



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

April 6, 2023

Paul R. Michaud, Esq.
Michaud Law Group LLC
515 Centerpoint Dr., Suite 502
Middletown, CT 06457
pmichaud@michaud.law

RE: **PETITION NO. 1487** – TRITEC Americas, LLC declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 1.97 megawatt AC solar photovoltaic electric generating facility located at 254 Putnam Road, Pomfret, Connecticut, and associated electrical interconnection.

Dear Attorney Michaud:

The Connecticut Siting Council (Council) is in receipt of your correspondence dated April 3, 2023, regarding compliance with Condition Nos. 3 and 6 of the Council's Declaratory Ruling issued on June 10, 2022 for the above-referenced facility.

Condition No. 3 requested submission of a copy of the Final Department of Energy and Environmental Protection (DEEP) Natural Diversity Data Base (NDDDB) Determination letter prior to commencement of construction. The Council acknowledges receipt of a copy of the DEEP NDDDB letter; therefore, this condition has been satisfied. However, the DEEP NDDDB letter, dated July 26, 2022, references "a required restrictive conservation easement placed over the "forested wetland 2" in the southeastern portion of the host parcel and outside the boundaries of the solar facility "site."

Pursuant to Connecticut General Statutes (CGS) §16-50x, the Council has exclusive jurisdiction over the solar facility "site." Under Regulations of Connecticut State Agencies §16-50j-2a(29), "site" means a contiguous parcel of property with specified boundaries, including, but not limited to, the leased area, right of way, access and easements on which a facility and associated equipment is located, shall be located or is proposed to be located. The Council does not have jurisdiction over any portion of the host parcel beyond the boundaries of the facility "site." This includes portions of the host parcel retained by the property owner. Once a facility is decommissioned, the Council no longer has jurisdiction or authority over the "site."

On June 10, 2022, the Council issued a Declaratory Ruling for the construction, maintenance and operation of the 1.99-megawatt¹ solar electric generating facility and associated equipment on an approximately 14.3-acre *leased site* within an approximate 215-acre *privately owned parcel*. In response to Council interrogatories, TRITEC Americas, LLC submitted a Site Boundary Map into the record that is attached for convenience. The Council did not order the establishment of a

¹ [correspondence dated July 26, 2022](#)

restrictive conservation easement within the jurisdictional boundaries of the approved solar facility site.

According to the map enclosed with your April 3, 2023 correspondence, *the DEEP-required restrictive conservation easement is outside the boundaries of the approved solar facility site.* Please be advised that the Council has no authority to compel a parcel owner to sell or lease property, or portions thereof, for any purpose, including, but not limited to, siting a facility or creating a conservation easement.

Condition No. 6 requested consultation with Eversource to reduce the visual impact of the electrical interconnection, including minimization of visibility on the customer-side of the interconnection. As a result of the consultation, the total number of interconnection utility poles was reduced from 18 to 10; therefore, this condition has been satisfied.

The Council acknowledges that Condition Nos. 3 and 6 have been satisfied. This acknowledgment applies only to the conditions satisfied by the April 3, 2023 correspondence.

Please be advised that deviations from the standards established by the Council in the Declaratory Ruling are enforceable under the provisions of CGS §16-50u.

Thank you for your attention and cooperation.

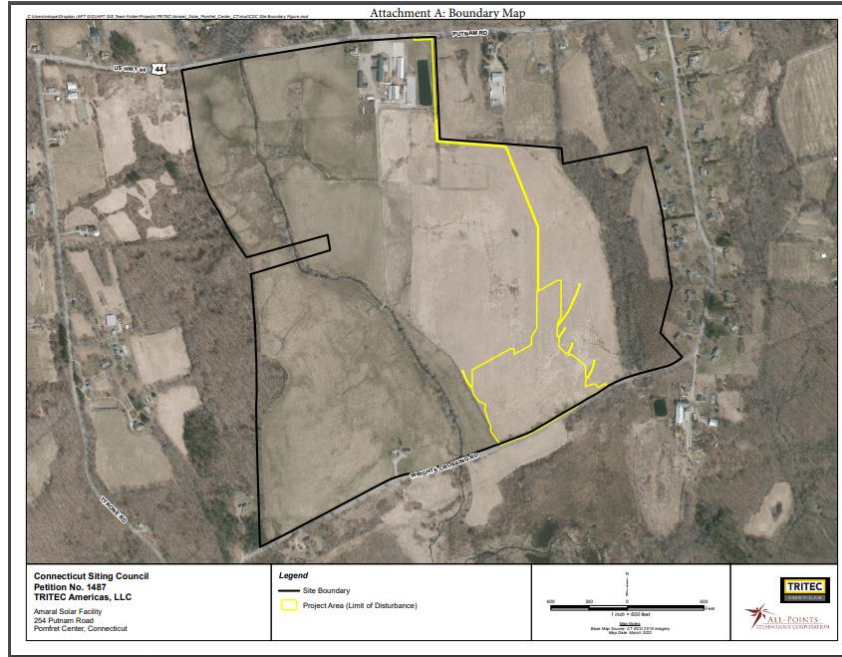
Sincerely,



Melanie A. Bachman
Executive Director

MB/RDM/laf

Site Boundary Map (14.3-acre leased solar facility site)



DEEP-required restrictive conservation easement (approx. 18.7 acres off-site)

