

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

Community Power Group LLC petition for a declaratory : Petition No. 1558
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 24 Middle Road, :
Ellington, Connecticut, and associated electrical : June 16, 2023
interconnection

**POST-HEARING BRIEF OF
COMMUNITY POWER GROUP, LLC**

I. INTRODUCTION AND SUMMARY

On January 30, 2023, Community Power Group, LLC (“CPG” or the “Company”) filed a Petition for Declaratory Ruling (the “Petition”) that a Certificate of Environmental Compatibility and Public Need (“Certificate”) is not required for CPG’s proposed location, construction, operation, maintenance and decommissioning of a 4.00-megawatt (“MW”) AC solar photovoltaic electric generating facility and associated equipment (together, the “Project”) to be located at a 60.552-acre parcel south of Middle Road in Ellington, Connecticut (the “Property”). The Project was selected during Year 3 of the Shared Clean Energy Facility Program. As such, the Project’s annual output will be used to provide affordable electricity to low income homes, affordable housing facilities and small businesses, among others, located in The Connecticut Light & Power Company dba Eversource’s (“Eversource”) service territory.

The Project has been designed and it will be constructed in a manner that avoids adverse environmental impacts. Further, in response to some comments and/or

concerns raised by abutting property owners to the Project site, as well as the Town of Ellington, relating to the proposed solar facility (the “Facility”), CPG made some adjustments to its design of the Project, to minimize any potential visual and noise impacts associated with the Facility.¹ See Petition 1558, Petitioner's Community Outreach Efforts Submission, March 9, 2023 (“Petitioner’s Community Outreach”); May 18, 2023 Hearing Transcript (“Tr.”) at 100. Consequently, the Project will deliver energy and economic benefits to ratepayers, it will not have any adverse environmental effects and it has been designed to mitigate visual and noise concerns identified by abutting property owners. Accordingly, the Project satisfies the criteria for approval through a declaratory ruling.

II. PROJECT OVERVIEW

The Project consists of one 4 MW AC ground-mounted solar array comprised of approximately 9,963 600W bifacial photovoltaic modules situated on single-axis tracker racking that is mounted on earth screws and/or pilings made of steel. See Petition at 7. The Facility will interconnect to a three-phase distribution line owned by Eversource and it will require four poles. See Petition at 7; Response to CSC 1-20. If approved, the Company expects to start Project construction in the winter of 2023 with commercial operation projected for the Fall of 2024. *Id.* at 21. The Project will be constructed in two phases. *Id.* at 22. The first phase will consist of preconstruction activities, as well as the installation of erosion and sediment controls and the construction of an entrance and a silt fence. *Id.* During the second phase, CPG will construct the solar panel racking, and

¹ In response to abutting property owners concerns with potential noise and/or visual impacts resulting from the construction of the Project, the Company also hosted a public meeting on February 16, 2023, to inform the neighborhood about the Project, as well as to respond to questions and hear their concerns. See Petition, Petitioner's Community Outreach; Response to CSC 1-27.

install the panels and the game fencing. The Facility will be monitored remotely, and it will be operated in accordance with the Operations and Maintenance Plan provided by the Company. *Id.* Upon the end of its operating life, the Facility will be decommissioned, and the Project site restored to its pre-development condition. See Petition at 22; Response to CSC 1-8.

III. DISCUSSION

In accordance with Connecticut General Statutes (“CGS”) §16-50k, the Council may approve by declaratory ruling the construction or location of any grid-side distributed resources project with a capacity of not more than sixty-five (65) MW as long as the project meets air and water quality standards of the Department of Energy and Environmental Protection (“DEEP”), and the project does not have a substantial adverse environmental effect. For a solar photovoltaic facility with a capacity of two or more megawatts, to be located on prime farmland or forestland, such as the Facility, the project must also not materially affect the status of such land as prime farmland or forestland, as confirmed by the applicable state agency. See CGS §16-50k(a)(iii).

The Petition and other information subsequently filed with the Council, including the responses to the Council’s interrogatories, demonstrate how the construction, operation and maintenance of the Project satisfies the statutory elements of CGS §16-50k. Specifically, the construction of the Facility will produce minimal and short-term air impacts resulting from the operation of construction equipment and the delivery of materials and parts to the Project site. See Petition at 10-11. The Project will also have minimal to no impact on water resources due to the limited amount of site grading required and the installation of sediment basins. *Id.* at 11. Further, the Project

will not materially affect the status of the site as prime farmland, as confirmed by the Connecticut Department of Agriculture (“DoAg”), and the Company will implement the agricultural practices recommended by DoAg, including the listed co-uses. See Petition, Exhibit K; Response to CSC 1-5. Lastly, the Project will not have a substantial adverse environmental effect, particularly with respect to the existing noise environment and visual aesthetics of the Project site.

A. The Project’s Noise Levels Will Comply with Applicable Regulatory Standards and Will not Adversely Impact the Local Noise Environment.

The Project will not result in any adverse impacts to noise. The sound produced by the Facility will be below the DEEP Noise Standards. See Response to CSC 1-25; Tr. at 76. Specifically, the solar inverters and transformers will generate noise at approximately 65-66 dBa at one meter away. See Response to CSC 1-25; Tr. at 18. Although the nearest property line is 95.5 feet away from the Facility, the nearest inverter would be at a distance of approximately 115.5 feet from the nearest property line, while the nearest transformers would be at 249.6 feet from the nearest property line. See Response to CSC 1-25, CSC-51. The inverter noise level at 115.5 feet away will be 34.1 dBa and the transformer noise level at 249.6 feet will be 30.4 dBa. *Id.* The trackers are also capable of generating low amounts of noise for a limited amount of time as they move throughout the Facility. See Tr. at 36. However, the noise generated by the trackers when added to the noise generated by the inverters and transformers will not cause an exceedance of the applicable state noise levels.

The way noise works...it’s a complicated formula...if the inverter were 30 decibels and the – the movement from the panel were 30 decibels, which it wouldn’t be, it doesn’t equal 60...it’s a long calculation that adds just a couple of decibel points to it, but there would be some very small incremental amount of noise.

See Tr. at 36-37. Consequently, the sound levels produced by the Facility will be below the 51 dBa (night) and 61 dBa (day) DEEP sound levels.

During the Petition preparation process and during subsequent public outreach activities, some comparisons were made between the Facility and another 4.9MW operating solar facility located in the adjacent town, but right up the road from the Property. *Id.* at 76. Due to their proximity and the fact that both facilities are solar facilities, there were some concerns that the Facility will emit the same amount of noise as the 4.9 MW facility, and thereby, adversely impact the local noise environment. However, because the location of the facilities relative to the public road and/or nearest residential property lines, as well as the design and size of the facilities are different, the facilities are expected to produce different noise emissions.

The 4.9 MW solar facility, including all of its equipment, is approximately 50 to 80 feet from the road. *Id.* at 77. Whereas the Facility is located at a further distance from the road and residential property lines, more than 200 feet from the road and more than 100 feet from the nearest residential property line. *Id.* In addition, the 4.9 MW solar facility has all of its inverters aligned next to each other 80 feet from the road, while the Facility will have the inverters dispersed throughout the Facility and not concentrated in any one area and as close to the interior of the Project site as possible. See Petition at 19; Response to CSC 1-17; Tr. at 18-19. By dispersing the inverters throughout the Facility, CPG is able to prevent the amplification of noise of any particular inverter to any specific location. See Tr. at 19. Lastly, the Facility site is surrounded by trees that could function as a buffer to mitigate any sound impacts produced by the Facility. See Petition at 16; Tr. at 26. Consequently, these differences in the placement of inverters, location

of the facilities (relative to property lines), and surrounding vegetation are expected to directly impact the amount of noise emissions produced by each facility, with CPG's Facility having the lower noise levels, particularly at residential receptors.

Based on the aforementioned information, the sound levels produced by the Facility will comply with the applicable regulatory standards and the Project will not adversely impact the local noise environment.

B. CPG's Proposed Project Design Mitigates the Project's Visual Aesthetic Impacts and Addresses Concerns Raised by Abutting Property Owners.

The Project will not create a substantial change in the visual and aesthetic characteristics of the Project site. Because the Project site is surrounded by farmland and trees, the Facility will not be visible from the road except near the entranceway. See Petition at 16. However, views of the Facility might be experienced by abutting property owners, especially during the winter when vegetation is thinner. *Id.* at 17. Nonetheless, to mitigate any impacts to the visual aesthetics that may be caused by Project and at the request of abutting property owners, CPG will install screening trees to diminish the views of the Facility. See Petition, Petitioner's Community Outreach at 1,4; Response to CSC 1-30, CSC 1-33; Tr. at 19,107. CPG and its subcontractors and partners will be responsible for the periodic maintenance of the screening trees after they are planted and throughout the operating life of the Facility. See Tr. at 21. The Company will adhere to an inspection protocol of sorts that will ensure the trees are periodically inspected during site visits every year, with the first few years requiring more recurrent visits.

So we have somebody that goes out there, you know, for the first several years, every, you know, couple months, especially over the summer months for maintenance, and just checking on the general facility. And so during that growth time they would be inspected two to three times per year. *Id.* at 21

Additionally, should any tree die during the lifetime of the Project, the Company will be responsible for replacing them. *Id.* Consequently, for the duration of the Facility's operating life, the Company will ensure that there is adequate vegetative screening to reduce views of the Facility from nearby viewpoints.

After the Petition was filed, CPG made some changes to the location of the proposed interconnection equipment, specifically, to the poles that will be installed to complete the interconnection. These changes were also made to address some concerns raised by abutting property owners with the impacts to the visual and aesthetic characteristics of the Project area that may be caused by the Project - at the interconnection area. See Petition, Petitioner's Community Outreach at 5; Tr. at 100-101. Originally, the Company had proposed for the poles to be placed closer to Middle Road, approximately 25 feet from the road, but the Project design was later revised, such that the poles will be further from the road, approximately 100 feet, and thereby, reduce their view from nearby residences.

We did move the poles back significantly from where they were. I think they were originally 25 feet off the road. We have since pushed them more than a hundred feet off the road on the latest plan set that you have to put them as far back into the field as we could.

See Tr. at 55; Community Power Group's Pre-Hearing Submission, Attachment A, May 10, 2023. In addition to increasing the distance between the poles and the road, as previously discussed, CPG will be planting vegetation screening in the area near the first interconnection pole to diminish the views of the interconnection from Middle Road and from residences surrounding the entrance to the Project site. The trees will "continue around the corner up to the, and just beyond the area where the first interconnect pole is." See Tr. at 102,108. And the Company and its subcontractors/partners will be

responsible for the general upkeep of the trees. *Id.* at 21, 72. Consequently, the relocation of the poles – to a greater distance from Middle Road – in conjunction with the planting and periodic maintenance of trees around the interconnection area will minimize the visual impacts resulting from the installation of the interconnection equipment. Thus, CPG’s proposed Project design addresses concerns raised by abutting property owners and minimizes the impact to the visual aesthetics that may be caused by the Project.

IV. CONCLUSION

The record demonstrates that the Project complies with all applicable statutes, regulations and other environmental standards, including the DoAg recommended agricultural practices. The Facility will deliver benefits to the public and it will not have a substantial adverse environmental effect. Lastly, the design proposed by the Company addresses concerns with noise and the visual aesthetics of the Project raised by abutting property owners. For the foregoing reasons, CPG respectfully requests that the Council grant the Petition, and thereby, approve the construction of the Project.

Respectfully submitted,

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