



STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

March 3, 2023

Bruce L. McDermott, Esq.  
Murtha Cullina LLP  
265 Church Street  
New Haven, CT 06510  
[bmcdermott@murthalaw.com](mailto:bmcdermott@murthalaw.com)

RE: **PETITION NO. 1558** – Community Power Group LLC 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 24 Middle Road, Ellington, Connecticut, and associated electrical interconnection.

Dear Attorney McDermott:

The Connecticut Siting Council (Council) requests your responses to the enclosed questions no later than March 24, 2023. Please submit an original and 15 copies to the Council's office and an electronic copy to [siting.council@ct.gov](mailto:siting.council@ct.gov). In accordance with the State Solid Waste Management Plan and in accordance with Section 16-50j-12 of the Regulations of Connecticut State Agencies, the Council requests all filings be submitted on recyclable paper, primarily regular weight white office paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators. Fewer copies of bulk material may be provided as appropriate.

**Please be advised that the original and 15 copies are required to be submitted to the Council's office on or before the March 24, 2023 deadline.**

Copies of your responses are required to be provided to all parties and intervenors listed in the service list, which can be found on the Council's website under the "Pending Matters" link.

Any request for an extension of time to submit responses to interrogatories shall be submitted to the Council in writing pursuant to §16-50j-22a of the Regulations of Connecticut State Agencies.

Sincerely,

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

Melanie Bachman  
Executive Director

MB/rm

c: Service List dated January 31, 2023

**Petition No. 1558**  
**Community Power Group LLC**  
**24 Middle Road, Ellington, Connecticut**  
**Interrogatories**  
**March 3, 2023**

**Project Development**

1. Has the Town of Ellington (Town) and/or any abutters provided comments to Community Power Group (CPG) since the Petition was submitted to the Council? If yes, summarize the comments and how these comments were addressed.
2. Petition p. 9 states CPG met with Town officials on February 3, 2021. Were there any subsequent meetings? If yes, when? What were the Town's concerns and how were they addressed?
3. If the project is approved, identify all permits necessary for construction and operation and which entity will hold the permit(s)?

**Proposed Site**

4. Submit a map clearly depicting the boundaries of the solar facility site and the boundaries of the host parcel(s). Under Regulations of Connecticut State Agencies (RCSA) §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.
5. Petition p. 5 states the "project area includes ... a community garden." Petition p. 15 references a proposed vegetable garden that will "operate separate from the solar operation." Petition p. 16 references the proposed community garden and beekeeping areas that will be "maintained separately from the project area." Clarify how many gardens and beekeeping areas are proposed and the location(s) of each.
6. Referring to Petition pp. 5, 15 and 16, are the proposed community garden, beekeeping area and vegetable garden area located on the facility "site?" If yes, provide the following information for these agricultural co-use areas.
  - a. what entity would manage these areas?
  - b. If the project is sold and/or transferred to another entity, would the sale and/or transfer include management and maintenance of these agricultural co-use areas;
  - c. Has CPG discussed implementation or entered into any agreement related to a community garden with the Town or other organization? If so, please describe the discussions and submit any agreement.
  - d. Would parking and access for emergency vehicles be available?
  - e. Would the hours of accessibility be limited or unlimited?
  - f. Will signs be posted related to the hours of accessibility, permitted and prohibited uses, etc.?
  - g. Who would be liable for any personal injury?
  - h. Who would be responsible for maintenance? What type of maintenance is necessary and how frequently would maintenance activities occur?
  - i. Who would be responsible for responding to concerns and/or complaints related to these agricultural co-use areas?
  - j. Identify the water source for these agricultural co-use areas.

- k. Could the lease agreement with the host property owner be amended to remove these agricultural co-use areas from the solar facility “site,” as defined under RCSA §16-50j-2a(29)?
7. What is the length of the lease agreement with the host property owner? Are there provisions for an extension?
8. In the lease agreement with the host property owner, are there any provisions related to decommissioning or site restoration at the end of the project’s useful life?
9. Is the site parcel, or any portion thereof, part of the Public Act 490 Program? If so, how does the municipal land use code classify the parcel(s)? How would the facility affect the use classification?
10. Has the State of Connecticut Department of Agriculture (DOAg) purchased any development rights for the facility site or any portion of the facility site as part of the State Program for the Preservation of Agricultural Land?
11. Petition pp. 16-17 states the nearest residence is 250 feet from the solar facility. Provide an address and direction for this residence. What is the distance and direction from the solar facility perimeter fence to the nearest property line? What is the address of this property?
12. Referring to Petition Exhibit K and the May 18, 2022 letter submitted to the Council from DOAg, there is reference to necessary infrastructure to accommodate housing, feeding, and watering to support sheep herd management at the site. Describe infrastructure and water source(s) that would be installed to support livestock activities.

### **Energy Output**

13. Is the project being designed to accommodate a potential future battery storage system? If so, please indicate the anticipated size of the system, where it may be located on the site, and the impact it may have on the SCEF Tariff Agreement.
14. Would CPG participate in an ISO-NE Forward Capacity Auction? If yes, which auction(s) and capacity commitment period(s)?
15. What is the anticipated capacity factor of the project? Would the capacity of the system decline over time? If so, estimate annual losses.
16. Petition p. 8 states, “The 24 Middle project will contribute to *grid stabilization* given the predictable nature of solar energy generation...” Explain.

### **Site Components and Solar Equipment**

17. Identify the location(s) of the 32 inverters proposed for the site.
18. Referencing Site Plan SP-1, list the equipment that would be installed on each electrical pad.

### **Interconnection**

19. Referencing Site Plan SP-1, what is the height of the utility poles above ground level after installation?
20. Referencing Site Plan SP-1 and Petition Exhibit L, what equipment is mounted on each pole? Can the number of poles be reduced by consolidating equipment?
21. Is the facility interconnection required to be reviewed by ISO-NE?

### **Public Safety**

22. Would the project comply with the current Connecticut State Building Code, National Electrical Code, the National Electrical Safety Code and any applicable National Fire Protection Association codes and standards including, but not limited to, NFPA Code Section 11.12.3?
23. Are there any water wells on the site or in the vicinity of the site? If so, would the installation of racking posts affect well water quality from construction impacts, such as vibrations and sedimentation?
24. Referencing Petition pp. 19-20, submit inverter specification sheets that include operational noise characteristics.
25. What noise-generating equipment would be installed at the site? Would operation of the proposed facility meet the applicable Department of Energy and Environmental Protection (DEEP) Noise Standards at the nearest property boundary?
26. Petition p. 5 states the solar facility would be enclosed by game-fencing. Petition p. 19 states the solar facility would be enclosed by an agricultural fence. Explain.
27. Referring to Petition Exhibit K, does CPG intend to allow livestock grazing in areas adjacent to residences? Were the abutting property owners and the Town notified of livestock grazing at the site?
28. If temporary electric fence is used at the site to create defined pasture areas within the solar field, what types of safety measures are in place to protect the public and emergency response personnel from electric fence shock hazards?
29. Would the Petitioner conduct outreach/training to local emergency responders regarding safety, fire control and other emergencies that could occur at the site?

### **Environmental**

30. Describe the anticipated views of the facility from the property at 204 Pinney Street. Can evergreens be planted along this property line to provide or improve screening of the facility?
31. Referring to Petition p. 12, Fig. 4, what do the shaded areas represent?
32. Would livestock manure affect water quality in downgradient wetlands/watercourses? How can such effects be mitigated?
33. Characterize year-round and seasonal views of the facility from abutting residential properties. What type of visual mitigation could be implemented for the site?

34. Petition p. 12 references reseeding disturbed soils with a low growth seed mix. Petition page 22 references all disturbed areas are to be seeded with a pollinator-friendly seed mix. Explain.

### **Facility Construction**

35. Referring to Site Plans GD-3 and GD-4, the limit of disturbance extends partially through a wooded area. Describe any tree/brush removal and/or tree trimming in this area.
36. Submit photographs of the proposed solar facility site construction area with descriptive captions and/or a map identifying the locations of the photographs. Include photos of property line areas and locations of stormwater basins.
37. What are the construction hours/days of week?
38. Referring to Site Plan OP-1, does CPG intend to use the “path” that extends from Middle Road (between #32 and #36) for construction or post-construction purposes?
39. Petition Site Plans EC-4 and EC-6 show sediment basin pipe and overflow outfalls directing water into perimeter silt fence. How will outflows be controlled to avoid silt fence overtopping or breaching during heavy rain events?
40. Referring to Petition Site Plan EC-01- Phase 2, when would the temporary basins be cleaned and converted to permanent features? Who would inspect the basins to ensure proper depth/function post-construction?
41. How will sediment be removed and transported from stormwater features? Where would removed sediment be disposed of?

### **Maintenance/Decommissioning**

42. Would project decommissioning include stormwater management features? If yes, how would the stormwater management system be removed?
43. Has the manufacturer of the proposed solar panels conducted Toxicity Characteristic Leaching Procedure (TCLP) testing to determine if the panels would be characterized as hazardous waste at the time of disposal under current regulatory criteria? If so, submit information that indicates the proposed solar modules would not be characterized as hazardous waste. If not, would the Petitioner agree to install solar panels that are not classified as hazardous waste through TCLP testing?
44. Would pesticides or herbicides be routinely used at the solar facility site? If not, under what circumstances would these products be used? Would pesticides or herbicides be allowed in the agricultural co-use areas?
45. Would CPG remove snow that accumulates on the panels? Would snow accumulation on the solar panels affect the output of the facility? Under what circumstances would snow be removed? Describe snow removal methods.
46. Referring to Petition Exhibit N on p. 13 under “Panel Washing,” the first bullet references a panel “weep hole.” Explain.