

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

TRITEC Americas, LLC notice of election to	:	Petition No. 1583
waive exclusion from Connecticut Siting Council	:	
jurisdiction, pursuant to Connecticut General	:	
Statutes §16-50k(e), and petition for a declaratory	:	
ruling, pursuant to Connecticut General Statutes	:	
§4-176 and §16-50k, for the proposed construction,	:	
maintenance and operation of a 0.999-megawatt AC	:	
solar photovoltaic electric generating facility located	:	
at Parcel Nos. 113-1 and 113-1-A, 428 Bethmour	:	
Road, Bethany, Connecticut, and associated	:	
electrical interconnection	:	September 19, 2023

**NOTICE OF MUNICIPAL PREFERENCE
REGARDING THE LOCATION OF
THE PROPOSED SOLAR PHOTOVOLTAIC FACILITY**

The Town of Bethany (the “Town”) submits this Notice of Municipal Preference regarding the location of the proposed solar photovoltaic facility to demonstrate that alternative sites exist within the limits of the town that do not impact established residential neighborhoods and do not risk the Town’s tax base. The Town began to search for viable alternative sites within its limits immediately after the Petitioner commenced this proceeding.

The Town approached Uniroyal Chemical Co, Inc. (“Uniroyal”), the owner of brownfield property located at 74 Amity Road at the end of July. The Town was advised by Uniroyal that it had entered into an agreement to sell its property to a third-party and that its property was not available. The Town also began exploring the inventory of open space held by it and by unrelated third parties.

During that process, the Town was informed that the owner of 795 Carrington Road (the “Alternate Site”) was willing to use her property for the proposal project of

TriTEC Americas, LLC (“TriTEC” or “Petitioner”). The Alternate site is owned by Christine Cimino of Hamden, Connecticut.

The Alternate Site is 7.5 acres with frontage on Route 69, a state road, and is just north of Route 42, another state road.

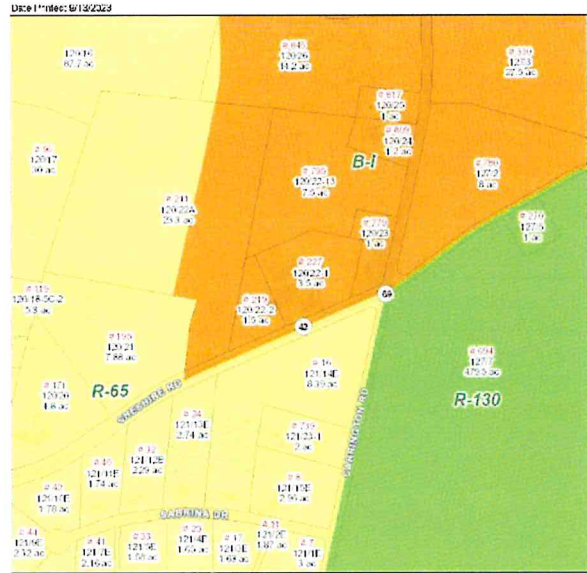
Although the tax assessor’s field card designates the zone that the Alternate Site is in as R-130, the Bethany Zoning Map as being in the Business & Industrial (“B&I”) zone. The properties that surround the Alternate Site are either:

1. zoned and developed as business and industrial (“B&I”);
2. undeveloped; or
3. undeveloped open space parcels owned by the South-Central Connecticut Regional Water Authority.

Print Map

https://bethany.maps.arcgis.com/apps/locate/index.html?appid=725...

Town of Bethany
Geographic Information System (GIS)



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Town Officials spoke with the owner of the Alternate Site. The Owner is agreeable to entering into a lease agreement with the Petitioner for the purpose of locating the proposed facility.

The Town supports this Alternate Site location because:

