitted and approved by DEEP in 2016 only involved the former gravel pit located on the 97-acres owned by Romanella at the time as one of the objectives of the program (under PA15-107 procurement) was to reuse brownfields.

### **Visual Impact**

I noticed that because the 31-acre parcel to the north was not included in the original project area, that no renderings were provided showing the impact the clearing and panels would have looking north from Rte. 184. Additionally, no renderings showing the view of the panels from the closest residential properties were provided for any of the project area. The Site map submitted showing the location of panels and limits of clearing blurred out the actual location of the abutting existing homes. No plan showing the exact property lines and residential structures in relation to the panels and limits of clearing was submitted.

From what I can tell, in several locations, both in the northern and southern portions of the project area, the limit of disturbance extends right to the parcel line. Not providing a buffer between non-residential and

residential uses is in direct conflict with several Site Development Standards provided in the Zoning Regulations. Most notable are the following (*emphasis added*):

**1101.2 Intent.** The Site Design Requirements are intended to protect public health, safety, welfare, property values, and natural resources; to encourage site design and development that is efficient, effective and consistent with the general character of the community, neighborhood, and surrounding properties; to ensure aesthetically pleasing development and site design; and to enhance and maintain the rural New England character of North Stonington.

**1103.4 Landscape Buffer Requirements.** When a Site Plan or Special Permit application is submitted for the establishment of a new use, and the parcel is abutted either (1) by any Residential Zoning District or (2) by any existing use that would be allowable as of right or with Site Plan review in a Residential district, a landscaped buffer no less than 25 feet in width shall be provided along all such abutting portions of the perimeter. Such buffers shall be designed to provide appropriate screening to minimize any potential negative impacts of noise, light, dust, vibrations, hours of operation, and substantially dissimilar aesthetics. Due consideration should be given to the character of existing districts and uses in determining the density and intensity of techniques and materials needed to provide adequate, aesthetically pleasing, year-round screening.

There was nothing submitted that detailed the depth of the buffer areas and the type of screening provided – only a mention of a tall fence topped with barbed wire – not the type of “aesthetically pleasing, year-round screening” the Town envisions. We would further argue that clearing existing wooded areas and installing 43 acres of solar panels is not at all consistent with the general character of the neighborhood in which they will be located, and would not be considered *aesthetically pleasing* nor would such a project *enhance* or *maintain the rural New England character of North Stonington*.

Finally, the narrative submitted stated that the interconnection facilities at the Site will consist of the installation of approximately three (3) fifty-foot (50’) tall poles with connecting spans of distribution line from the location where the feeder crosses State Route 184 to its termination at a riser pole near the Project fence line. I was only able to find one pole on the map. Where are these located? Are they visible from the road or abutting residences? Are there any potential negative health impacts from the overhead power lines?

### **Environmental Concerns**

The entire project area is within the Water Supply Protection Overlay Area and contains numerous wetlands, vernal pools, mature forest, and several wildlife species of interest. The environmental reports submitted would suggest that not all areas were fully assessed.

Exhibit J – Phase I ESA section 7.1 Site Uses and Conditions states: “HDR was able to access a majority of the Project Area, but certain portions of the Northern Parcel and along the Project Area’s southern boundary were inaccessible due to heavy vegetation and surface water. In addition, various smaller areas throughout the Project Area were inaccessible due to vegetation.”

Given this admission, we hope more time will be allotted to do a thorough assessment of all the inaccessible areas to determine the ecological impact of the project and the suitability of panel location. It should also be noted that any environmental evaluations performed within the past year or two should take into consideration that we have been experiencing drought conditions and the water table is typically approximately 16 inches higher.

**Project Area Detail map (Figure 2 Section 2)** omits the streams mentioned in the report and known to be on the property(s). Not all water bodies are shown on this map either. Two of the streams on the property discharge into the Lewis Pond and then into the Pawcatuck River which is within the Wood-Pawcatuck Watershed and one of the recently classified Wild and Scenic Rivers. This classification is based in part on water-quality, and the presence of one or more Outstandingly Remarkable Values. It is the extensive wetlands in the region that provide protection of the water quality both in the tributaries and in the main-stems of the Wood and Pawcatuck rivers. The Wild and Scenic Classification is a source of pride for the

Town and there is certainly community support for continued protection of the town's abundant wetlands so that we may continue to protect this excellent water quality.

**Buffers:** In keeping with the desire to protect valuable natural resources, the Town regulations require a 100ft buffer from wetlands for planned activity. Given the number of vernal pools and substantial amount of significant wetlands and watercourses located throughout the entire 157-acre site, it is not likely that the proposed 25ft buffer would provide adequate protection at all for these valuable natural resources. When you factor in the possible use of chemicals (as directed by DEEP) to control noxious weeds on top of the land clearing etc. the need for a much greater buffer area becomes necessary. The impact to the northern parcel is of particular concern with respect to the impact to the natural wetlands and vernal pool that per the plans submitted, will only be protected by a 25ft buffer. Additionally, land clearing is shown within the proposed 100ft buffer of the vernal pool which will have a significant impact on the habitat surrounding the pool that has been undisturbed all these years. Typically, a much greater buffer would be required around vernal pools and the existing wetlands.

The ESA report speaks of the site's reduced ecological integrity in the southern portion given its location between a major highway (I-95) and another major secondary road (Rt. 184). These roads, according to the report "fragment the landscape, limiting dispersal and genetic exchange, for both plants and fauna, and have hampered natural recolonization of areas disturbed by farming and by the sand and gravel excavation." Given this observation, would it not make more sense to locate the panels in this area rather than in the currently and historically healthy natural habitats that exist in the northern 31-acre parcel?

During the limited site walk conducted on 3/23/2021, two members of the Conservation Commission and the Chairman of the Inland Wetlands Commission explored the Romanella gravel pit area shown in yellow on the map. It appears this was the original project area considered. Excavation of the gravel pit in the 1960's created many man made "pools" or holes which are now considered "natural vernal pools" 60 years later. In particular, the two "vernal pools" labeled N and M are shown to have a 100' buffer around them (presumably required by DEEP). The Commission members described these vernal pools as "sad looking" and were clearly disturbed during the gravel operation and now stand isolated all these years surrounded by stone, mud and open gravel. They further stated that they may well have none of the flora and fauna surrounding the pool necessary to allow species, such as the spotted salamander, to mate and lay eggs etc. They feel that the preservation of the large acreage on the north outweighs the preservation of these two questionable pools. Additionally, they felt that there was a significant number of more valuable "vernal pools" immediately west of this site with flora that provides habitat for fauna.

I urge the applicants and Siting Council members to consider relocating some if not all of the panels proposed for the parcel north of Rte. 184 to the gravel pit area as originally planned. This would necessitate a waiver granted by DEEP to reduce the required buffer from 100ft down to 25ft around pools M & N to allow more panels to be located in this area.

The narrative noted that an eastern spadefoot toad survey is scheduled for May 2021. This toad has historically been found in several areas of town particularly near the streams and rivers. Its presence in the 120-acre Solar Project off Ella Wheeler road caused that project to be significantly re-configured. Will the Town get a second opportunity to comment should the spadefoot toad be found, and the layout of the project modified?

The Integrated Vegetation Management Plan very briefly outlines the plan to control weeds/vegetation in the areas covered by panels. North Stonington is certainly more of a cattle and horse town verses one known for its herds of sheep. It was unclear if a "rancher" had been identified locally who was willing to provide the sheep needed to control the weeds. Would the sheep still be able to graze if chemicals were needed at some point to control noxious weeds? Who will be responsible for administering the "and providing reports? Are there examples of the "ecological health monitoring program" reports or program details that could be provided?

With respect to hazardous material, many studies indicate that there are hazardous materials contained within the solar panels themselves, including Cadmium and Lead. If panels are destroyed during an extreme

weather event, it is in fact possible that these substances could leach into the ground. As mentioned before, the property is squarely within our Water Supply Protection Overlay Area and contains water bodies that eventually discharge into the Pawcatuck River. Extreme weather events are becoming more and more frequent and do include tornadoes and hurricanes in this area. The Town would like to know exactly what substances are contained within the panels.

The narrative also mentions that some hazardous substances are required to be used or stored on Site during construction and/or operation of the Project, including gasoline and diesel-powered equipment. This is only permitted conditionally in the WSPOA and would require review and a spill prevention plan.

**General Issues: User Questionnaire Phase I Environmental Site Assessment ASTM Practice E1527-13** states that type of property in the project area is "AG Land." I would strongly disagree. It is vacant residential land and a former gravel pit.

**Archaeological Assessment:** The assessment would indicate the potential for archaeological resources or sensitivity in several areas within the full 157-acre project area. For example: the report states: "Although very limited professional surveys have been conducted along the margins of Bell Cedar Swamp to the north-northwest of the Project, Pre-Contact Period land use patterns in the surrounding area suggest this setting would likely have been a focal area of settlement for people living in the area, particularly during the Paleo Indian through Middle Archaic periods....The North Stonington Solar project area encompasses or is near several environmental settings that would have been favorable for pre-contact settlements or encampments. .... It is expected that intact, level, and well-drained portions of the project area could contain assemblages of lithic debitage and stone tools associated with Native American occupations similar to those previously identified along tributaries and wetlands of the Pawcatuck and Shunock River drainages."

