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***VIA ELECTRONIC MAIL  
AND FEDERAL EXPRESS***

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

**Re: Petition No. 1444**

Dear Attorney Bachman:

This office represents CP NB Solar I, LLC and CP NB Solar II, LLC (“Petitioners”). I write in response to the decision of the Connecticut Siting Council (“Council”) denying the Partial Development and Management Plan (“D&M Plan”) on November 18, 2021. On behalf of Petitioners, I submit the following as “further information . . . in a revised Partial D&M Plan that conforms to the Council’s June 4, 2021 Declaratory Ruling.” Specifically, I have included herein an original and fifteen copies of the following:

1. A more detailed explanation why it is not feasible to modify the fence lines/limits of disturbance to increase property line setbacks per Condition 4(b), with attachments.
2. Additional contact information in response to Condition 4(d) as to the Spill Prevention, Control and Countermeasure Plan (“SPCC”).

Petitioners respectfully adopt and incorporate the Partial D&M Plan submitted to the Council on October 8, 2021, as supplemented herein, as its revised Partial D&M Plan.

Condition 4(b) of the Declaratory Ruling provides that the Partial D&M Plan shall include “modification of fence lines/limits of disturbance to increase property line setbacks, if feasible . . . .” (Emphasis added.) On October 8, 2021, Petitioners explained that they could not increase property line setbacks without impacting overall capacity of the projects which are subject to Virtual Net Metering (“VNM”) and Low Emissions Renewable Energy Certificate (“LREC”) agreements. Petitioners emphasized that they designed a robust landscaping plan and would also plant pollinators (sunflowers) around the projects as part of the Town of North Branford’s (“Town”) Sunflower Project. To that end, the Town has reiterated its support for the projects. See the Town’s letter, dated November 24, 2021, appended hereto as Attachment 1.

Based on the Council's November 18, 2021 decision letter, Petitioners submit this additional explanation as to why it is not feasible to increase the property line setbacks. Petitioners, together with their environmental consultants and civil engineers, designed the projects taking into account all environmental, civil, electrical, zoning, community and programmatic limitations as detailed in the initial Petition submittal. Petitioners and their engineers are experienced professionals in developing ground mounted solar projects and have completed successful projects in Connecticut including those approved by the Council and the Department of Energy and Environmental Protection ("DEEP").<sup>1</sup>

Petitioners have considered various options to increase the property line setbacks and concluded that none are feasible. Petitioners note that the current design complies with the Town's underlying setbacks and wetland buffers as well as DEEP's General and Stormwater Permit Appendix I requirements. Each of the options are addressed in turn.

## **I. Reduction in Overall Fence Line**

Petitioners considered reducing the overall fence line footprint so that it is within one foot of the outer most modules. This reduction, or a partial reduction, would not have a meaningful impact on visibility based on the nearby parcels and environmental constraints inherent in the site and considering the proposed landscaping plan. Perhaps more importantly, this reduction would result in a loss of space necessary for emergency vehicles such as firetrucks and service trucks to maneuver in the unlikely event of a fire hazard.

Additionally, to maintain Petitioners' commitment to avoid the cutting of trees, they are constrained on the north side of the projects. Petitioners also took into account the presence of an existing drainage pipe to the northwest and designed the projects around this feature to the satisfaction of the DEEP Stormwater Division.

## **II. Shifting the Fence Line and Modules East**

Petitioners considered moving the modules due east towards Forest Road. Prior to submitting the Petition to the Council, Petitioners shared conceptual plans with Town officials and they requested that Petitioners set the modules back 150 feet from Forest Road. Petitioners designed the configuration to meet the Town's wishes. Thus, shifting the modules further east would violate the Town's requested setback. It is important to Petitioners that they are good neighbors; accordingly, they approach all their projects, even if they are on private property, as a collaboration with the local community and, as such, are committed to honoring the Town's wishes.

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<sup>1</sup> Petitioners are now owned by Altus Power, Inc. ("Altus"). Altus owns approximately 375 MWs of operating solar projects throughout the United States, including Connecticut. Altus worked with their team, including Citrine, to ensure that the Partial D&M Plan addressed the Declaratory Ruling thoughtfully and comprehensively.



### **III. Shifting the Fence Line and Modules West**

Petitioners considered the feasibility of moving the modules west. Such a shift would, however, encroach upon wetland setbacks. Petitioners have to maintain a buffer of 100+ feet to this resource in compliance with DEEP's Appendix I.

