



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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### VIA ELECTRONIC MAIL

November 22, 2021

Jesse A. Langer, Esq.  
Updike, Kelly & Spellacy, P.C.  
One Century Tower  
265 Church Street  
New Haven, CT 06510  
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RE: **PETITION NO. 1444** - CP NB Solar I, LLC and CP NB Solar II, LLC declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 1-megawatt AC solar photovoltaic electric generating facility and a 0.97-megawatt AC solar photovoltaic electric generating facility located at 127 Forest Road in North Branford, Connecticut, and associated electrical interconnection. **Partial Development and Management Plan.**

Dear Attorney Langer:

At a public meeting of the Connecticut Siting Council (Council) held on November 18, 2021, the Council considered and denied the Partial Development and Management (D&M) Plan submitted for this project on October 8, 2021 on the bases that it is not in compliance with the Council's June 4, 2021 Declaratory Ruling Condition 4(b), to modify fence lines/limits of disturbance to increase property line setbacks, if feasible and Declaratory Ruling Condition 4(d) to provide complete contact information within the Spill Prevention, Control and Countermeasure Plan.

Pursuant to Regulations of Connecticut State Agencies §§16-50j-60, the Council may require the preparation of a full or partial D&M Plan for proposed energy facilities where the preparation of such a plan would help significantly in balancing the need for adequate and reliable utility services at the lowest reasonable cost to consumers with the need to protect the environment and ecology of the state.

The Council recommends that further information be provided in a revised Partial D&M Plan that conforms to the Council's June 4, 2021 Declaratory Ruling.

This denial applies only to the Partial D&M Plan submitted on October 8, 2021.

Enclosed is a copy of the staff report on this Partial D&M Plan, dated November 18, 2021.

Thank you for your attention and cooperation.

Sincerely,

Melanie A. Bachman  
Executive Director

Enclosure: Staff Report, dated November 18, 2021



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### Petition No. 1444

**CP NB Solar I, LLC and CP NB Solar II, LLC  
127 Forest Road, North Branford, Connecticut**

### Partial Development & Management Plan<sup>1</sup>

#### Staff Report

November 18, 2021

On June 4, 2021, the Connecticut Siting Council (Council) issued a Declaratory Ruling to CP NB Solar I, LLC and CP NB Solar II, LLC, owned by Altus Power Inc. (Altus), pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 1-megawatt AC solar photovoltaic electric generating facility and a 0.97-megawatt AC solar photovoltaic electric generating facility located at 127 Forest Road in North Branford, Connecticut, and associated electrical interconnection (Project). In its Declaratory Ruling, the Council required Altus to submit a Partial Development and Management Plan (D&M Plan). On October 8, 2021, Altus submitted the Partial D&M Plan for this project. A copy of the Partial D&M Plan was provided to the Town of North Branford and the project owner on or about October 8, 2021. No comments have been received to date.

The Project consists of a solar facility on an approximate 10-acre site located on a 19.86-acre parcel located west of Forest Road in North Branford. The Project is located within an open field in the central portion of the property.

The Declaratory Ruling required the following information to be included in the Partial D&M Plan:

**a. a revised site plan to clearly show parcel subdivisions identified in the court Stipulated Judgment with DEEP;**

A site plan was provided that illustrates the abutting parcel to the west (127 Forest Road Rear) was subdivided from the 127 Forest Road parcel in accordance with a Stipulated Judgment with DEEP due to the potential presence of solid waste. The property subdivision occurred before the petition was filed with the Council. No Project work would occur on the 127 Forest Road Rear parcel.

In addition to the parcel subdivision site plan, the final site plan has been revised to include a permanent stormwater basin in northwest portion of the site and a permanent, stabilized soil stockpile adjacent to the basin in order to leave excavated material permanently on site. The initial site plan specified a temporary sediment basin in this location; however, the site plan revision specifies that the temporary basin would be cleaned and converted to a three-foot deep vegetated water quality basin upon completion of the Project.

**b. modification of fence lines/limits of disturbance to increase property line setbacks, if feasible;**

Altus reviewed the Project design and determined the fence limits could not be adjusted without a negative impact on Project output and related obligations under Virtual Net Metering (VNM) and Low Emissions Renewable Energy Certificate (LREC) agreements. Altus proposes a landscape plan in lieu of increasing property line setbacks to mitigate views of the facility.

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<sup>1</sup> Under Regulations of Connecticut State Agencies (RCSA) §16-50j-60, the Council may require the preparation of a full *or partial* D&M Plan for proposed energy facilities. Reference to the elements of the Partial D&M Plan for this Project is under Condition No. 4 of the Council's June 4, 2021 Declaratory Ruling rather than to the elements of a full D&M Plan under RCSA §16-50j-61 to §16-50j-62.



**c. final landscaping plan;**

The landscape plan includes 52 junipers along the east fence line, facing Forest Road, and 14 junipers in the northwest corner of the site to screen views from an abutting property. The junipers will be spaced 10 feet apart. The fence along the east, north, and northwest corner will include black privacy slats. Additionally, sunflowers would be planted around the site as part of the Town of North Branford's Sunflower Project.

**d. a revised Spill Prevention, Control and Countermeasure Plan that includes complete contact information; and**

A Spill Prevention, Control and Countermeasure Plan has been provided on the site plans (Plan Sheet GN-2) that includes fuel spill prevention and mitigation measures as well as contact information/procedures to notify State and local agencies and the Regional Water Authority.

**e. a revised Toxicity Characteristic Leaching Procedure Assessment report that is specific to the selected solar panel model and employs testing protocol that represents the composition of the entire module.**

A new Toxicity Characteristic Leaching Procedure (TCLP) test has been provided that indicates the solar panels to be installed at the site would not be characterized as hazardous waste at the time of disposal, under current regulatory criteria.

In its June 4, 2021 Declaratory Ruling, the Council recommended that Altus consult with The United Illuminating Company (UI) to reduce the visual impact of the riser/meter poles required for the Project interconnection. Altus and UI have agreed to install 4 poles instead of 5 poles to facilitate the interconnection and to space the 4 poles along the access road rather than install them in a field area as was originally proposed. Additionally, one of the project inverters was relocated to a more interior portion of the site and would connect to the riser pole located inside the perimeter fence via an underground conduit. The facility solar panel layout was revised to include two 0.985 MW sections instead of one 1.0 MW and one 0.97 MW sections and minor adjustments were made to the perimeter and central access aisles.