



CONNECTICUT DEPARTMENT OF AGRICULTURE

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Office of the Commissioner

An Equal Opportunity Employer



October 17, 2022

Melanie A. Bachman  
Executive Director  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

Re: 524 NLR, LLC Solar Project – 524 New London Road, Colchester

Dear Executive Director Bachman:

Pursuant to 16-50k(a) of the Connecticut General Statutes, we have reviewed the above cited project with respect to agricultural impacts, specifically, to determine whether "...such project will not materially affect the status of such land as prime farmland..."

524 NLR LLC is proposing to construct a 4.0-megawatt solar photovoltaic electric generating facility to be located on an industrial motor vehicle recycling facility/scrapyard owned since 2010 by FIVE J LLC. at 524 New London Road, in Colchester. Our Department has reviewed a project proposal dated August 12, 2022, as well as follow-up correspondence including aerial imagery dated September 22, 2022.

The parcel contains 17.9 acres of prime farmland soils and 3.4 acres of statewide important farmland soils that are impacted by the operation of a vehicle recycling facility and scrapyard. Based on aerial images provided by Attorney Lee Hoffman of Pullman and Comley, representing 524 NLR LLC, it appears that the site has been used in this fashion going as far back as 1986. There is no current agricultural production on site.

Based on preliminary information provided to DoAg (enclosed), and assuming the project is constructed according to the representations made by the applicant in its correspondence dated August 12, 2022, the Department of Agriculture concludes there will be no further material impact, beyond the existing impact.

If you have any questions, please feel free to contact Holly Lalime of my staff. Holly can be reached at [Holly.Lalime@ct.gov](mailto:Holly.Lalime@ct.gov) or at (860) 969-7053.

Sincerely,

Bryan P. Hurlburt  
Commissioner

Enc.

Cc: Katie Dykes, Commissioner, Department of Energy and Environmental Protection  
Lee Hoffman, Legal Counsel, Pullman & Comley



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August 12, 2022

**VIA ELECTRONIC MAIL**

Jaime Smith  
Holly Lalime  
State of Connecticut Department of Agriculture  
450 Columbus Blvd., Suite 701  
Hartford, CT 06103

**Re: Solar Energy Project Considerations, 524 NLR, LLC Project, 524 New London Road, Colchester, Connecticut - Plan for Solar Project**

Dear Ms. Smith and Ms. Lalime:

I am writing on behalf of my client, 524 NLR LLC, with respect to its proposed project to be located at 524 New London Road, Colchester, Connecticut. As you know, section 16-50k(a) of the Connecticut General Statutes requires that for a solar photovoltaic facility with a capacity of two or more megawatts to be located on prime farmland, “excluding any such facility that was selected by the Department of Energy and Environmental Protection in any solicitation issued prior to July 1, 2017, pursuant to section 16a-3f, 16a-3g or 16a-3j”, the Department of Agriculture must represent, in writing, to the Connecticut Siting Council that such project will not materially affect the status of such land as prime farmland. It is our hope that once the Department has reviewed this information, it would agree that the project will not materially affect any prime farmland.

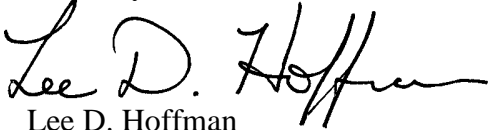
The reason why we are confident that this project will not have any adverse impact on prime farmland is that the project, if approved, will be located at an industrial motor vehicle recycling facility/scrapyard owned by FIVE J LLC. We have provided greater detail for the Department in the attached Connecticut Department of Agriculture’s Solar Energy Project Considerations document, as well as with a few photographs of the site which accompany this letter.

As you can see from the enclosed information, while the site may have been mapped at one point as containing prime farmland soils, it is unlikely that the site currently contains such soil. Moreover, the proposed project will have zero impact on existing agriculture, since no agricultural activities are taking place at the site. Put simply, the proposed project will replace a vehicle scrapyard with a solar project, which is an environmentally beneficial reuse of the project site.