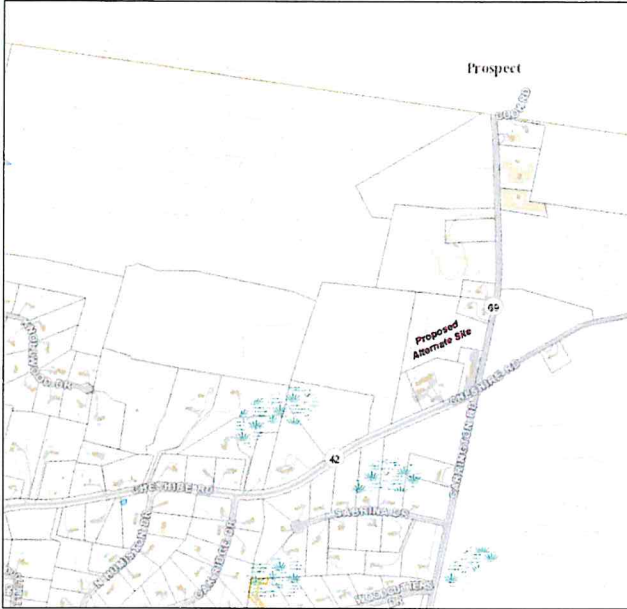
Print Map

https://bethany.tmapxpress.net/ags_map/default.htm?UNIQUE_ID=00040800

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Date Printed: 9/12/2023



1. the proposed facility is more compatible with the land uses permitted in the B&I zone;
2. it does not impact any residential properties in the town; and,
3. it does not risk to negatively impact the town's tax base.

The Petitioner proposes to locate, construct, operate, maintain and decommission a solar photovoltaic facility with a capacity of 0.999 MW AC

Map

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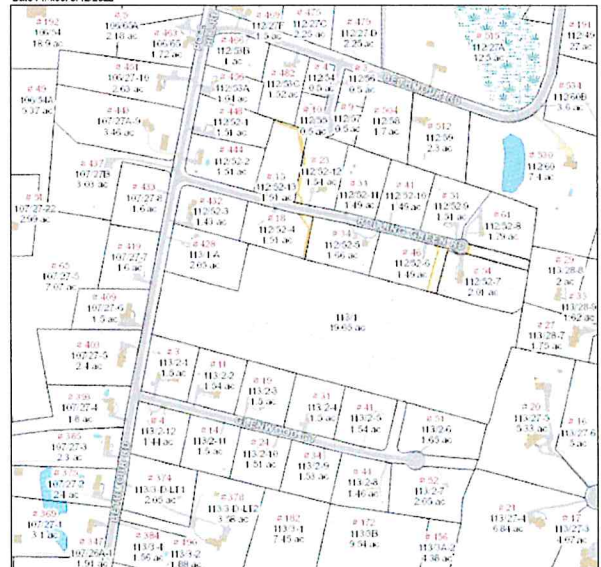
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and associated equipment on approximately 6.59 acres of land located at 0 and 428 Bethmour Road in the town of Bethany (the "Project Site"). The Project Site is located in a residential zone.

The Project Site abuts five (5) established single family homes to the north, six (6) established single family homes to the south, two (2) established single family

homes to the east, and is immediately across the street from three (3) established single family homes to the west. Its proposed location is in the heart of an established residential neighborhood and the residential zone.

The Petitioner's states in its petition that the solar array setback of 50 feet is consistent with the Town's Zoning Regulations. See *Petition at pg. 5*. It is not. Pursuant to § 4.3 of the Bethany Zoning Regulations, permitted uses, including accessory and incidental uses, are limited to residential purposes; and farming purposes as defined by Conn. Gen. Stat. §1-1 (q). Any structure related to farming use in a residential zone must be at least one hundred (100) feet from the property line. See *Bethany Zoning Regulations at 4.3.F(3)*.

Before the council can grant a project like the one proposed by the Petitioner, the council must "find and determine a public benefit for the facility and considers neighborhood concerns with respect to the factors set forth in subdivision (3) of subsection (a) of this section, including public safety." Conn. Gen. Stat. § 16-50p (c)(1). "A public benefit exists when a facility is necessary for the reliability of the electric power supply of the state or for the development of a competitive market for electricity and a public need exists when a facility is necessary for the reliability of the electric power supply of the state;" Conn. Gen. Stat. § 16-50p (c)(3); and "a public need exists for an energy facility if such facility ***is necessary for the reliability of the electric power supply of the state.***" Conn. Gen. Stat. § 16-50p (h).

The proposed project is claimed to promote Connecticut's legal requirement for 100% zero-carbon emissions from electricity generating facilities by January 1, 2040. However, there is no evidence to support the conclusion that the proposed project is

“necessary for the reliability of the electric power supply of the state.” See Conn. Gen. Stat. § 16-50p (h).


The primary source of the Town’s tax revenue comes from real property taxes of residential homes. A study on the impact of solar development on real property values in the States of Massachusetts and Rhode Island found that real property values of properties in close proximity to the solar development declined by 1.7%. See Property value impacts of Commercial-Scale Solar Energy in Massachusetts and Rhode Island, Vasundhara Gaur and Corey Lang, Department of Environmental and Natural Resource Economics, University of Rhode Island at 18 (Sep. 29, 2020). Another study found that homes within a 0.5-mile radius of a solar facility experienced an average home reduction of 1.5%. See Shedding light on large scale solar impacts: An analysis of property values and proximity to photovoltaics across six U.S. states, Energy Policy (3/2023).

