



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**

March 15, 2024

Timothy Coon, P.E.
Principal Engineer
J.R. Russo & Associates, LLC
P.O. Box 938
East Windsor, CT 06088
(860) 623-0569
tcoon@jrusso.com

RE: **PETITION NO. 1592** – Santa Fuel, Inc. petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 3.85-megawatt AC solar photovoltaic electric generating facility located at 159 South Road, Somers, Connecticut, and associated electrical interconnection. **Final Decision.**

Dear Timothy Coon:

By its Decision and Order dated March 14, 2024, the Connecticut Siting Council (Council) ruled that the above referenced solar photovoltaic electric generating facility would have a substantial adverse environmental effect, would not meet all applicable United States Environmental Protection Agency and Connecticut Department of Energy and Environmental Protection air and water quality standards, and therefore denied the petition for a declaratory ruling for the proposed solar photovoltaic electric generating facility.

Enclosed are the Council's Findings of Fact, Opinion, and Decision and Order.

Sincerely,

Melanie A. Bachman, Esq.
Executive Director

MAB/RDM/dll

Enclosures (3)

c: Service List, dated March 14, 2024
State Documents Librarian (csl.cda@ct.gov)

DECLARATORY RULING

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in **PETITION NO. 1592** – Santa Fuel, Inc. petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 3.85-megawatt AC solar photovoltaic electric generating facility located at 159 South Road, Somers, Connecticut, and associated electrical interconnection, and voted as follows to deny this petition:

<u>Council Members</u>	<u>Vote Cast</u>
<u>/s/ John Morissette</u> John Morissette, Presiding Officer	Yes
<u>/s/ Quat Nguyen</u> Chairman Marissa Paslick Gillett Designee: Quat Nguyen	Yes
<u>/s/ Brian Golembiewski</u> Commissioner Katie Dykes Designee: Brian Golembiewski	No
<u>/s/ Robert Silvestri</u> Robert Silvestri	Yes
<u>/s/ Daniel P. Lynch, Jr.</u> Daniel P. Lynch, Jr.	Vote Not Recorded
<u>/s/ Thomas Near</u> Thomas Near	Absent
<u>/s/ Chance Carter</u> Chance Carter	Yes

Dated at New Britain, Connecticut, March 14, 2024.

STATE OF CONNECTICUT)

ss. Southington, Connecticut :

March 15, 2024

COUNTY OF HARTFORD)

I hereby certify that the foregoing is a true and correct copy of the Findings of Fact, Opinion, and Decision and Order issued by the Connecticut Siting Council, State of Connecticut.

ATTEST:



Melanie A. Bachman
Executive Director
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Petition No. 1592 has been forwarded by Certified First Class Return Receipt Requested mail, on March 15, 2024, to each party and intervenor, or its authorized representative, as listed on the attached service list, dated March 14, 2024.

ATTEST:



Dakota LaFountain
Clerk Typist
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	Santa Fuel, Inc.	<p>Timothy Coon, P.E. Principal Engineer J.R. Russo & Associates, LLC P.O. Box 938 East Windsor, CT 06088 (860) 623-0569 tcoon@jrusso.com</p> <p>Kyzer Gardiola Vice President of EPC Louth Callan Renewables LLC 921 Thrall Road Suffield, CT 06078 kyzer@louthcallanrenewables.com</p> <p>Ernst Zwikker Santa Fuel, Inc. 154 Admiral Street Bridgeport, CT 06605 zwikkere@santaenergy.com</p> <p>William Ostrander Santa Fuel, Inc. 154 Admiral Street Bridgeport, CT 06605 ostranderw@santaenergy.com</p>



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March 15, 2024

TO: Classified/Legal Supervisor
20240111-1592
The Journal Inquirer
306 Progress Drive
Manchester, CT 06045-0510
nhlegals@hearstmediact.com

FROM: Dakota LaFountain, Clerk Typist *DL*

RE: **PETITION NO. 1592** – Santa Fuel, Inc. petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 3.85-megawatt AC solar photovoltaic electric generating facility located at 159 South Road, Somers, Connecticut, and associated electrical interconnection.

Please publish the attached legal notice for one day on the first day possible from receipt of this notice.

Please send an affidavit of publication and invoice to my attention.

Thank you.

dll



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NOTICE

Pursuant to Connecticut General Statutes § 16-50k and § 4-176, the Connecticut Siting Council (Council) announces that, on March 14, 2024, the Council issued Findings of Fact, an Opinion, and a Decision and Order, denying a petition from Santa Fuel, Inc for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 3.85-megawatt AC solar photovoltaic electric generating facility located at 159 South Road in Somers, Connecticut. This petition record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut.

PETITION NO. 1592 – Santa Fuel, Inc. petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 3.85-megawatt AC solar photovoltaic electric generating facility located at 159 South Road, Somers, Connecticut, and associated electrical interconnection.	}	Connecticut
	}	Siting
	}	Council

March 14, 2024

Findings of Fact

Introduction

1. On September 19, 2023, Santa Fuel, Inc. (SFI) submitted a petition to the Connecticut Siting Council (Council), pursuant to Connecticut General Statutes (CGS) §16-50k and §4-176, for a declaratory ruling for the construction, maintenance, and operation of a 3.85-megawatt AC solar photovoltaic electric generating facility located at 159 South Road in Somers, Connecticut, and associated electrical interconnection (Petition or Project). (SFI 1, p. 1)
2. Pursuant to CGS §16-50k, the Council shall, in the exercise of its jurisdiction over the siting of generating facilities, approve by declaratory ruling any distributed resources facility with a capacity of not more than 65 MW unless the Council finds a substantial adverse environmental effect. (Conn. Gen. Stat. §16-50k (2023)).
3. SFI is a Connecticut company with its principal office located at 154 Admiral Street, Bridgeport, Connecticut. SFI would own and operate the Project. (SFI 1, p. 2)
4. SFI is partnering with Louth Callan Renewables, LLC (LCR) to develop the Project. LCR is a Connecticut-based developer of renewable energy projects with its principal place of business at 921 Thrall Road, Suffield, Connecticut. (SFI 1, p. 2)
5. The party to this proceeding is SFI. (Transcript 1 – January 11, 2024, 2:00 p.m. [Tr. 1], pp. 5-6)
6. SFI has a 25-year lease for the proposed site and would own the proposed facility. The host parcel is owned by the Nancy B. Edgar Revocable Trust & Dianne Bordeaux Lenti. (SFI 1, pp. 3-4)
7. If SFI transfers the solar facility to another entity in the future, SFI would provide a written agreement as to the entity responsible for any outstanding conditions of the declaratory ruling and quarterly assessment charges under CGS §16-50v(b)(2) that may be associated with the facility, including contact information for the individual acting on behalf of the transferee. (SFI 2, response 12)
8. The proposed Project would be a “grid-side distributed resources” facility under CGS § 16-1(a)(37). (CGS § 16-1(a)(37)(2023); SFI 1, p. 1)
9. The proposed Project would generate renewable electrical energy from solar power. Solar power is considered a Class I renewable energy source. (CGS §16-1(a)(20)(2023); SFI 1, p. 3)
10. The State legislature established a renewable energy policy under CGS §16a-35k that encourages the development of renewable energy facilities to the maximum extent possible. (CGS §16a-35k)
11. Pursuant to CGS §16-50x, the Council has exclusive jurisdiction over the construction, maintenance and operation of the proposed solar photovoltaic electric generating facility. (CGS §16-50x (2023))

Procedural Matters

12. Upon receipt of the Petition, the Council sent a letter to the Town of Somers (Town) on September 20, 2023, as notification that the Petition was received and is being processed, in accordance with CGS §16-50k(a), and invited the Town to contact the Council with any questions or comments by October 19, 2023. (Record)
13. Local zoning regulations do not apply to facilities under the exclusive jurisdiction of the Council. Pursuant to CGS §16-50x, the Council has exclusive jurisdiction over solar facilities with a generating capacity greater than 1 MW throughout the state. It shall consider any location preferences provided by the host municipality as the Council shall deem appropriate. (CGS §16-50x (2023))
14. On October 17, 2023, the Town submitted a request for a public hearing. During a public meeting held on November 9, 2023, the Council granted the Town's request. (Record)
15. On December 7, 2023, during a public meeting, the Council approved a public hearing schedule. This extended the public comment period to 30 days following the close of the evidentiary record. The evidentiary record closed on January 11, 2024. The public comment record closed on February 10, 2024. (Record)
16. Public Act (PA) 22-3 took effect on April 30, 2022. It permits public agencies to hold remote meetings under the Freedom of Information Act (FOIA) and the Uniform Administrative Procedure Act. FOIA defines "meeting" in relevant part as "any hearing or other proceedings of a public agency." (Council Administrative Notice Item No. 70; CGS §1-200, *et seq.* (2023))
17. PA 22-3 allows public agencies to hold remote meetings provided that:
 - a) The public has the ability to view or listen to each meeting or proceeding in real-time, by telephone, video, or other technology;
 - b) Any such meeting or proceeding is recorded or transcribed and such recording or transcript shall be posted on the agency's website within seven (7) days of the meeting or proceeding;
 - c) The required notice and agenda for each meeting or proceeding is posted on the agency's website and shall include information on how the meeting will be conducted and how the public can access it any materials relevant to matters on the agenda shall be submitted to the agency and posted on the agency's website for public inspection prior to, during and after the meeting; and
 - e) All speakers taking part in any such meeting shall clearly state their name and title before speaking on each occasion they speak.(Council Administrative Notice Item No. 70)
18. Pursuant to CGS §16-50m, on December 7, 2023, the Council sent a letter to the Town to provide notification of the scheduled public hearing via Zoom remote conferencing. (Record)
19. Pursuant to CGS §16-50m, the Council published legal notice of the date and time of the public hearing via Zoom conferencing in the Journal Inquirer on December 11, 2023. (Record; Transcript 2 – January 11, 2024 – 6:30 p.m. [Tr. 2], p. 5)
20. The Council's Hearing Notice did not refer to a public field review of the proposed site. Field reviews are neither required by statute nor an integral part of the public hearing process. The purpose of a field review is an investigative tool to acquaint members of a reviewing commission with the subject property. (Council's Hearing Notice dated December 7, 2023; Council Administrative Notice Item No. 71 – *Manor Development Corp. v. Conservation Comm. of Simsbury*, 180 Conn. 692, 701 (1980);

Council Administrative Notice Item No. 72 – *Grimes v. Conservation Comm. of Litchfield*, 243 Conn. 266, 278 (1997))

21. On December 4, 2023, in lieu of an in-person field review of the proposed site, the Council requested that SFI submit photographic documentation of site-specific features into the record intended to serve as a “virtual” field review of the proposed site. On December 20, 2023, SFI submitted such information in response to the Council’s interrogatories. (Record; SFI 2, response 52)
22. Pursuant to CGS §16-50p(g), the Council shall in no way be limited by SFI already having acquired land or an interest therein for the purpose of constructing the proposed facility. (CGS §16-50p(g) (2023); Council Administrative Notice Item No. 75 - *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007))
23. The Council’s evaluation criteria under CGS §16-50p does not include the consideration of property ownership or property values nor is the Council otherwise obligated to take into account the status of property ownership or property values. (Tr. 1, pp. 7-8; Tr. 2, p. 6; CGS §16-50p (2023); *Westport v. Conn. Siting Council*, 47 Conn. Supp. 382 (2001); *Goldfisher v. Conn. Siting Council*, 95 Conn. App. 193 (2006))
24. On December 13, 2023, the Council held a pre-hearing conference on procedural matters for parties and intervenors to discuss the requirements for pre-filed testimony, exhibit lists, administrative notice lists, expected witness lists, and filing of pre-hearing interrogatories. Procedures for the public hearing via Zoom remote conferencing were also discussed. (Council Pre-Remote Hearing Conference Memorandum, dated December 7, 2023)
25. In compliance with Regulations of Connecticut State Agencies (RCSA) § 16-50j-21, SFI installed a four-foot by six-foot sign in the vicinity of the proposed access drive to the site. The sign presented information about the proposed solar facility, the public hearing date and contact information for the Council. (Council Pre-Remote Hearing Conference Memorandum, dated December 7, 2023; Tr 1. p. 5; Tr. 2, p. 5)
26. Pursuant to CGS §16-50m, the Council gave due notice of a public hearing on January 11, 2024, beginning with the evidentiary session at 2:00 p.m. and continuing with the public comment session at 6:30 p.m. via Zoom remote conferencing. The Council provided information for video/computer access or audio only telephone access. (Council's Hearing Notice dated December 7, 2023; Tr. 1, p. 4; Tr. 2, p. 4)
27. The 6:30 p.m. public comment session afforded interested persons the opportunity to provide oral limited appearance statements. Interested persons were also afforded an opportunity to provide written limited appearance statements at any time up to 30 days after the close of the evidentiary record. Limited appearance statements in this proceeding, whether oral or written, were not provided under oath nor subject to cross examination. (Tr. 1, p. 7; Tr. 2, p. 14; CGS §16-50n(f) (2023))
28. In compliance with PA 22-3:
 - a) The public had the ability to view and listen to the remote public hearing in real-time, by computer, smartphone, tablet or telephone;
 - b) The remote public hearing was recorded and transcribed, and such recordings and transcripts were posted on the Council’s website on January 11, 2024 and January 29, 2024, respectively;
 - c) The Hearing Notice, Hearing Program, Citizens Guide for Siting Council Procedures and Instructions for Public Access to the Remote Hearing were posted on the agency’s website;
 - d) Prior to, during and after the remote public hearing, the record of the proceeding has been, and remains, available on the Council’s website for public inspection; and

- e) The Council, parties and intervenors provided their information for identification purposes during the remote public hearing.
(Hearing Notice dated December 7, 2023; Tr. 1; Tr. 2; Record)
29. The purpose of discovery is to provide the Council, parties and intervenors access to all relevant information in an efficient and timely manner to ensure that a complete and accurate record is compiled. (RCSA §16-50j-22a (2023))
30. In an administrative proceeding, irrelevant, immaterial or under repetitious evidence shall be excluded, and an agency has the right to believe or disbelieve the evidence presented by any witness, even an expert, in whole or in part. (CGS §4-178 (2023); *Dore v. Commissioner of Motor Vehicles*, 62 Conn. App. 604 (2001); R.C.S.A. §16-50j-25)
31. Pursuant to CGS §16-50n(f), at the conclusion of the evidentiary hearing session held on January 11, 2024, the Council closed the evidentiary record for Petition 1592 and established February 10, 2024 as the deadline for the submission of briefs and proposed findings of fact. (Tr. 1, p. 13)
32. SFI submitted a post-hearing brief on February 5, 2024. (Record)

State Agency Comments

33. Pursuant to RCSA §16-50j-40, on September 20, 2023 and December 7, 2023, the following state agencies were requested to submit written comments regarding the proposed facility: 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 Labor (DOL); Department of Administrative Services (DAS); Department of Transportation (DOT); the Connecticut Airport Authority (CAA); and the State Historic Preservation Office (SHPO). (Record)
34. On September 28, 2023, the Council received comments from CEQ¹ related to wildlife, wetlands, farmland, core forest, and visibility. Wildlife, wetlands, farmland, core forest, and visibility, among other environmental concerns, are addressed in the Environmental Effects and Mitigation Measures section of this document, pursuant to C.G.S. §16-50p. (Record; C.G.S. §16-50p (2023))
35. On October 18, 2023, the Council received comments from DEEP² regarding existing site conditions, stormwater permit requirements, core forest and opinions on visibility and noise. Visibility, noise, core forest, stormwater management, among other environmental concerns, are addressed in the Environmental Effects and Mitigation Measures section of this document, pursuant to C.G.S. §16-50p. (Record; C.G.S. §16-50p (2021))
36. While the Council is obligated to consult with and solicit comments from state agencies by statute, the Council is not required to abide by the comments from state agencies. (Council Administrative Notice Item No. 75, *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007))

¹https://portal.ct.gov/-/media/CSC/3_Petitions-medialibrary/Petitions_MediaLibrary/MediaPetitionNos1501-1600/PE1592/ProceduralCorrespondence/PE1592_STATEMEMO-CommentsRecd_a.pdf

²https://portal.ct.gov/-/media/CSC/3_Petitions-medialibrary/Petitions_MediaLibrary/MediaPetitionNos1501-1600/PE1592/StateComments/PE1592_pubformStateAgencyComments_DEEP_a.pdf

Municipal Consultation

37. During July 2023, SFI provided Project site plans to the Town. On August 2, 2023, SFI attended a Town Conservation Commission meeting to discuss the site plans and solicit feedback. (SFI 1, p. 7)
38. On September 5, 2023, SFI attended a Town Planning and Zoning meeting to discuss the Project. The Town did not present specific concerns but recommended that the public have an opportunity to comment through a public hearing process. (SFI 1, p. 8)
39. On September 19, 2023, the Town Conservation Commission submitted comments to the Council requesting that a pollinator-friendly seed mix be used to restore disturbed areas. (Record)
40. The Town submitted additional comments on February 8, 2024, in support of shifting the Project footprint slightly north and installing additional landscaping and agricultural-style fencing. (Record)

State of Connecticut Planning and Energy Policy

41. Section 51 of Public Act (PA) 11-80 requires that DEEP prepare a Comprehensive Energy Strategy (CES) every three years that reflects the legislative findings and policy stated in CGS §16a-35k. As such, this statute consolidated Connecticut's energy planning for the first time. The final version of the state's inaugural CES was published on February 19, 2013 (2013 CES). It advocated smaller, more diversified generation projects using renewable fuels, as well as smaller, more innovative transmission projects emphasizing reliability. (CGS §16a-3d (2023))
42. The CES examines future energy needs and identifies opportunities to reduce ratepayer costs, ensure reliable energy availability, and mitigate public health and environmental impacts. CES Strategy No. 3 is "Grow and sustain renewable and zero-carbon generation in the state and region." The state Integrated Resource Plan assesses the state's future electric needs and a plan to meet those future needs, including, but not limited to, pathways to achieve a 100 percent zero carbon electric supply by 2040. (Council Administrative Notice Item Nos. 47 and 48)
43. The proposed facility will contribute to fulfilling the State's Renewable Portfolio Standard and Global Warming Solutions Act as a zero emission Class I renewable energy source. (Council Administrative Notice Item No. 47)
44. CGS §16-245a establishes Connecticut's *Renewable Portfolio Standards (RPS)*. Currently, RPS requires that 26 percent of Connecticut's electricity usage be obtained from Class I renewable resources by 2024. These percentage increases annually and reaches 40 percent by 2030. (CGS §16-245a (2023))
45. The Global Warming Solutions Act (GWSA) sets a goal of reducing greenhouse gas (GHG) emissions by 80 percent by 2050. (CGS §22a-200 (2023))
46. The proposed facility will contribute to fulfilling the State's RPS and GWSA as a zero emission Class I renewable energy source. (Council Administrative Notice Item No. 47)

Public Benefit

47. 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. (CGS. §16-50p (2023))

48. The Project would be a distributed energy resource facility as defined in CGS §16-1(a)(49). CGS §16a-35k establishes the State's energy policy, including the goal to "develop and utilize renewable energy resources, such as solar and wind energy, to the maximum practicable extent." (CGS §16-1(a)(49) (2023); CGS §16a-35k (2023))
49. PA 05-1, An Act Concerning Energy Independence, established a rebuttable presumption that there is a public benefit for electric generating facilities selected by the Department of Public Utility Control (DPUC, now known as PURA) in a Request for Proposals. (PA 05-1; CGS§16-50k (2023))
50. SFI intends to the to sell the power via a retail supply contract with a wholesale provider that is an ISO-NE Market Participant. SFI anticipates it will secure a 20-year power purchase agreement with options for contract extensions. (SFI 2, responses 8 and 9; Tr. 1, pp. 84-87)
51. SFI may participate in an ISO-New England, Inc. (ISO-NE) Forward Capacity Auction if the executed contract requires such participation. (SFI 2, response 22)

Public Act 17-218

52. PA 17-218 requires, "for a solar photovoltaic facility with a capacity of two or more megawatts, to be located on prime farmland or forestland, excluding any such facility that was selected by DEEP in any solicitation issued prior to July 1, 2017, pursuant to section 16a-3f, 16a-3g or 16a-3j, the DOAg represents, in writing, to the Council that such project will not materially affect the status of such land as prime farmland or DEEP represents, in writing, to the Council that such project will not materially affect the status of such land as core forest." (Record)
53. By letter dated March 8, 2023, DEEP's Bureau of Natural Resources determined that the proposed solar facility would not have a material impact on the status of core forest. (October 30, 2023 DEEP CGS §16-50k No Material Impact to Core Forest Determination Letter)
54. The proposed site does not contain prime farmland soil. Therefore, SFI did not seek a written determination of no material impact to prime farmland from DOAg under PA 17-218. (SFI 1, p. 16, Attachment 16)
55. PA 17-218 does not confer the Council's exclusive jurisdiction upon DOAg or DEEP nor does it permit DOAg or DEEP to impose any enforceable conditions on the construction, maintenance and operation of solar photovoltaic electric generating facilities under the exclusive jurisdiction of the Council. (CGS §16-50k and 16-50x (2023))
56. PA 17-218 also requires that the Council not find a substantial adverse environmental effect in its exercise of jurisdiction over facilities eligible to be approved by declaratory ruling under CGS §16-50k. There are no exemptions from this provision of PA 17-218. (CGS §16-50k (2023))
57. PA 23-163 relating to a decommissioning bond and agricultural site restoration requirement does not apply to the proposed solar facility as it was submitted to the Council as a Petition for a Declaratory Ruling rather than an Application for a Certificate. (PA 23-163)
58. In coordination with the host parcel owner, SFI developed a Decommissioning Plan for restoration of the site at the end of the Project's useful life to facilitate the host parcel owner's future intended use of the site. (SFI 2, response 13)

59. Upon decommissioning of the facility, the prior agricultural use of the site can resume. (SFI 1, p. 3; SFI 2, response 14)

Site Selection

60. The host parcel was selected by SFI for the solar facility site due to availability; suitability in terms of parcel size, topography, lack of sensitive environmental resources; and proximity to electrical utilities for interconnection. (SFI 1, p. 3)
61. Pursuant to CGS §16-50p(g), the Council has no authority to compel a parcel owner to sell or lease property, or portions thereof, for the purpose of siting a facility. (Council Administrative Notice Item No. 77 - *Corcoran v. Connecticut Siting Council*, 284 Conn. 455 (2007))

Proposed Site

62. Pursuant to 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. (RCSA §16-50j-2a(29)(2023))
63. The Council does not have jurisdiction or authority over any portion of the host parcel beyond the boundaries of the facility “site.” This includes portions of the host parcel retained by the property owner and portions of the host parcel the property owner may lease to third parties. Once a facility is decommissioned, the Council no longer has jurisdiction or authority over the facility “site.” (CGS §16-50p(g) (2023))
64. Under CGS §16-50p, the Council’s evaluation criteria does not include the evaluation and/or determination of rights under any lease with the property owner of the proposed site nor does it include the evaluation of property values. (Tr. 2, p. 6; CGS §16-50p (2023))
65. Pursuant to a lease agreement with the property owner, SFI proposes to construct the solar facility on an approximate 21.1-acre site on an approximate 108.5-acre parcel at 159 South Road in Somers. (SFI 1, p. 4)
66. The host parcel is zoned Residential (A-1) and has frontage on South Road to the west and Mountain View Road to the south. (SFI 1, Site Plans Sheets 3 and 4)
67. The parcel contains fields in the northeastern portion, abandoned orchards in the western portion, and forest in the southeastern portion. A farmhouse and associated outbuildings are also located in the western portion, accessed from a driveway extending from South Road. (SFI 1, Site Plans Sheets 3 and 4)
68. The landowner currently harvests hay in the fields and on an abutting property to the north, owned by the Nancy B. Edgar Revocable Trust (one of the landlords). (SFI 1, p. 4)
69. Land use in the surrounding area consists of residential to the west and south, land trust and undeveloped properties to the east, Geissler's Supermarket and land owned by Nancy B. Edgar Revocable Trust to the north, (SFI 1, p. 4, Site Plan Sheet 4)

70. The site slopes generally from the southeast to the northwest, with ground elevations ranging from approximately 270 feet above mean sea level (amsl) in the northwestern portion to approximately 350 feet amsl southeastern portion in the portion. (SFI 1, Site Plan Sheets 5 and 6)

Proposed Facility

Solar Array

71. The proposed Project consists of 8,710 mono-facial photovoltaic panels rated at approximately 550 Watts. (SFI 1, p. 5, Attachment 4)
72. The panels would be installed on a single-axis tracker system supported by posts. At maximum tilt, the panels would be approximately 15 feet above grade at the highest point and 3 feet at the lowest point. (SFI 1, p. 6, Site Plan Sheet 8)
73. The tracker system would rotate along the north-south axis to a maximum angle of 60 degrees. The tracker motors are self-powered using a solar panel between the racking tables as a power source. (Tr. 1, pp. 42-43)
74. The panels would be arranged in linear rows in a north-south direction, separated by 11.2-foot wide vegetated aisles. (SFI 1, Site Plan Sheets 5 and 6)
75. Two 30-foot by 10-foot concrete pads would be installed on the east side of the site adjacent to the access drive to support an electrical transformer and switchgear. An inverter pad would be installed adjacent to the electrical equipment pad to support string inverters mounted on a racking system. (SFI 1, pp. 5-6, Site Plan Sheets 5 and 6)
76. A weather station would be mounted to the southernmost equipment pad to monitor the amount of irradiance, temperature, wind speed and other parameters that may affect system performance. (SFI 1, Attachment 14, Site Plan A-101C; Tr. 1, pp. 38-39)
77. The Project would be enclosed by a 7-foot tall chain link fence. SFI would consider installing an agricultural style fence to match the agricultural use of the host parcel. (Tr. 1, pp. 35-36)
78. The nearest property line and residence (not owned by the landlords) to the proposed solar array perimeter fence is approximately 42 feet and 66.5 feet, respectively, to the south at 187 South Road. (SFI 2, response 18, Site Plan Sheet 6; Tr. 1, pp. 49-50, 88-90)
79. SFI would consider shifting the entire Project to the north by 10-15 feet to increase the distance of the fence to the 187 South Road property line. Such a relocation would decrease the distance to the north property line, owned by one of the landlords (Nancy B. Edgar Revocable Trust), from 25 feet to 10 feet. Other configurations would reduce the capacity of the Project by eliminating panels. (Tr. 1, pp. 50, 103-104)
80. Installing a 600 watt or higher wattage solar panel at the site would not necessarily reduce the Project footprint given that the panels would have a larger footprint than the proposed panels. The proposed VSUN panels have an output rating ranging from 535 to 550 Watts (550 Watts is proposed for the Project). (SFI 1, Attachment 4; Tr. 1, pp. 107- 110)

Site Access

81. The Project would be accessed by a new 15-foot wide, 1,100-foot long gravel access drive extending east from South Road to the transformer/switchgear pads. The new access drive ascends a hillside to the south of the existing farmhouse on the property and bisects the solar array. (SFI 1, p. 5, Site Plan Sheet 4)
82. During construction, SFI would utilize an existing gravel farm road that extends east from South Road, parallel to the property line to the site. SFI is not considering this road as a permanent access due to the location of the interconnection at the south edge of the site. A permanent access road is required to access the equipment mounted on the proposed interconnection poles. (SFI 1, Site Plan Sheets 4 and 5; Tr. 1, pp. 14-17)

Electrical Interconnection

83. The Project is comprised of one metered system with a design capacity of approximately 3.85 MW AC. It would interconnect to an Eversource 23-kV overhead electric distribution line on Mountain View Road. (SFI 1, p. 7)
84. The interconnection includes the installation of six new utility poles along the proposed access drive, east of South Road, and one new utility pole on the west side of South Road. Four of the poles would be on the customer side with the remaining three on Eversource's side. (SFI 1, Site Plan Sheet 6; Tr. 1, pp. 30-31, 74-75)
85. The proposed utility poles are approximately 35 to 40 feet above ground level. (Tr. 1, pp. 30-31)
86. Due to insufficient hosting capacity on the existing circuit on South Road, Eversource would extend a new circuit on existing poles (overbuild) for approximately 670 feet to interconnect to an existing circuit near the corner of South Road and Mountain View Road. The design of the overbuild would be determined by Eversource. (SFI 1, p. 7; SFI 2, response 24; Tr. 1, pp. 30-32, 90-94)
87. The facility interconnection was reviewed Eversource. (SFI 2, response 32)
88. The interconnection will be reviewed by ISO-NE and is currently in the ISO-NE interconnection queue. (SFI 2, response 32; Tr. 1, pp. 95-96)
89. A preliminary interconnection design included an access road extending across the forested, southern portion of the property to interconnect with a circuit on Mountain View Road. SFI did not pursue this design due to difficulties in designing a suitable access road across the hillside. (SFI 1, Attachment 14, Site Plan A-101C; Tr. 1, pp. 17-18, 97-101)
90. The projected capacity factor of the proposed solar facility is 19 percent. The power output would not measurably decline on an annual basis. (SFI 2, responses 23 and 25)
91. SFI has no plans to incorporate a battery energy storage system on the Project site at this time. (SFI 2, response 20; Tr. 1, p. 73)

Cost

92. The estimated construction cost of the Project is \$9.6 million, inclusive of interconnection costs. (SFI 2, response 3)

93. SFI does not anticipate replacing panels based on advancements in solar panel technology. Project economics are based on the anticipated service life of the selected solar panels. (Tr. 1, pp. 71-72)

Public Safety

94. The proposed facility would be designed to comply with the current Connecticut State Building Code, National Electrical Code, the National Electrical Safety Code (NESC), and the National Fire Protection Association code. (SFI 2, response 39)
95. In the event of a fire or other emergency, emergency responders would be able to shut down the facility via a disconnect switch. (SFI 2, response 42)
96. Emergency responders would be provided keys to the access gate. (SFI 1, p. 15)
97. Prior to commencement of operation, SFI would meet with local emergency responders and provide training and information regarding facility operations, emergency response and location of the disconnect switch. (SFI 1, p. 15; SFI 2, Attachment 9; