



STATE OF CONNECTICUT

DEPARTMENT OF AGRICULTURE

Office of the Commissioner

Bryan P. Hurlburt
Commissioner



860-713-2501
www.CTGrown.gov

June 3, 2021

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

Re: Greenskies Goshen – 129 Bartholomew Hill Rd., Goshen

Dear Executive Director Bachman:

Pursuant to 16-50k(a) of the Connecticut General Statutes, we have reviewed the above cited project with respect to agricultural impacts, specifically, to determine whether "...such project will not materially affect the status of such land as prime farmland..."

The project is to be located on a 69.2-acre parcel that contains approximately 20.5 acres of prime farmland. The area proposed for development (and potential disturbance) is approximately 13.5 acres, including 4.1 acres or approximately 20 percent of the prime farmland on the parcel, per the developer, "Greenskies," and confirmed through NRCS web soil survey.

In the project description submitted to the Department of Agriculture, dated April 27, 2021 (enclosed), and in follow up correspondence on May 14, 2021 and May 26, 2021, the developer's representative, Jesse Langer from UKS stated that Greenskies would take the following actions to minimize impacts to prime farmland.

The developer has proposed the following co-use activities within the project area which includes prime farmland:

1. Wine grapes will be cultivated along the perimeter of the project area, which would cover approximately 0.2 acres. It was confirmed that the property owners would manage the grape cultivation for sale locally (for consumption or processing into wine);
2. Greenskies has stated that they will retain a third party with demonstrable experience in establishing apiaries, and locate an apiary in the southern field outside the perimeter fence; the apiary would produce up to 750 pounds (or 62.5 gallons) of honey annually, which would be sold by the property owners;
3. Cole crops (e.g., broccoli, brussels sprouts or cabbage) will be cultivated by the property owners for sale locally, on approximately 1.0 acres under the southern portion of the array;

4. Haying activities will continue between the proposed perimeter fence and the wetlands along the eastern boundary of the project area, which comprises approximately 2.7 acres. DEEP has confirmed this to be acceptable, and the property owners have confirmed they will harvest the hay and likely sell to a beef cattle farm;
5. Pollinator habitat will be cultivated throughout the array area to aid in the stabilization and improvement of soil quality over time for future agricultural use. This area is proposed to be approximately 12.7 acres; and
6. Greenskies has represented that they will make these co-use activities available to the property owners over the life of the project, and that the property owners have conveyed a sincere interest in revitalizing agricultural activities on the property, made possible through the revenue generated from the lease with Greenskies.

The developer has also stated that sweet corn or other produce will continue to be cultivated on the farm, in the field located south of the project area, which would cover approximately 0.7 acres (as shown on the drawing in the attachment).

As a result of the co-use and continuing farming activities above, and the successful implementation of them throughout this site, the Department of Agriculture concludes this project will not materially affect the status of project land as prime farmland. The Department of Agriculture will continue to monitor the proposed project, and should changes to the proposal raise concerns to the Department, we reserve the right to modify our position on this project, including opposing it, in the future, as detailed plans are provided by the developers.

If you have any questions, please feel free to contact Stephen Anderson of my staff. Steve can be reached at Stephen.Anderson@ct.gov, or at (860) 713-2592.

Sincerely,



Bryan P. Hurlburt
Commissioner

Enc. Correspondence from Jesse Langer, UKS, dated April 27, 2021, May 14, 2021 and May 26, 2021

Cc: Katie Dykes, Commissioner, Department of Energy and Environmental Protection
Jesse Langer, UKS



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April 27, 2021

VIA ELECTRONIC MAIL

Stephen.Anderson@ct.gov

Stephen Anderson
State of Connecticut Department of Agriculture
450 Columbus Blvd., Suite 701
Hartford, CT 06103

Re: Greenskies Clean Energy - 129 Bartholomew Hill Rd., Goshen, Connecticut (Goshen SCEF)

Dear Mr. Anderson:

I write on behalf of my client, Greenskies Clean Energy, LLC (“Greenskies”), following our recent conference on April 22, 2021, concerning the Department of Agriculture’s (“Department”) ongoing assessment of the above-captioned Project. Based on our conference, Greenskies (1) calculated the area between the perimeter fence and the wetlands on the eastern boundary of the Project area; (2) inquired of the Property owners’ interest in reviving haying activities in the aforementioned area; and (3) reevaluated the possibility of relocating the Project to the southwestern portion of the Property, otherwise known as Alternative 2. Each subject is addressed in turn.