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We would ask that the Department transmit a letter to the Connecticut Siting Council that the proposed project will not have an adverse impact on prime farmland soils so that the project may proceed under the Siting Council's petition process. We look forward to working with the Department on this matter. Should you have any questions, please contact me at your convenience. Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Lee D. Hoffman". The signature is written in a cursive style with a large initial "L" and "H".

Lee D. Hoffman

Enclosures

**Connecticut Department of Agriculture  
Solar Project Consideration Guidelines  
524 New London Road, Colchester, CT**

**1. Farm/Property Information:**

**a. Farm Owner(s), Farm Name and Location**

- i. Location – The property is located at 524 New London Road, Colchester, Connecticut
- ii. Property owner – The property is owned by FIVE J LLC; Farm Name – There is no name associated with the farm, because the site is not being used for agriculture. As you can see from the attached photos, the site is currently in industrial use as a motor vehicle recycling facility/scrapyard.

**b. Total acreage, identification of prime, statewide and/or locally important farmland soils & acreage**

- i. Total Acreage - ±34.79 Acres; Prime Farmland Acreage – ±17.9 acres, Statewide Farmland Acreage – ±3.4 acres

**c. Current production agriculture on the farm and approximate location of crops, farm buildings, etc. used to support the farming operation**

- i. As stated above, the site is a motor vehicle recycling facility. As such, there are no crops and no agricultural production on the site.

**2. Energy Project Information**

**a. Describe the energy project, including but not limited to, the size of the project in megawatts (MW), the footprint being proposed as it relates to prime farmland on the property, # of panels (if known), and a description of infrastructure needed to support the project**

- i. Megawatts – The project will have a nameplate capacity of approximately 4.0 MW AC.
- ii. Footprint related to prime farmland on the property – Approximately 15.9 acres of the project will be located on prime farmland soils, however, the existing use of the property is an industrial motor vehicle salvage yard. As such, it is not being used for agricultural purposes, and agriculture on the site is likely contraindicated.
- iii. Number of Panels – Currently, the plan is for approximately 9,500 Modules to be placed on the project site, however, that number may change during the final project design.
- iv. Infrastructure – The proposed solar development will utilize a tracker array system and include two (2) new concrete equipment pads to accommodate the

associated electrical system for the development, as well as new utility poles and overhead lines to accommodate the Eversource interconnection.

**b. Describe what the energy will be used for and how it will benefit the farming operation**

- i. The energy will be sold to the electric utilities as part of the Shared Clean Energy Facilities (SCEF) Program. As the Department is likely aware, the SCEF program is designed to assist underserved citizens and provide them with access to renewable energy resources. It is not designed to benefit farming operations, however, given that there is no farming taking place at this site, and that farming is unlikely to occur in the future, this does not appear to be an issue.

**c. Are there future plans to increase energy capacity beyond what is proposed? If so, please describe these future plans, and any impacts the increase may have on prime farmland or the overall farming operation.**

- i. There are no future plans to increase energy capacity beyond what is currently proposed.

**3. Agricultural Resource Impacts**

**a. Describe any production agriculture currently being conducted within the footprint of the solar project**

- i. There is no production agriculture currently being conducted within the footprint of the solar project as that is the current location of the motor vehicle scrapyard, nor on the property.

**b. Describe overall how the project will impact production agriculture currently being conducted on the farm**

- i. There is no production agriculture currently being conducted on the property and the property has no active farming operations.

**c. Provide a description of any plans by the farm owner(s) to foster production agriculture within or as a result of the development (e.g. grazing animals in and around the solar project, providing pollinator habitat)**

- i. The property owner has no intention of utilizing the property for agricultural purposes. Indeed, given the past uses of the property, such use would not be favored. Moreover, there is little topsoil, if any, that is still located at the site. We estimate that if the site were examined today, given these conditions, it would not qualify as prime farmland. With little to no topsoil remaining in the proposed solar project footprint, erosion of sub-soils has occurred and is ongoing. To facilitate development of the project, topsoil will be imported, where needed, for establishing future ground cover to improve current site conditions. Post project stabilization, the applicant intends to use a pollinator-friendly seed mix in appropriate locations as permanent cover.