The old Rte. 184 runs right through the 31-acre parcel to the north and connects to Stillman Rd. The roadbed is hundreds of years old and is defined by beautiful, fully intact stone walls and is certainly part of the history of the Town that is worth preserving. It does not appear that a full archeological investigation was done along this roadbed although it was identified as a sensitive area.

The area that encompasses the former gravel pit is the one area not identified as archaeologically sensitive, yet that is precisely the area not utilized for panel location. Panels are instead located in the sensitive areas identified to the north of the gravel pit area.

In summary, the project as proposed would NOT meet any of the Special Permit Criteria (listed below) that would have been used should the project have come before Planning and Zoning, with, perhaps the exception of Criteria B.

- A. that the application is materially in conformance with all applicable provisions of these Regulations, including, but not limited to, the Site Design Requirements in Chapter 11, and that the standards for approval of any accompanying Site Plan application have been met; *(Several of the Site development standards, particularly dealing with buffering are not met)*
- B. that transportation services would be adequate and that the uses would not cause traffic congestion or undue traffic generation that would have a deleterious effect on the welfare or the safety of the motoring public;
- C. that the proposed uses and structures would be in harmony with the appropriate and orderly development of the zoning district in which they are proposed to be situated, and that the use(s) would not be noxious, offensive, or detrimental to the area by reason of odors, fumes, dust, noise, vibrations, appearance, or other similar reasons; *(The project as proposed would certainly have an adverse impact with respect to noise and visual disturbance and were this a non-siting Council governed solar project, it would most likely have been denied as proposed.)*
- D. that no adverse effect would result to the character of the district, property values, or historic features of the immediate neighborhood; *(This is a proposed large-scale industrial use in a residential district that will undoubtedly effect the overall character of the residential neighborhood as proposed.)*

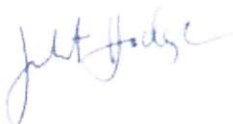
- E. that the character of the immediate neighborhood would be preserved in terms of scale, density, intensity of use and architectural design; *(Same as D above)*
- F. In accordance with CGS § 22a-19, that the proposed uses would not cause any unreasonable pollution, impairment or destruction of the air, water and other natural resources of the state; *(The reports provided do not provide enough information to make this determination. Rationale for the inadequate buffers to the wetlands on the different parcels has not been provided. Without adequate protection of the wetlands, the water quality of the (Wild and Scenic) Pawcatuck River and the aquifer below the Water Supply Protection Overlay Area, are in potential jeopardy.)*
- G. that all proposed uses and structures would be consistent with future development as identified and envisioned in these Regulations and the North Stonington Plan of Conservation and Development. *(While the POCD does discuss green energy favorably, it was not envisioned that such a large-scale project would occur in the Residential Zones or result in the destruction of existing natural habitat as is proposed with this project.)*

I would respectfully request that at the very least, due consideration be given to relocating the panels shown on the 31-acre parcel to areas within the four parcels south of Rte. 184, as well as the provision of additional screening between the project area and abutting residential properties to eliminate the visual, noise and environmental impact that would most certainly occur should the project be approved as presented. I would urge this relocation despite the presence of the vernal pools identified as M & N in the old gravel bank. These were man made and the habitat surrounding the vernal pools is certainly not pristine nor conducive to supporting the typical fauna found. Additionally, adequate buffers around the wetlands and watercourses, as well as prohibiting the use of chemicals for weed control are essential for a project of this scale especially given the project location within the Water Supply Protection area and the Wood-Pawcatuck Watershed.

It is my understanding that the Town can submit comments up until April 26, 2021. Additional comments may be submitted once further site investigation is completed by a soil scientist (to be selected). The Fire Department or Fire Marshal may also submit a letter as well.

Thank you for the opportunity to comment on this petition. Should you or any member of the Siting Council have any questions, please do not hesitate to contact me.