As an initial matter, there was some discussion about the utility of a site visit. Greenskies remains open to a site visit but reiterates its position that the various aerials and mappings provided to the Department illustrate the constraints inherent in the Property as to the Department’s two alternative configurations. Please let me know if the Department would like to schedule a site visit.

* * *

Haying activity on the eastern boundary of the Project Area. Greenskies calculated the area between the proposed perimeter fence and the wetlands along the eastern boundary of the Project Area to be approximately 2.7 acres. This area is demarcated with orange hashmarks on an updated agricultural co-use aerial, which is enclosed herein. The Property owners are amenable to reviving haying activities in the aforementioned area. They also confirmed that the area west of the proposed perimeter fence parallel to Wetland 2 is not suitable for haying.

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Greenskies is amenable to Property owners reviving haying activities along the eastern perimeter fence with the following caveats:

1. The haying activities would occur outside the perimeter fence of the Project area and would be the sole responsibility of the Property owners.
2. Greenskies would require the Department of Energy and Environmental Protection (“DEEP”) to accept or acknowledge that haying activities may occur along the eastern boundary of the Project Area.
3. The Connecticut Siting Council (“Council”) has the discretion to adopt or reject any agricultural use that potentially impacts the Project and is within the control of Greenskies.

Reconsideration of Alternative 2. Greenskies has carefully reconsidered Alternative 2. It is not a feasible alternative to the current configuration of the Project. As discussed during our conference and prior correspondence:

1. Alternative 2 would require the removal of a vast number of trees. Greenskies is concerned that the removal of such a large swath of trees would have an impact on the core forest areas proximate to Alternative 2 and thus the Project’s eligibility under the Statewide Shared Clean Energy Facility Program (“SCEF”), Public Act 18-50, as codified by General Statutes § 16-244x.
2. Greenskies’ wetland scientist concluded that clearing forested areas within 750 feet of the identified vernal pools may affect pool productivity and is not preferred. As detailed in Greenskies’ April 21, 2021 correspondence, impairment of these pools – via indirect impacts through avoidable forest clearing – does not represent a prudent alternative. Maximizing the use of the existing field areas and minimizing or avoiding forest clearing is preferred.
3. Greenskies does not have site control over the area of the Property comprising Alternative 2. Additionally, Greenskies was a successful applicant under the SCEF Program with the proposed configuration.

* * *

Greenskies has balanced the interests of the State in promoting renewable energy and preserving prime farmland soil. This balance is represented by the following proposed co-uses, which Greenskies would submit with its filing to the Council:

1. The wine grapes along the perimeter of the Project area, which would cover approximately .2 acres.



2. The sweet corn or other produce to be cultivated in the southern field south of the perimeter fence, which would encompass approximately 0.7 acres.
3. The apiary, which would be located in the southern field outside the perimeter fence.
4. The shade crops, likely horse radish, which would occupy approximately 1.0 acre under the arrays located in the southern field.
5. The haying activities between the proposed perimeter fence and the wetlands along the eastern boundary of the Project Area, which would comprise approximately 2.7 acres.
6. The pollinator habitat that would be cultivated throughout the array area to aid in the stabilization and improvement of soil quality over time for future agricultural use; this area would comprise approximately 12.7 acres.

Of the 20.5 acres of mapped prime farmland soil on the site, 4.1 acres are within the proposed Project Area. No agricultural activity has occurred on those soils since 2019. The total area comprising of proposed agricultural activities on mapped prime farmland soil would be 4.6 acres or 0.5 acres (12 percent) greater than existing prime farmland soils within the Project footprint. This total does not include the apiary, which would generate up to 750 pounds (or 62.5 gallons) of honey annually or the 12.7 acres of pollinator habitat that would stabilize and improve the soil quality of the prime farmland soil for future agricultural use.

The total acreage of proposed agricultural co-use, including the apiary and pollinator habitat, should be considered within the context of the total percentage of prime farmland soil on the Property and the amount of prime farmland soil within the Project Area.

