



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 & CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

August 4, 2023

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. 1544A** – LSE Pyxis LLC (Lodestar Energy) amended 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:

At a public meeting held on August 3, 2023, the Connecticut Siting Council (Council) considered and approved the request to amend the above-referenced Declaratory Ruling, dated June 28, 2023 with the following conditions:

1. Approval of any project changes be delegated to Council staff; and
2. Implementation of Department of Energy and Environmental Protection (DEEP)-recommended species mitigation measures in the October 18, 2021 DEEP Natural Diversity Database determination letter, as applicable.

This approval applies only to the request to amend the Declaratory Ruling, dated June 28, 2023. This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction. All work is to be implemented as specified in the Council's January 20, 2023 Declaratory Ruling and the request to amend the Declaratory Ruling, dated June 28, 2023.

Enclosed for your information is a copy of the staff report on this request to amend the Declaratory Ruling.

Thank you for your attention and cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melanie Bachman'.

Melanie Bachman
Executive Director

Enclosure: Staff Report dated August 3, 2023

MAB/RDM/laf

c: The Honorable Christopher L. Johnstone, First Selectperson, Town of Colebrook
cjohnstone@colebrooktownhall.org
The Honorable Matthew T. Riiska, First Selectperson, Town of Norfolk
firstselectman@norfolkct.org



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Petition No. 1544A

LSE Pyxis LLC

**599 Greenwoods Road East, Norfolk and
Winsted-Norfolk Road, Colebrook**

**Staff Report
August 3, 2023**

Introduction

On January 20, 2023, the Connecticut Siting Council (Council) issued a Declaratory Ruling pursuant to Connecticut General Statutes (CGS) §4-176 and §16-50k, approving a proposal from LSE Pyxis LLC (Lodestar Energy) for the proposed construction, maintenance and operation of a 4.0-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 (Petition 1544).

After the Council's approval, Lodestar determined the approved utility interconnection route will have to be re-located to avoid land use issues associated with the originally proposed easement across a Department of Transportation (DOT)-owned parcel.

Lodestar submitted a request to amend the Declaratory Ruling to the Council on June 28, 2023 for a new interconnection route that avoids the DOT parcel. Lodestar provided notice of the request to amend the Declaratory Ruling to the Town of Norfolk (Town), the Town of Colebrook (Colebrook), and abutting property owners, and state and local officials who were notified of the original petition, on or about June 26, 2023.

On June 29, 2023, the Council sent correspondence to the Town and Colebrook stating that the Council has received the request to amend the Declaratory Ruling and invited both municipalities to contact the Council with any questions or comments by July 28, 2023. No comments were received.

On June 29, 2023, pursuant to Regulations of Connecticut State Agencies §16-50j-40, the Council sent correspondence requesting comments on the request to amend the Declaratory Ruling from the following state agencies by July 28, 2023: Department of Energy & Environmental Protection (DEEP); Department of Agriculture (DOAg); Department of Public Health (DPH); Council on Environmental Quality (CEQ); Public Utilities Regulatory Authority (PURA); Office of Policy and Management (OPM); Department of Economic and Community Development (DECD); Department of Emergency Services and Public Protection (DESPP); Department of Consumer Protection (DCP); Department of Labor (DOL); Department of Administrative Services (DAS); DOT; the Connecticut Airport Authority (CAA); and the State Historic Preservation Office (SHPO). No comments were received.

Approved Facility

The approved solar facility is located on an approximate 13.6-acre site within a 149-acre parcel at 599 Greenwoods Road East (Norfolk Parcel) and an abutting 31.2-acre parcel (Map 07/Lot 16) located on Winsted-Norfolk Road in Colebrook (Colebrook Parcel). Both parcels are owned by the Town of Norfolk (Town) and host the Town's transfer station, a materials storage area and a capped landfill.

The approved facility consists of 10,741 photovoltaic modules, rated at 540 Watts, installed on driven posts or concrete ballasts depending on location. Panel installation is in three distinct solar array areas, with two arrays located in the southeastern portion of the Norfolk Parcel and the remaining array located in the central portion of the Norfolk Parcel.