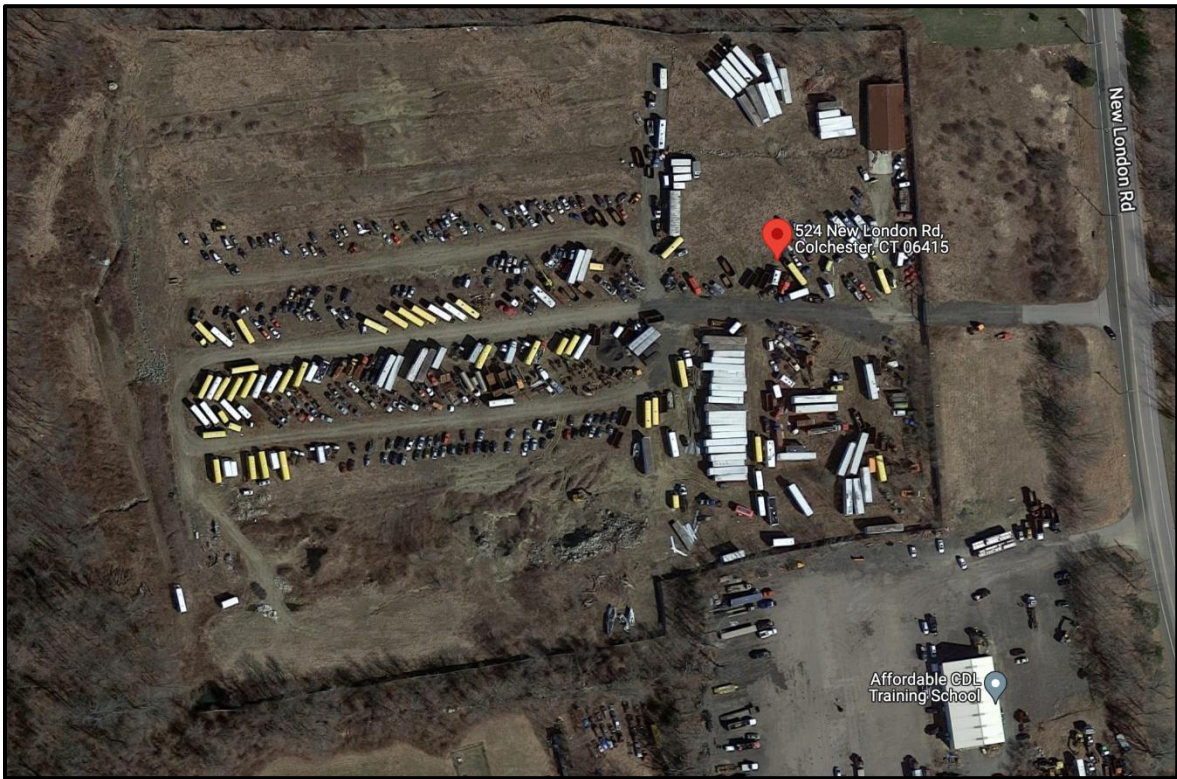
**4. Alternatives to Locating the Energy Project on Prime Farmland**

**a. Provide a description of any alternatives considered by the farm owner(s) to developing the project on prime farmland soils (e.g., the option of selling agricultural**

**development rights for the farm instead of developing for solar, or as a mitigation measure to reduce the size of the solar development);**