Area of Property	Area (square feet)	Area (acres)
Property Area	2,948,397	69.1
Prime Farmland Soil (PFS)	891,356	20.5
Project Area (fence line)	579,670	13.3
PFS within Project Area	178,722	4.1
Active Agricultural Co-Use	200,376	4.6
Passive Agricultural Co-Use	553,212	12.7
Percentage of PFS within Project Area		20%
Percentage of PFS with Active Co-Use		22.4%
Percentage of PFS with Active and Passive Co-Use (17.3)		84.4%



The above table demonstrates that Greenskies' proposal preserves prime farmland soils, while also promoting the State's renewable energy policies. These efforts by Greenskies should also be considered against the alternative of a residential subdivision development, which would eliminate the present and future use of prime farmland soils and the fact that the Property owners have not used the Property for agricultural activities since 2019. The Project would revive agricultural activities on the Property.

It is important to emphasize that Greenskies would propose these co-uses to the Council; however, Greenskies cannot guarantee that the Council would approve them. Greenskies would proceed with the Project in the event the Council approves the Project but rejects one or more proposed agricultural co-uses. Additionally, Greenskies would make all approved agricultural co-uses available to the Property owners.

Greenskies has carefully considered the alternatives raised by the Department; however, the constraints inherent in the Property render those alternatives unfeasible. Yet, Greenskies has proposed a variety of agricultural co-uses to overcome these constraints. Accordingly, Greenskies respectfully requests the Department to issue a determination that the proposed Project would not materially affect the status of such land as prime farmland soils under General Statutes § 16-50k.

Please do not hesitate to contact me should you have any questions.

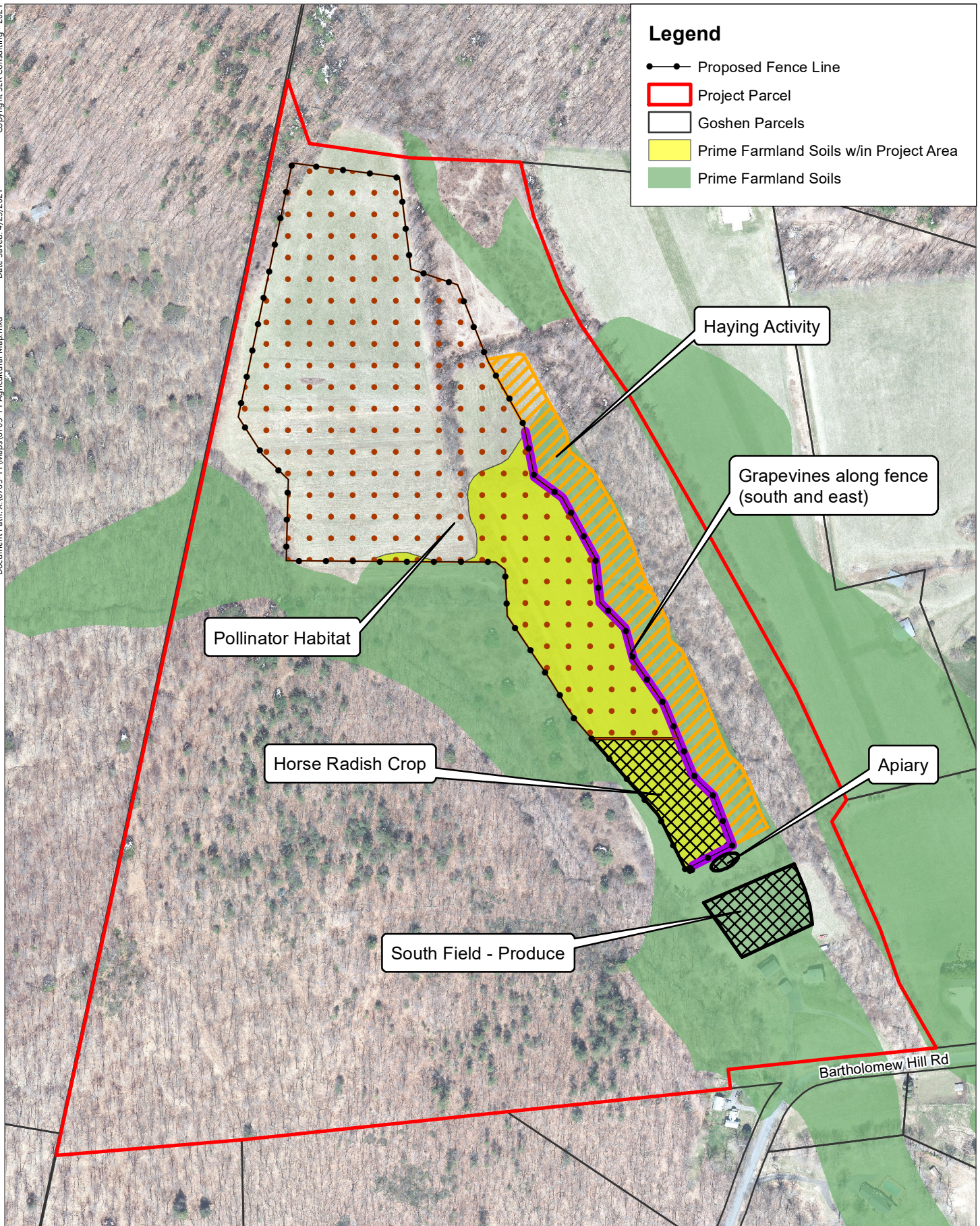
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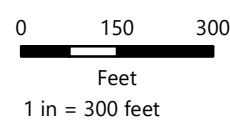
Jesse A. Langer