Sincerely,



Juliet Hodge  
Planning, Development and Zoning Official  
Town of North Stonington  
[jhodge@northstoningtonct.gov](mailto:jhodge@northstoningtonct.gov)  
860-535-2877 x 127



Town of  
North Stonington CT

Land Use Department

40 Main Street, North Stonington, CT 06359

April 26, 2021

Connecticut Siting Council  
Ten Franklin Square  
New Britain, CT 06051  
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**RE: Pending Petition 1443, SR North Stonington LLC**

Dear Ms. Bachman and Siting Council Members:

In addition to the comments previously submitted on behalf of the Planning and Zoning Commission and Chairman of the Inland Wetlands Commission of the Town of North Stonington on 3/25/2021, I would like to provide additional comments regarding the origin and subsequent modifications to the SR North Stonington project as it is currently being presented for CT Siting Council approval under Petition 1443.

In the project narrative submitted by Silicon Ranch dated February 25, 2021, several statements stood out and prompted further investigation into the origin and prior review of this particular Solar Energy project.

**Section 3.1: Project History & 3.2 Site Selection:** The narrative regarding the Project History indicated that the DEEP conducted an RFP in 2016 under the authority granted to it under PA 15-107 to solicit proposals for Class I renewable energy sources, Class III sources, passive demand response, and energy storage systems, and that 25 companies had been selected.<sup>1</sup> The narrative continues to Section 3.2: Site Selection, without even naming the company that was actually selected by the DEEP. Neither Section describes the original proposal. When I researched the names of the projects/companies selected, I noted that the North Stonington project selected was a 9.9 MW facility under the name "North Stonington Solar Plant + Park Project, NS Solar Plant I Facility (Connecticut Energy Parks, LLC)"

The original company, Connecticut Energy Parks, LLC ("CEP, LLC") boasted a healthy portfolio of projects in New England, and proposed to "*develop a selected Project site in a practical and attractive manner by leveraging and re-using existing site conditions in a Town supportive of the project, and currently using solar panels on municipal buildings.*" (emphasis added)

I think it is important to point out that location of the original "project" initially selected by the DEEP in 2016, was comprised only of the roughly 97 acres owned by Mr. Romanella most of which was used as a gravel pit until the 1960's. It has remained unused ever since. CEP, LLC proposed to "re-purpose" this unused site to provide clean energy to the community as well as design a park on the property for additional battery storage and recreational opportunities.

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<sup>1</sup> The DEEP Presentation at the March 24, 2016 Bidder's Conference contained a slide labeled "Land Use requirements" which included the following: "DEEP encourages the reuse and redevelopment of existing sites, including landfills and brownfields."

What really stood out in the project overview provided by the bidder (CEP, LLC) in their RFP response were the following statements:

**“There are several benefits to reusing the proposed lands. The proposed site offers *excellent* technical and project attributes to ensure timely Project execution. In other words, the Project site requires no costly upgrades and modifications to accommodate the solar generation plant.” (emphasis added)**

**“The Project also involves the productive reuse of previously unused land.”**

**“The bidder intends to work with the Town to make the park area an attractive micro grid area with recreational trails (existing condition) to leverage the excellent tourist economic the region enjoys.”**

Several other promises and mistaken or misleading claims followed. CES, LLC claimed the “area” was not in an aquifer zone – it is. It sits on top of a significant aquifer, and is clearly identified on the Zoning map as being within our Water Supply Protection Overlay Area.

CES, LLC claimed to have a strong working relationship with the Town, yet there is no record on file anywhere of material or communication provided. They mentioned meeting with the Selectman and Highway Foreman and receiving letters from two residents in the vicinity of the “project.”

They stated there were no related Zoning Regulations to the Solar Use, yet we did have regulations in place for solar energy facilities – the same that are in place today. They claimed the Site was zoned R-40 (Residential, 1-acre zoning) and that it is “properly zoned and permitted.” The site was/is Zoned R-60 (1.5acr zoning) and Solar Energy Facilities required (and still do) a Special Permit Approval in that Zone.

The bidder anticipated *no adverse impact* to the “area” and identified relevant evaluation criteria used to make this determination as “siting, historic, road and environmental items.” (unclear what that actually means) The Environmental Assessment Criteria were more extensive and included site impacts, transportation infrastructure, air and water quality, noise, impacts to natural and cultural resources, and prior use of the “site.” Again, a statement was made that no adverse impact was anticipated.

The bidder essentially stated that given its remote location near the highway, in a disturbed, unused gravel pit with existing access roads and no significant water resources, the solar project would have minimal impact.

To be clear, the initial “Project” site only included the former gravel bank area adjacent to the Highway with access off of Cranberry Bog Rd. and Boombridge Road. When CEP, LLC used the words “Project” or “these areas,” they were referring the 97± acres owned by Romanella (the *southern 3 parcels* out of the 5 parcels identified in the current project area and subject of Petition 1443).

None of the above history was provided in the current project narrative. Instead, Section 3.2 of the Project Narrative, SR North Stonington continues with a list of Site Selection Criteria they used to determine site suitability for the project which include (of note) suitable grade and topography and congruence with local land use. It is again unclear if these selection criteria were applied to the initial or current project site. SR North Stonington identifies Renewable Ventures LLC as the then owner of the “project” and the company that selected the “preferred site” after completing their initial evaluation and preliminary due diligence. CES, LLC, had already sold out.

The very next sentence states: “*Ultimately, five (5) parcels, totaling approximately one hundred fifty-seven (157) acres, were selected for the Project.*” Who evaluated and approved the use of additional parcels? What was the process to amend the original “Project” as described and presented in the RFP response upon which the DEEP based its decision? Was there notice to the Town and opportunity for comment? Adding

almost 60 acres of untouched woodland (almost all of which to be cleared) surrounded by single-family homes just to fit enough panels so that the project is financially viable, seems to fly in the face of the original intent of the 2016 DEEP solicitation and actual CES, LLC proposal to “reuse a previously disturbed site.” Perhaps a smaller project could be considered and located on the original “site?”

In the remaining sections of the SR North Stonington narrative, the word “site” refers to all 5 parcels and 157 acres, and the term “Project” is no longer the same “Project” alluded to in the project history section. This is misleading as the project history provided in section 3.1 conveniently omits the fact that the entire 9.9W solar energy facility and park was proposed on the 97-acre gravel bank parcels and was deemed “technically feasible.” That was the project selected by the DEEP. For Silicon Ranch to use the term “Project” to refer to both the original “Project” AND the current modified Project, with absolutely no explanation, is incredibly misleading.

The narrative continues with: *“The use of this Site for a solar array represents a ...favorable low-impact industrial development of the land.”* I would respectfully disagree. The only (limited) positive response was for the CES, LLC project *as proposed in 2016-17*. The Town does not generally permit or favor the placement of industrial uses on residential land.

This section (Property Description) of the Narrative incredulously continues with the following statement.

*“Based on the favorable nature and condition of the Site, the Project was awarded to Renewable Ventures, LLC from the DEEP RFP process in 2016. Silicon Ranch Corporation acquired the Project from Renewable Ventures, LLC in 2017. Given the DEEP RFP award at this Site and the favorable diligence completed over the last four years, the Petitioner has found no reason to consider alternative locations for the Project.” (emphasis added)*

Each use of the word “Site” or “Project” by Silicon Ranch in this paragraph” is referring to the original previously disturbed, gravel bank “site” and the original “Project.” Of course there was no reason for Silicon Ranch to consider alternative locations, they had already been considered and the panels needed for the current “Project” had already been shifted into those new locations. That paragraph is just plain deceptive. If in 2016, in the opinion of the bidder (CES, LLC) and DEEP, the initial 9.9MW “Project” was technically feasible on the 97 acres, which had all the same water bodies, vernal pools and wetlands it has now, why is it no longer feasible today?

The narrative stated that as a participant and awardee of the CT DEEP Small-Scale Clean Energy Request for Proposals under Public Act 15-107 § 1(b) and 1(c)2 and CGS § 16-50j, this Project is exempt from the requirements of CGS § 16-50k(a)(iii) as established through Public Act No. 17-218. First, which “Project” are they referring to (initial or modified project); and second, if it is the modified project, is it still exempt given the extreme departure from the original project location and proposal to reuse disturbed land? Given the extent of natural resources on the entire 157 acres, particularly on the 60 acres that were added after Renewable Ventures did their “due diligence,” isn’t further evaluation warranted?

As I stated briefly in the initial comments I submitted to the Siting Council, the Town is not against Solar Energy Facilities. That said, we also do not feel every location is appropriate given the rural and historic character of town, proliferation of wetlands and farmland, and other natural and cultural resources. We currently have (and support) two other Solar Energy Projects under the CT Siting Council jurisdiction, one of which is 15MW and located on 350+ acres, much of which is farmland (Initially Pawcatuck

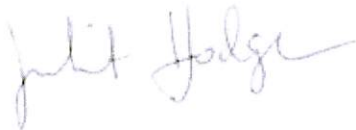
Solar/Coronal Energy Petition 1345a).<sup>2</sup> We did not oppose this project as it was appropriately located in the Industrial Zone, and the other project is smaller and located on the non-tillable portion of land on the Lewis Farm and only impacts the owner himself.

Silicon Ranch pointed out that there are mechanisms in the PPAs to allow the Petitioner to reduce the system size of the Project, though they did not consider this because any reduction in size would make the current project no longer financially viable. The Town welcomes the opportunity to locate a solar energy facility or energy storage system on the original "site," the size of which to be determined by the amount of suitable land in the 97-acre disturbed area.

North Stonington cherishes its rural character and abundant unspoiled farm and forest land, scenic roads and vistas. The Town has supported numerous green energy initiatives. There are solar panels on all municipal buildings, we support the two active solar projects currently being constructed. The Planning and Zoning Commission also approved another small Solar Energy Facility at 89 Providence New London Turnpike that has yet to be constructed.

Will we continue to be the target site for large solar projects in the name of "public need" chiefly because we have been successful at remaining rural and thus have a lot of large tracts of vacant land? Our Plan of Conservation and Development clearly acknowledges the conflict between growing the Grand List and preserving our rural character. Our Zoning regulations actually encourage and enable new, potentially intensive development but only in our Economic Development District, Resort Commercial District and Industrial Zones. Our intentional approach to zoning has allowed us to attract private investment and direct it to appropriate areas and consequently ensure the continued preservation of the rural landscape that defines this town.

Respectfully submitted,



Juliet Hodge  
Planning, Development and Zoning Official  
Town of North Stonington  
[jhodge@northstoningtonct.gov](mailto:jhodge@northstoningtonct.gov)

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<sup>2</sup> When the DEEP chose the 25 Projects in 2017, they effectively awarded 2 large projects for North Stonington, though incorrectly labeled the Pawcatuck Solar Project as being located in the Town of Stonington.

**CLA Engineers, Inc.**

Civil • Structural • Survey

317 MAIN STREET • NORWICH, CT 06360 • (860) 886-1966 • (860) 886-9165 FAX

April 26, 2021

Ms. Juliet Hodge, Town Planner  
Planning Department  
Town of North Stonington  
40 Main Street  
North Stonington, CT 06359

RE: Silicon Ranch Wetland Review  
Route 184, North Stonington, CT  
CLA-6847

Dear Ms. Hodge:

At the request of the Town of North Stonington, CLA Engineers has conducted a limited review of material contained within the above CT Siting Council application filed by Silicon Ranch for development of a solar power facility on properties located on Route 184 in North Stonington. CLA reviewed materials including Preliminary Layout Plans prepared by Solvida Inc. and the Wetlands and Habitat report prepared by REMA Ecological. CLA walked the site on April 23<sup>rd</sup>, 2021 with Juliet Hodge (North Stonington Planner) and David Held P.E. of Provost Rovero Inc. (the applicant's engineer). During the site walk, CLA noted the types of wetland habitat present particularly areas indicated in the REMA report to be vernal pools (i.e. providing breeding habitat to vernal pool obligate species such as wood frog and spotted salamander)

During the site walk, CLA observed portions of each wetland system and noted vegetation cover types and hydrology in addition to presence of obligate vernal pool species. Of note, and as indicated in the REMA report, portions of the parcels south of Route 184 (both wetland and upland) have been historically disturbed for mining of earth products. This activity resulted in the removal of topsoil, subsoil and sand and gravel that denuded the landscape, and in places intercepted the seasonal high water table to create wetlands some of which are now classified as vernal pools. The area of this mining has been partially re-vegetated with pioneer species many of which are considered invasive. These species include common reed (*Phragmites communis*) autumn olive (*Elaeagnus umbellata*) and multiflora rose (*Rosa multiflora*). Portions of the area south of Route 184 remain barren.

At the time of the visit, spotted salamander egg masses laid earlier in the spring were still present and contained developing embryos. Wood frog eggs had already hatched and both residue of egg masses and wood frog tadpoles were present. CLA was thus able to estimate the number of spotted salamander egg masses present and detect the relative abundance of wood frogs at each vernal pool identified by REMA. At each location investigated, REMA's findings of vernal pool obligate species was confirmed. However, based on the current findings, CLA believes that additional considerations for project design are warranted, especially regarding the parcels north of Route 184 around the location of vernal pool 1.

On investigation, CLA found VP-1 (the vernal pool located just north of Route 184) to be extremely productive habitat for both wood frogs and spotted salamanders. Figures 5 and 6 of the REMA report are appended to this letter and depict the location of VP-1. CLA counted in excess of 90 spotted salamander egg masses and viewed thousands of wood frog tadpoles (species confirmed by dip net sampling) here on April 23, 2021. The REMA report indicates that as many as 61 spotted salamander eggs were found here in 2019 and as many as 220 wood frog eggs in 2020. These counts are consistent with the pool being designated Tier 1(warranting protection via site design) per the Klemens & Calhoun methodology cited by REMA. Based on this finding, CLA recommends that redesign of the location of solar panels and project drainage infrastructure be undertaken. CLA provides the following comments:

1. The development in the vernal pool envelope around VP-1 does not appear to be necessary and could be eliminated by re-locating the activity elsewhere on the site
2. The storm water basin depicted to the east of VP-1 (As well as others shown on the plans) presents the potential to become a decoy vernal pool and attract wood frogs and spotted salamanders during breeding season.
3. The storm water basin depicted to the east of VP-1 has the potential to alter the hydrology and water quality within the vernal pool.
4. The clearing of vegetation and grading around VP-1 has the potential to alter temperature and water quality within the vernal pool during construction.
5. The attached figures 5 & 6 of the REMA report show extensive clearing of existing wooded upland that provides important habitat for spotted salamander and wood frogs. Reduction of this impact could also be achieved by re-locating infrastructure elsewhere on site. Given the disturbed nature of the habitat in and around the vernal pools on the southerly, section of the site, less habitat alteration would result from use of that area.

In summary, CLA believes VP-1 is a high quality vernal pool and that further design measures are available to reduce and reallocate development elsewhere on site to especially to areas on the site have been extensively disturbed. CLA looks forward to providing additional comments on this project.

Sincerely yours,

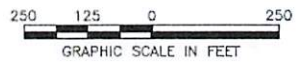
*Robert C Russo*




Robert C, Russo  
C.S.S.

Attachment 1  
REMA Report Figures 5&6

FIGURE 5:

VERNAL POOL 1  
EXISTING CONDITIONS  
North Stonington Solar Facility



-  LIMIT OF WETLANDS
-  VERNAL POOL ENVELOPE (VPE)
-  CRITICAL TERRESTRIAL HABITAT (CTH)

