



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

November 2, 2022

Carrie Larson Ortolano, Esq.
General Counsel
LSE Pyxis LLC
c/o Lodestar Energy LLC
40 Tower Lane, Suite 201
Avon, CT 06001
cortolano@lodestarenergy.com

RE: PETITION NO. 1544 – LSE Pyxis LLC (Lodestar Energy) petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 4-megawatt AC solar photovoltaic electric generating facility located at 599 Greenwoods Road East, Norfolk, Connecticut, and Winsted-Norfolk Road, Colebrook, Connecticut and associated electrical interconnection.

Dear Attorney Ortolano:

The Connecticut Siting Council (Council) received the petition for a declaratory ruling for the above-referenced facility on October 31, 2022.

According to Section 16-50j-39a of the Regulations of Connecticut State Agencies, “no declaratory ruling shall be issued to any person until a complete petition containing all information deemed relevant by the Council has been filed.”

Staff has reviewed this petition for completeness and has identified a deficiency in compliance with Connecticut General Statutes §16-50k(a). Effective July 1, 2017, under Public Act 17-218, Connecticut General Statutes §16-50k(a) requires, “...**for a solar photovoltaic facility with a capacity of 2 or more megawatts**, to be located on prime farmland or forestland,... the Department of Agriculture represents, in writing, to the Council, that such project will not materially affect the status of such land as prime farmland or the Department of Energy and Environmental Protection represents, in writing, to the Council that such project will not materially affect the status of such land as core forest...”

The email provided in Exhibit 8 of the petition from the Department of Agriculture and addressed to you, a copy of which is attached, does not meet the requirements of the statute as written representation from the Department of Agriculture **to the Council** that the proposed facility will not materially affect the status of prime farmland.

Therefore, the petition is incomplete and not in compliance with the statute at this time. The Council recommends that the Department of Agriculture provide written representation **to the Council**, as required by the statute, that the proposed facility will not materially affect the status of prime farmland on or before December 1, 2022.

If additional time is needed to further consult with the Department of Agriculture, please submit a written request for an extension of time prior to December 1, 2022; or submit the proposed project as an Application for a Certificate of Environmental Compatibility and Public Need pursuant to the provisions of Connecticut General Statutes §16-50l.

Thank you for your attention to this matter. Should you have any questions, please feel free to contact me at 860-827-2951.

Sincerely,

A handwritten signature in dark ink, appearing to read "Melanie A. Bachman". The signature is fluid and cursive, written in a professional style.

Melanie A. Bachman
Executive Director

Enclosure- Petition Exhibit 8 E-mail correspondence

- c: Commissioner Bryan Hurlburt, Department of Agriculture (bryan.hurlburt@ct.gov)
- The Honorable Matthew T. Riiska, First Selectperson, Town of Norfolk (firstselectman@norfolkct.org)
- The Honorable Christopher L. Johnstone, First Selectperson, Town of Colebrook (cjohnstone@colebrooktownhall.org)
- Service List, dated November 1, 2022

From: **Lalime, Holly** <Holly.Lalime@ct.gov>
Date: Wed, Aug 10, 2022 at 8:20 AM
Subject: 599 Greenwoods Road East Road, Norfolk Proposed Solar Facility
To: Carrie Ortolano <cortolano@lodestarenergy.com>
Cc: Smith, Jaime <Jaime.Smith@ct.gov>, Briggs, Carole <Carole.Briggs@ct.gov>

Dear Carrie,

I received your letter to the Department of Agriculture dated July 28, 2022 requesting written confirmation that a proposed 4-megawatt solar facility at 599 Greenwoods Road East Road, Norfolk will not materially affect the status of such land as prime farmland. I have reviewed the soil mapping for the proposed project area and it does not contain prime farmland soils. Therefore, a declaratory ruling is not required from our Department.

Kindly,
Holly

E: Holly.Lalime@ct.gov
C: (860)969-7053
Farmland Preservation Program
Connecticut Dept. of Agriculture
www.ctgrown.gov
www.ctfarmlink.org

CONFIDENTIALITY NOTICE: This e-mail message, including attachments, may contain information that is confidential, legally privileged, and/or exempt from disclosure under applicable law. It is intended only for the use of the individual(s) and entity(s) named as recipients in this message. If you are not an intended recipient of this message, please notify the sender immediately and delete this message. Any unauthorized review, use, disclosure, copy, or distribution is prohibited. If you receive this message in error, please do not disclose its contents or take action in reliance on the information it contains.



--



LODESTAR ENERGY

Carrie Larson Ortolano