In deciding whether to issue a certificate, the council shall in no way be limited by the applicant already having acquired land or an interest therein for the purpose of constructing the facility that is the subject of its application. Conn. Gen. Stat. § 16-50p (g). The Town requests that Tri TEC evaluate the Alternate Site and that the present proceeding be continued to a future date to afford TriTEC sufficient time to conduct its evaluation.

The Town would support the location of a solar photovoltaic facility at the Alternate Site. The undersigned has spoke with a representative of the property site, who confirmed that the Alternate Site is available for consideration by TriTEC. The undersigned will provide TriTec's counsel with contact information for the Alternate Site.

Respectfully submitted,

THE TOWN OF BETHANY

By: 

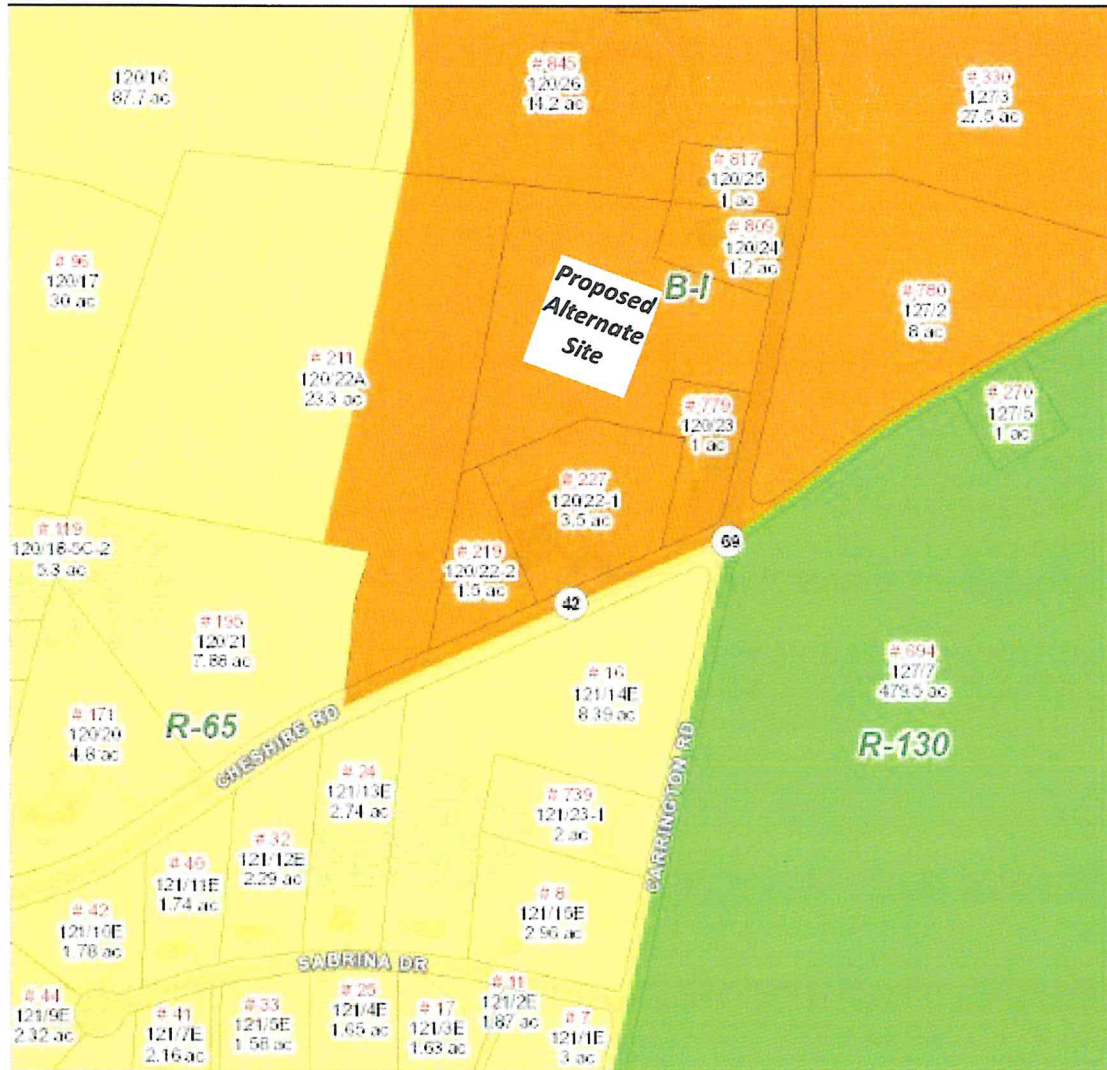
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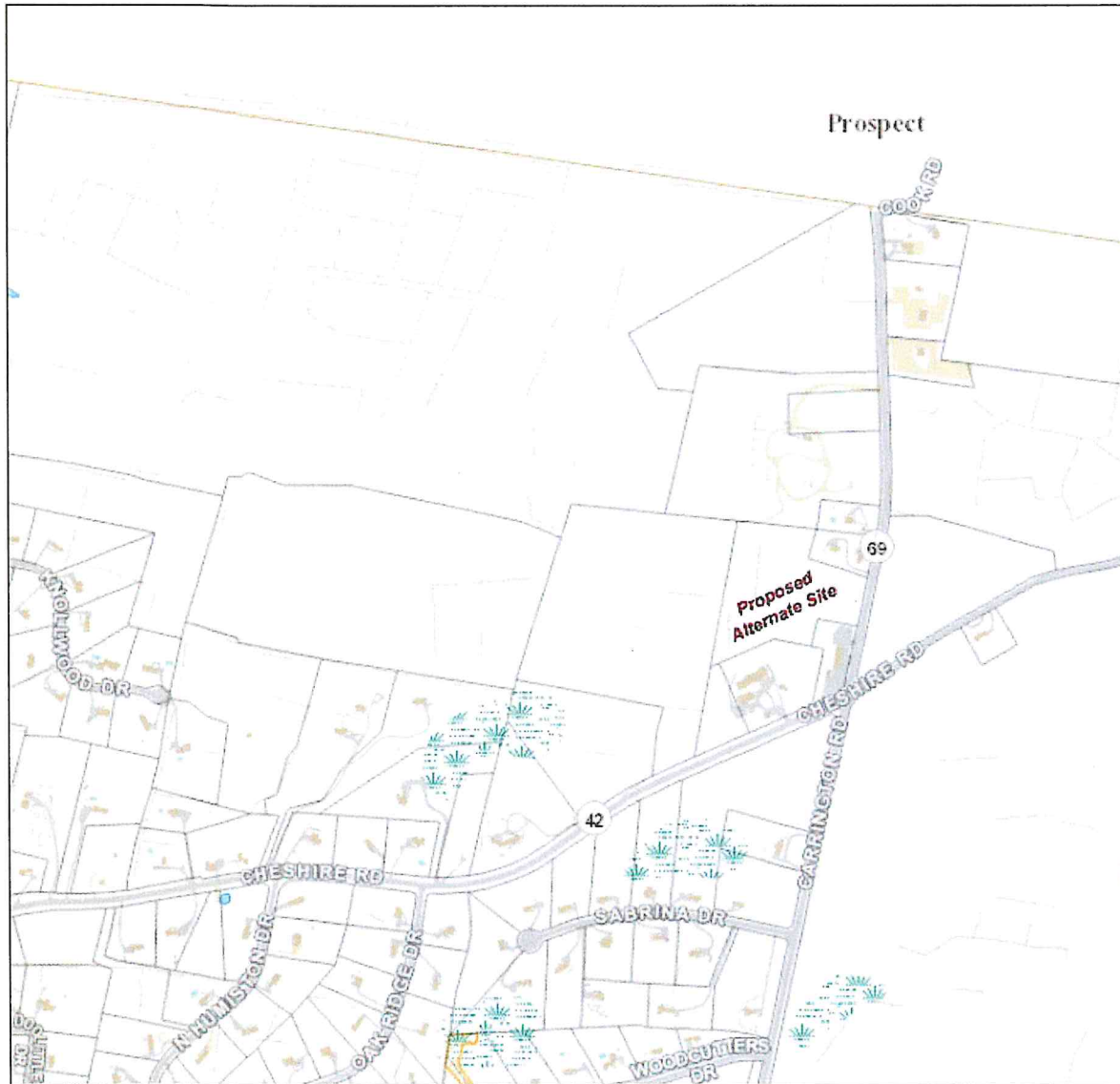


Town of Bethany

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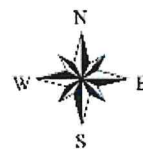


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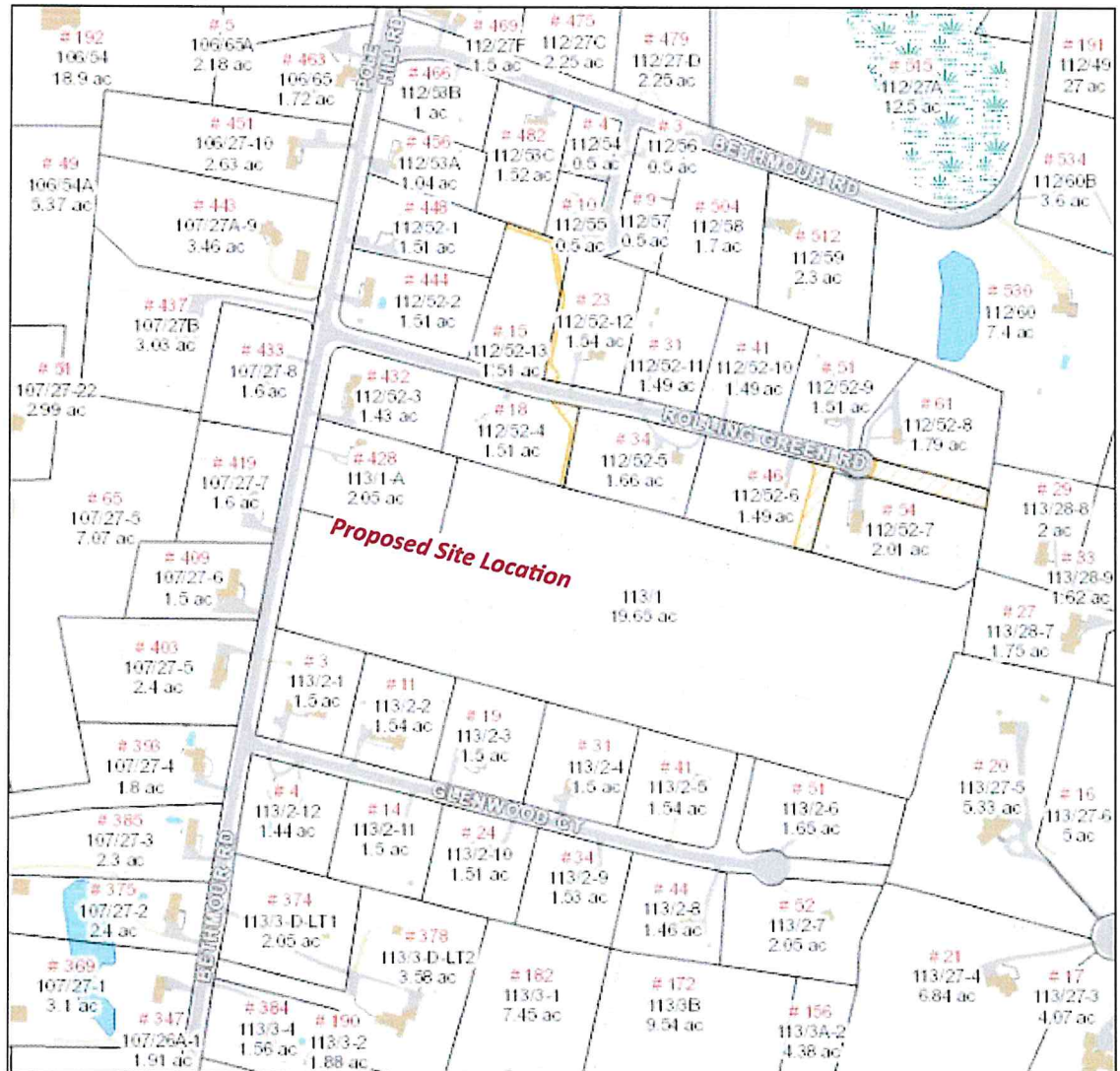
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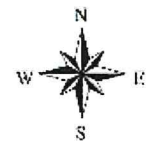


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CERTIFICATION OF SERVICE

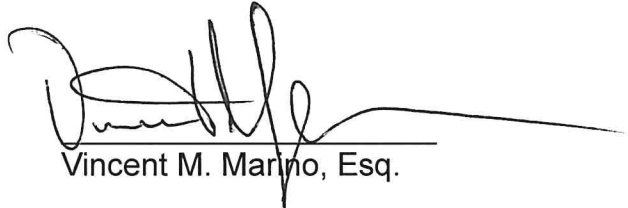
I hereby certify that on this date, a copy of the foregoing was delivered by electronic mail and/or US Mail, first class postage prepaid, to all parties and intervenors of record as follows:

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