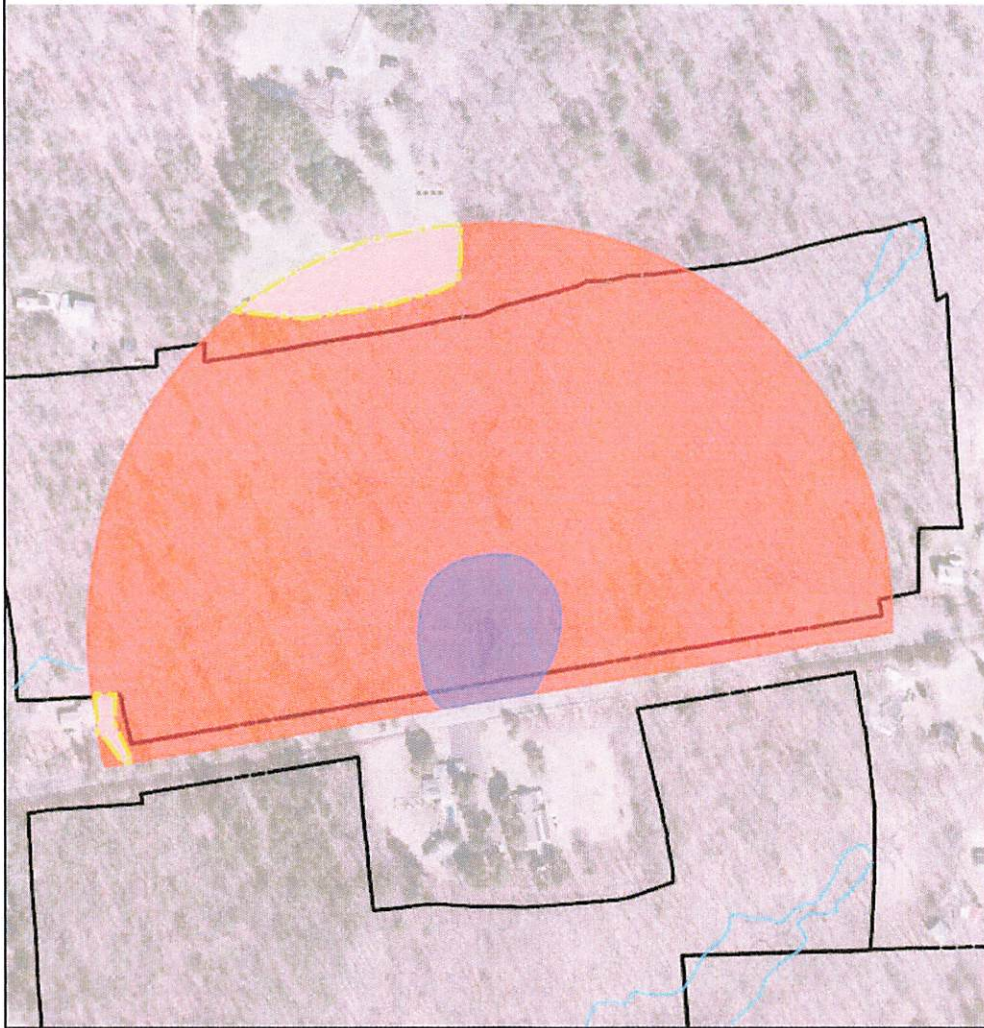


FIGURE 6:

VERNAL POOL 1  
PROPOSED CONDITIONS  
North Stonington Solar Facility

250 125 0 250  
GRAPHIC SCALE IN FEET

- LIMIT OF WETLANDS
- VERNAL POOL ENVELOPE (VPE)
- CRITICAL TERRESTRIAL HABITAT (CTH)
- PROPOSED LIMIT OF DISTURBANCE
- LIMIT OF PROPOSED SOLAR ARRAY



**Robert Russo, C.S.S.***Soil Scientist/Environmental Scientist***EDUCATION:**

Wesleyan University

B.A. Biology/Psychology 1982

Yale University

M.E.S. Environmental Studies

**REGISTRATION:**

Certified Soil Scientist

Society of Soil Scientists of Southern New  
England

**BACKGROUND SUMMARY:**

2002 – Present	Soil Scientist CLA Engineers, Inc.
1998 – 2002	Owner/Principal Scientist Environmental Planning & Soil Science
1993 – 1998	Senior Environmental Scientist VHB Inc.
1990 – 1993	Environmental Scientist Atlantic Environmental Services

**GENERAL BACKGROUND:**

Mr. Russo has been involved with wetland and environmental investigations and permitting throughout Connecticut. His experience includes utility, roadway, commercial and residential projects. He is familiar with permitting requirements on the local, State and Federal Levels.

**SPECIFIC PROFESSIONAL EXPERIENCE:**

- November 2002 - Present - CLA Engineers, Inc., - Mr. Russo is a soil and environmental scientist in the firm and has performed wetland delineation, environmental investigation, and permitting task on projects including relating to utilities, roadway reconstruction, residential subdivision, and commercial development.
- September 1998 – November 2002– Environmental Planning & Soil Science LLC, Ivoryton, CT. Mr. Russo specialized in wetland delineation and permitting and performed pre-design environmental constraints analysis, wetland permit preparation, layout of sedimentation and erosion control measures, wetland function evaluation, wetland mitigation design and monitoring, and on-site construction inspection. Work also included acting as liaison with local Inland Wetlands Agencies, CTDEP and the Army Corps of Engineers.
- December 1993 - August 1998 VHB Inc. Middletown, CT. responsibilities included both technical and managerial aspects of projects. Work included preparation of National Environmental Policy Act (NEPA) documents; local, State, and Federal environmental permit applications; project management; client liaison; staff supervision.
- September 1990 – December 1993 Atlantic Environmental Services, Inc, Colchester, CT. Responsibilities included both technical and managerial aspects of hazardous waste and ecological projects.

## AREAS OF EXPERTISE:

- Wetland Delineation per State of Connecticut and United States Army Corps of Engineers criteria
- Connecticut tidal wetland delineation
- Wetland functional assessment
- Wetland mitigation, creation and restoration and monitoring/inspection
- Vernal pool studies
- Site wide vegetative inventories
- Threatened, Endangered, and Special Concern Species investigations and targeted site searches
- Sedimentation and erosion control planning and inspection
- Storm water management planning and permitting
- Soils investigation and mapping
- Site constraints analysis
- GIS site analysis
- GPS wetland and resource mapping
- Site reconnaissance survey and constraints analysis
- Soils investigations for sand and gravel excavation
- Soils investigation and permeability testing for septic systems
- Pollutant and Water Quality Modeling
- Environmental Impact Assessment

## PERMITTING EXPERIENCE:

- Local, State, and Federal wetland permit preparation
- CTDEP Water Diversion
- CTDEP Stream Channel Encroachment
- CTDEP Stormwater permits for Commercial, Industrial, Construction sites
- CTDEP Water Quality Certification
- National Environmental Policy Act (NEPA) document preparation
- Connecticut Environmental Policy Act (CEPA) documentation preparation
- Coastal Management Consistency
- Coastal Permitting
- Compliance with Endangered Species Act