Enclosure





Proposed Agricultural Use Map
Greenskies Goshen PV Solar Facility
Goshen, Connecticut





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May 14, 2021

VIA ELECTRONIC MAIL

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Stephen Anderson
State of Connecticut Department of Agriculture
450 Columbus Blvd., Suite 701
Hartford, CT 06103

Re: **Greenskies Clean Energy - 129 Bartholomew Hill Rd., Goshen, CT (Goshen SCEF)**

Dear Mr. Anderson:

I write on behalf of my client, Greenskies Clean Energy, LLC ("Greenskies"), concerning certain follow up questions posed by the Department of Agriculture ("Department"), dated May 6, 2021, regarding the above captioned project ("Project"). Each question is addressed in turn.

* * *

Can you confirm who would manage the grapes (I think you said the landowner but want to make sure)?

Yes, the Property owners would manage the grape cultivation, which would occur outside the perimeter fence of the proposed Project. Please see prior correspondence.

Greenskies indicated they thought DEEP might need to approve of harvesting hay on the 2.7 acres between the perimeter fence and the wetland on the east side of the property. Can you confirm that this has been done? We prefer not to have open-ended conditions. Also, who would be harvesting the hay?

- A) Greenskies consulted with the Department of Energy & Environmental Protection ("DEEP"). The DEEP indicated that they are not concerned with proposed haying activities by the Property owners in relation to the nearby wetlands.**
- B) The Property owners would harvest the hay. They have represented that they would likely sell the hay to a beef cattle farm.**

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Who would be managing the apiary?

Greenskies would retain a third party to establish approximately ten hives and the Property owners would manage and sell the honey. Please see Greenskies' correspondence dated April 21, 2021. Greenskies would retain a third party with demonstrable experience in establishing apiaries similar or greater to that contemplated by this Project.

Can you confirm that the co-use activities will continue for the life of the project?

Greenskies cannot represent that the Property owners would continue the proposed co-use activities for the life of the Project. Greenskies, however, can represent that it would make those co-use activities available to the Property owners over the life of the Project. The Property owners have conveyed a sincere interest to revitalize agricultural activities on the Property, which would be possible because of the revenue generated from the lease with Greenskies.

* * *

Greenskies has endeavored to maximize the potential agricultural co-use of the Project in light of the natural constraints imposed by the Property. Please see the attached map provided previously. This proposal is a constructive and reasonable way to promote Connecticut's renewable energy policies and preserve present and future agricultural activities. Although Greenskies cannot guarantee that the Connecticut Siting Council ("Council") would approve all of the co-use activities in the form and to the extent proposed or at all, Greenskies would present them as a very reasonable and productive compromise of competing policies to the Council. Greenskies, therefore, respectfully requests the Department issue a determination that the proposed Project would not materially affect the status of such land as prime farmland soils under General Statutes § 16-50k.