- i. No feasible alternatives for agricultural operations exist on the site, thus this question does not really apply to the site. By way of further explanation, the Site's eastern portion (the project area) is currently used as an industrial salvage yard and the western portion drops steeply down and is encumbered by wetlands. The owner has never used the property for agriculture and has no intention of utilizing the property for agricultural purposes in the future. The proposed solar development area mapped as prime farmland soils has been previously disturbed and little to no topsoil remains. As part of the SCEF submission and award, the proposed solar development was reduced to fit within the existing disturbed salvage yard footprint.
- b. **Describe any alternatives examined which might enable placement of some or all of the solar panels in locations other than prime farmland (e.g., elsewhere on the property or on farm buildings)**
  - i. The entire property was examined with respect to placement of the proposed solar panels and the existing disturbed footprint of the salvage yard was determined to be the most feasible location to develop the project. The footprint of the existing salvage yard is already disturbed, cleared of trees, has little to no topsoil remaining, and is already used for industrial purposes, making it an ideal location for a solar array. Remaining (western) portions of the property are not mapped as prime or important farmland soils but are heavily wooded, contain steep slopes and are encumbered by wetlands. Any development in this portion of the site would require substantial tree clearing and earthwork, resulting in unnecessary environmental impacts. Moreover, given the current use of the site, placing a solar array on the site makes logical sense since it will result in impacted land being used for solar development rather than solar development on a "greenfield" site. Given the dearth of agricultural activities currently taking place on the site, and the unlikelihood of agriculture being conducted in the future, the project developer would hope that the Department would actively support this project.
- c. **Provide a description of any other form of mitigation considered by the farm owner(s) (e.g., farmland restoration, or a future commitment to preserve the farm).**
  - i. The salvage yard owner, in working with the proposed solar project developer, will provide an opportunity for the existing disturbed salvage yard to be re-stabilized and remain relatively undisturbed, save for annual maintenance mowing, for the anticipated lifetime of the proposed solar facility. In addition, the existing stormwater management features on-site will be improved to prevent further erosion and potential damage to wetland and watercourse resources downslope.















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September 22, 2022

**VIA ELECTRONIC MAIL**

Holly Lalime  
Jaime Smith  
State of Connecticut Department of Agriculture  
450 Columbus Blvd., Suite 701  
Hartford, CT 06103

**Re: Solar Energy Project Considerations, 524 NLR LLC Project, 524 New London Road, Colchester, Connecticut – Provision of Additional Information**

Dear Ms. Lalime and Ms. Smith:

I am writing on behalf of my client, 524 NLR LLC, in connection with a proposed solar energy facility that would be constructed at a site in Colchester, Connecticut that is currently being used as an automobile scrapyard. I am writing this letter as a follow up to our August 12, 2022 correspondence on the matter and the Department's questions that were provided to us by e-mail on September 12, 2022.

In its e-mail, the Department requested additional information as to how long the site had been used as a motor vehicle recycling facility/scrapyard. In addition, the Department wished to ascertain how much of the approximately seventeen acre parcel was used for such operations, or was the entire seventeen acre area impacted by these operations.

Representatives of 524 NLR LLC contacted the current property owner, Five J, LLC to obtain information responsive to the Department's requests. According to the current property owner, the site was operated as an automotive scrapyard prior to Five J's purchase of the property. When Five J purchased the property in 2010, it also purchased the then-existing scrap operations and the scrap license of the prior owners. Five J has continued to operate the site as an automotive recycling facility/scrapyard since that purchase.

It is unclear as to exactly how much of the property was impacted by these automotive operations, however, based on the information available to us, it appears that the vast majority of the site was used for such operations. For your review, we have included the site plan from 2011. This site plan shows proposed upgrades to the scrap yard site that were presented to, and approved by, the Town of Colchester in 2011. As you can see, the approved plans call for the entirety of the site to be used for scrap operations.

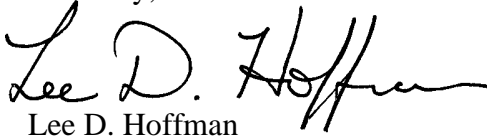
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We are also including aerial photos from the UConn air photo archives. These pictures were taken in 1986 and 1990. While we cannot be certain, based on the locations of the roads, etc., it appears that these are photos of the subject site. As you can see, the scrap operations in those photos also incorporate the vast majority of the seventeen acres of the site.

Based on this information, we know that the vast majority of the site has been used for scrap operations since the current property owner purchased the property in 2010. Additional historical information leads us to believe that this was the case for at least an additional 25 years prior to that.

I trust that this information fully responds to your information request. Should you require any additional information, or if you have any questions, please contact me at your convenience. Thank you in advance for your consideration.

Sincerely,

  
Lee D. Hoffman