### **IV. Shifting the Fence Line North to South**

Petitioners considered the feasibility of moving the fence line from north to south. Moving the fence line from north to south without losing nameplate capacity would require the rows of modules to be closer to each other. Reducing row spacing in fixed tilt projects would cause interrow shading and reduce the output of the solar systems, thus jeopardizing Petitioners' contractual and programmatic obligations under their VNM and LREC agreements. Petitioners executed these agreements by designing and modeling the solar output under optimal industry standards with proper row spacing. Petitioners' electrical engineering team performed 3D modeling of the modules taking into account the topography of the site to optimize the interrow spacing and solar resources in the layout approved by the Council.

### **V. Utilizing Larger Capacity Modules**

As suggested during the Council's meeting on November 18, 2021, Petitioners considered the feasibility of using larger modules to reduce the projects' footprint without jeopardizing nameplate capacity and efficiency. This option is not feasible for several reasons.

First, the Council required Petitioners to use modules that passed the Toxicity Characteristic Leaching Procedure ("TCLP") assessment. Petitioners were fortunate to have access to modules that had specific toxicity reports that met the Council's requirements in light of current global supply chain conditions.

Second, the Council required and Petitioners provided a structural plan for the modules per Condition 2 of the Declaratory Ruling. These plans cannot be finalized without identifying the module dimensions; thus, a different sized module requires a different racking system

Third, COVID 19 has caused significant and global supply chain delays impacting all industries including the solar industry. There is a backlog in all major solar equipment supply chain orders including modules, inverters, and transformers. Petitioners are not able to acquire any higher wattage modules assuming those modules pass the TCLP assessment within the timeframe required by the VNM and LREC programs as well as UI for interconnection. In the current environment, it is impossible for Petitioners to procure different modules that would permit the projects to be built on a reasonable timeline.

Given the significant investment in the projects, along with the contractual and programmatic obligations, it is not feasible for Petitioners to wait for other larger capacity modules to become available and then take a risk that such modules meet the toxicity standards required by the Council. Based on the Council's affirmative June 4, 2021 Declaratory Ruling, and the significant delays caused by COVID-19, Petitioners already procured the TCLP compliant modules and other equipment (racking, inverters, transformers) for the projects.

It is worth noting that the projects will also incur the capital cost of UI's upgrade to the three-phase infrastructure on parts of Forest Road, which is an added benefit to the Town's infrastructure. It is very unlikely that a project with a smaller nameplate capacity could bear such infrastructure upgrade costs.

## **VI. Landscaping and Visual Impact**

As the Council has vetted the projects from an environmental resource perspective and the projects comply with DEEP's Appendix I, Petitioners assume the impetus behind Condition 4(b) is one of visual concern. Cognizant of this concern, Petitioners have proposed a robust landscaping and fence screening plan after a fulsome collaboration with the Town and consultation with abutting property owners (including the Town).

Prior to the submission of the Petition, Petitioners held two Zoom meetings with abutting property owners. Several abutters attended the meetings. Petitioners presented visual simulations, which were also provided to the Council. See Petition, Attachment 1, Appendix G. The visual simulations included pole locations, fence locations and landscaping plans. The abutters reacted to the plans favorably and have not objected to the projects. As stated in Part II, *supra*, Petitioners incorporated into its design the Town's requested setback from Forrest Road.

Additionally, Petitioners will participate in the Town's Sunflower Project by creating a sunflower pollinator path outside the fence and around the projects. Petitioners recently learned that the Town has already included the projects – the Sunflower Solar Array – on their Tourist Maps as a Town attraction. Please see the Town tourist map, which is appended hereto as Attachment 2.

Furthermore, Petitioners and their electrical engineering team collaborated with UI to remove the original cluster configuration of poles by the road, changing the design to a single pole line and reducing the number of poles by one. Petitioners also relocated the inverters behind the module racks so that the pad mounted UI metering equipment could be moved from the west side of the projects near the road to the south side in the middle of the module rows. This will allow for visual blending.



## **VII. Spill Prevention, Control and Countermeasure Plan**

Petitioners revised the SPCC Plan so that it includes the specific spill contractors and presented it in a larger font. Please see Attachment 3.

## **VIII CONCLUSION**

Petitioners believe that the design as presented in the Petition and the Partial D&M Plan, as revised herein, best balances environmental, technical and community concerns while conforming to both the Town's setback requests and DEEP's Appendix I. As referenced in the Petition, the projects offer the added benefit of generating a revenue stream that will be used to remediate other property owned by the projects' landlord.

Given the serious global supply chain issues, VNM and LREC contractual and programmatic obligations, and critical project milestones related thereto, Petitioners respectfully request that the Council consider this additional information and its revised Partial D&M Plan for approval on its next agenda.

Please do not hesitate to contact me with any questions.

Very truly yours,



Jesse A. Langer

Enclosures

cc: The Town Manager, Michael Paulhus (*via email*)  
WHAT TF LLC (*via email*)