Please do not hesitate to contact me should you have any questions.

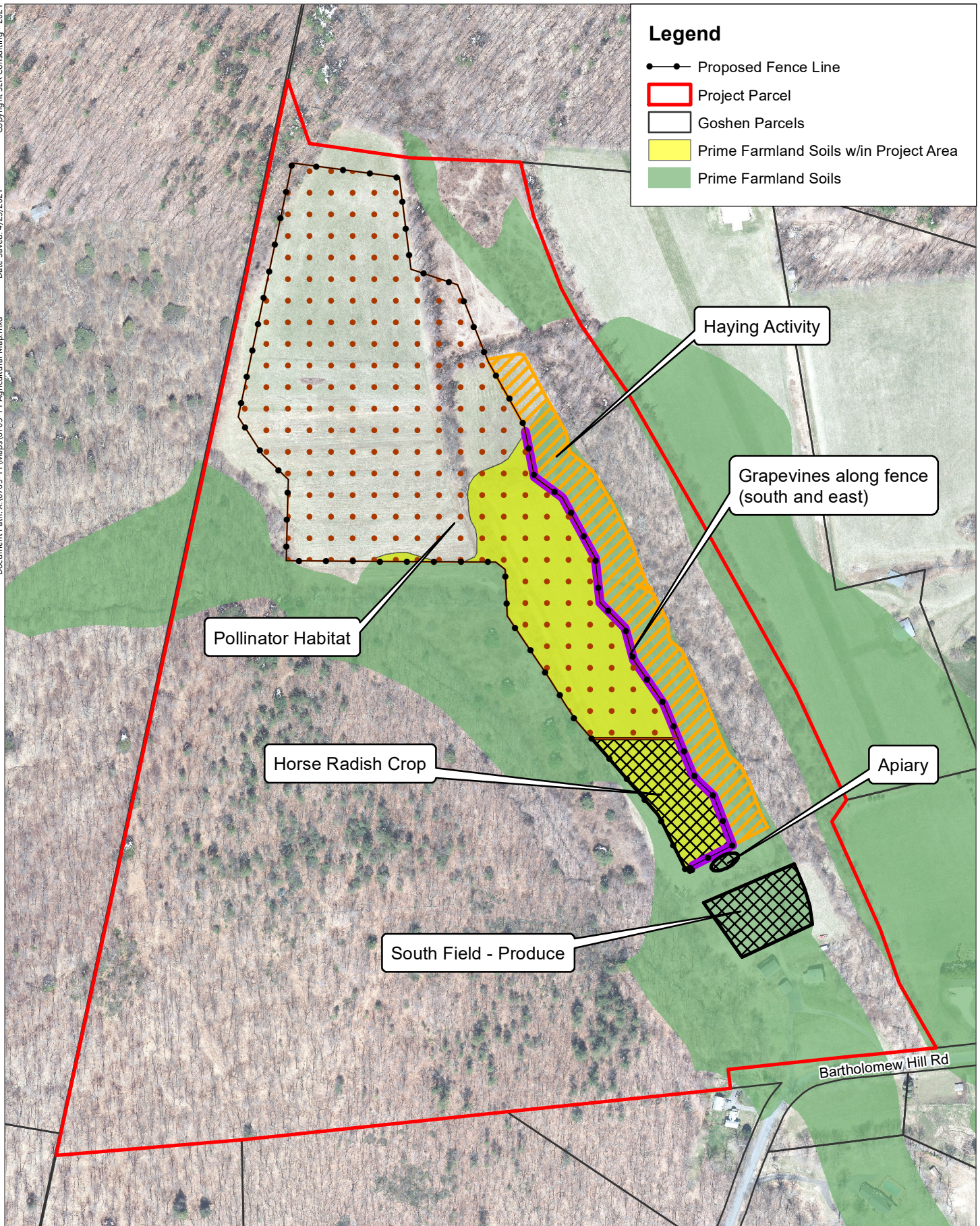
Very truly yours,



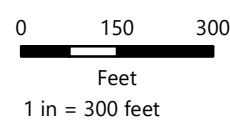
Jesse A. Langer

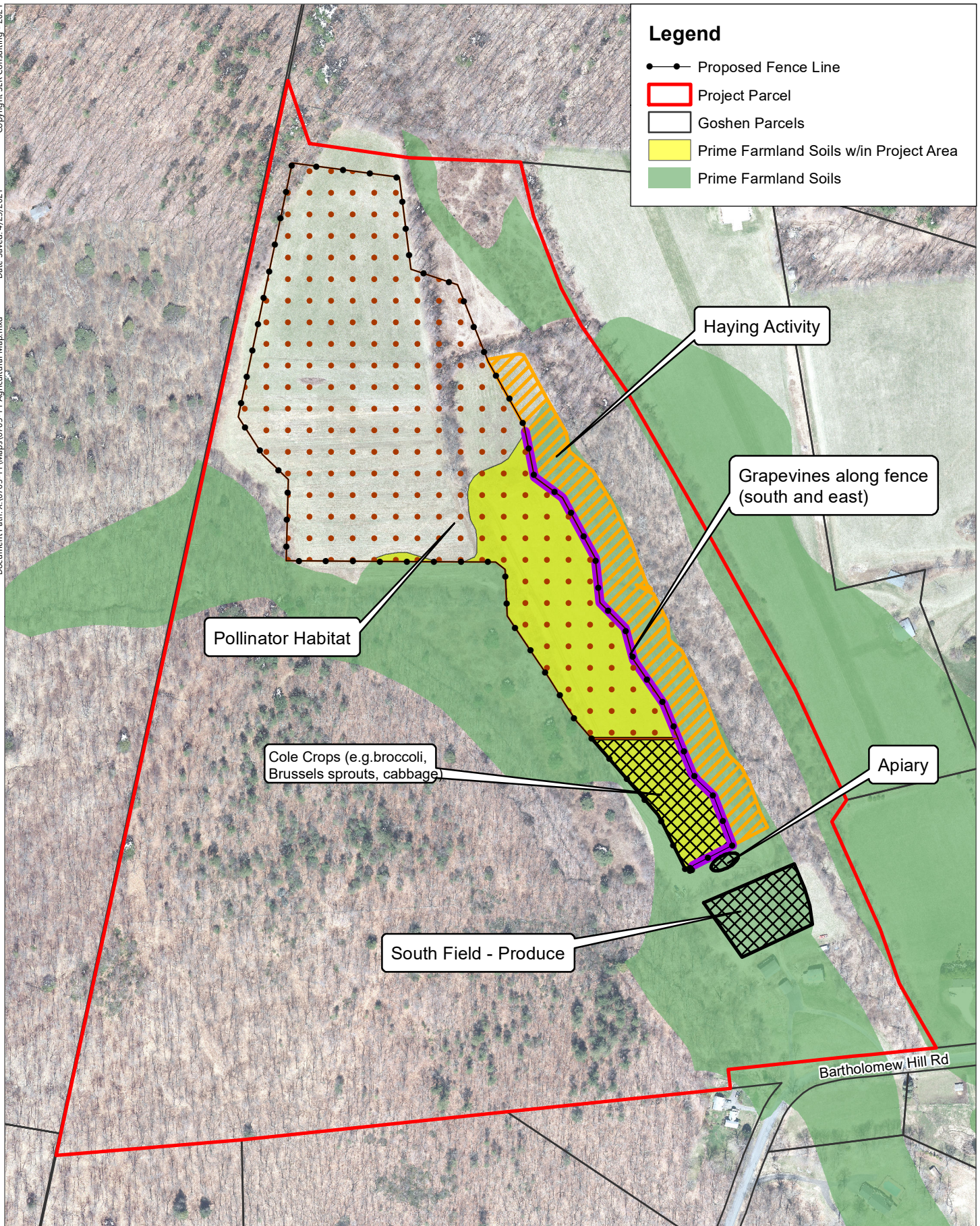
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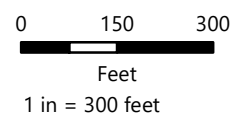


Proposed Agricultural Use Map
Greenskies Goshen PV Solar Facility
Goshen, Connecticut





Proposed Agricultural Use Map
Greenskies Goshen PV Solar Facility
Goshen, Connecticut



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