The approved interconnection route includes an overhead line supported on four customer side utility poles within a 16-foot wide, 150-foot long easement. The easement would have extended from the Norfolk Parcel and across Department of Transportation (DOT) property for 110 feet to an Eversource distribution line on Greenwoods Road (Route 44).

Proposed Amendment

Lodestar initially proposed the interconnection route through the southeast corner of the Norfolk Parcel and the undeveloped DOT parcel along the north side of Route 44 in Norfolk. After the Project was approved by the Council, the DOT informed Lodestar that the review process to obtain land rights across the DOT parcel would be lengthy, delaying interconnection of the facility with existing Eversource distribution utility poles along Route 44.

In order to avoid the lengthy DOT real estate review/approval process, Lodestar obtained a lease agreement for a new utility interconnection easement on an abutting property located at 112 Rock Hall Road in Colebrook, owned by Maasser Annual Reunion Association, Inc. (Interconnection Parcel). The Interconnection Parcel abuts the Colebrook Parcel to the north, DOT parcel to the west, Route 44 to the south, and Rock Hall Road to the east. The Interconnection parcel is mostly forested but contains a residence and a field in the eastern portion.

Lodestar would establish a 20-foot wide, 140-foot long utility corridor along the western edge of the Interconnection Parcel where it abuts the DOT parcel and the Norfolk Parcel. The proposed interconnection corridor is approximately 70 feet east of the previously approved route. The interconnection would include six utility poles: two on the Norfolk Parcel and four on the Interconnection Parcel. The interconnection to the Eversource distribution line would be on the north side of Route 44. The proposed overhead interconnection line would not extend over Route 44.

A 12-foot wide gravel drive would be established along the interconnection route for access to the utility poles that contain the meter and recloser.

No prime farmland soils are within the interconnection corridor. Approximately 0.19 acres of tree clearing is required to establish the interconnection corridor. No core forest would be impacted.

DEEP issued a Natural Diversity Data Base Determination letter on October 18, 2021 for the facility that included recommended species mitigation measures. Lodestar would implement these measures for the proposed interconnection route, where applicable. Mitigation measures include, but are not limited to, planting wildflower habitat for pollinators, avoidance of tree clearing from May 1 to July 31 to protect bat species, and implementing smooth green snake protective measures. The cleared utility corridor would create suitable habitat for the smooth green snake.

A forested wetland is located east of the proposed utility corridor and north of Route 44. It drains to a culvert that discharges to the south side of Route 44. There would be no direct impacts to this wetland. Clearing to establish the utility corridor would be adjacent to the west side of the of the wetland. The wetland has been previously disturbed due to its location adjacent to Route 44.

Lodestar would implement Wetland Protection Measures during construction and would establish erosion and sedimentation controls consistent with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control*.

Conclusion

If approved, staff recommends the following condition:

1. Approval of any project changes be delegated to Council staff.

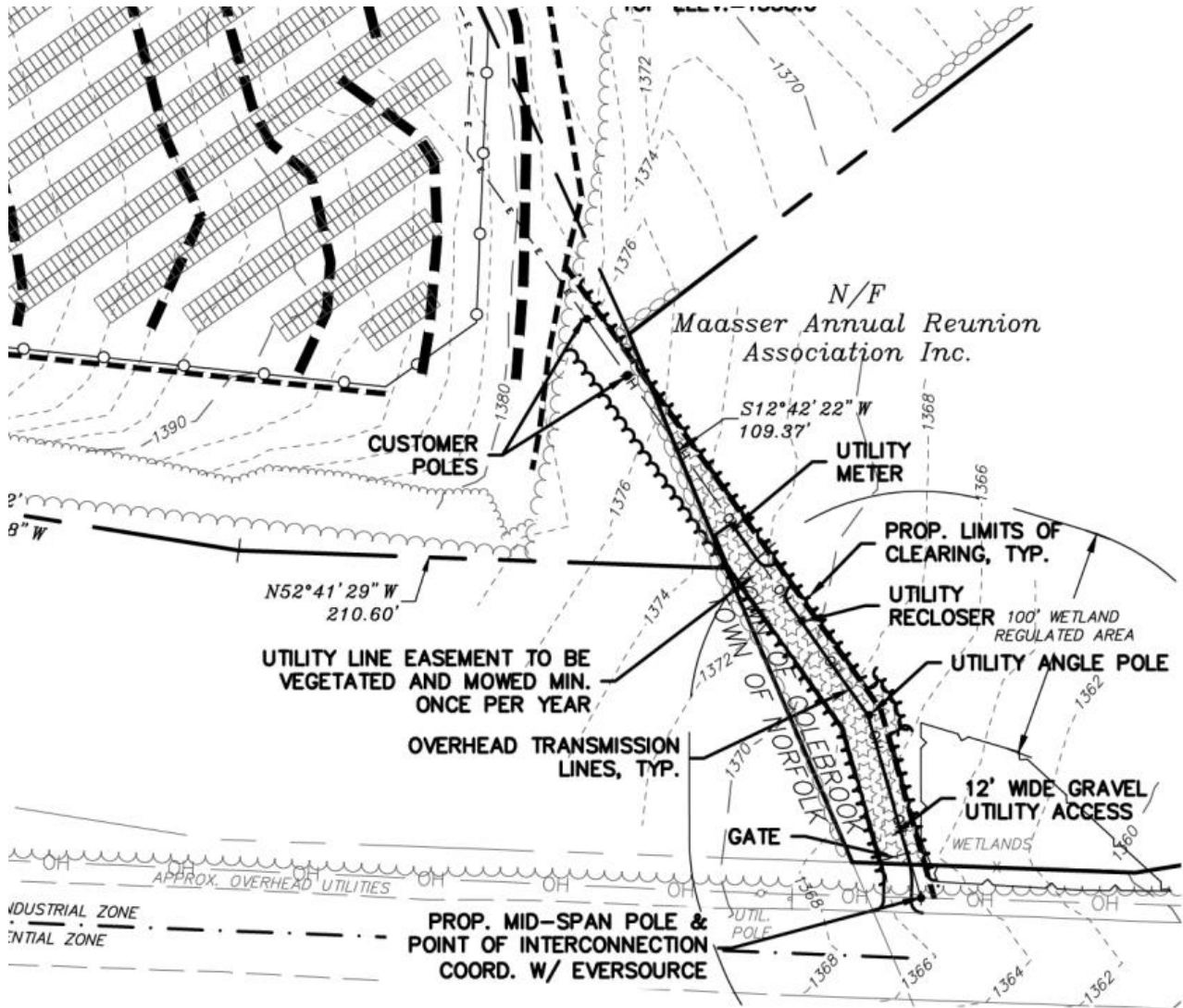
Approved Interconnection Route



Proposed Interconnection Route



Proposed Interconnection Route - Site Plan



STATE OF CONNECTICUT)

: ss. Southington, Connecticut August 4, 2023

COUNTY OF HARTFORD)

I hereby certify that the foregoing is a true and correct copy of the Decision and Staff Report in Petition No. 1544A issued by the Connecticut Siting Council, State of Connecticut.

ATTEST:



Melanie A. Bachman
Executive Director
Connecticut Siting Council

STATE OF CONNECTICUT)

: ss. New Britain, Connecticut August 4, 2023

COUNTY OF HARTFORD)

I certify that a copy of the Connecticut Siting Council Decision and Staff Report in Petition No. 1544A has been forwarded by Certified First Class Return Receipt Requested mail, on August 4, 2023, to each party and intervenor, or its authorized representative, as listed on the attached service list, dated June 29, 2023.

ATTEST:



Lisa Fontaine
Fiscal Administrative Officer
Connecticut Siting Council

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Petitioner	<input checked="" type="checkbox"/> E-mail	LSE Pyxis LLC (Lodestar Energy)	<p>Carrie Larson Ortolano, Esq. General Counsel LSE Pyxis LLC c/o Lodestar Energy LLC 40 Tower Lane, Suite 201 Avon, CT 06001 Phone (860) 539-5137 cortolano@lodestarenergy.com</p> <p>Jeffrey J. Macel LSE Pyxis LLC c/o Lodestar Energy LLC 40 Tower Lane, Suite 201 Avon, CT 06001 jmacel@lodestarenergy.com</p>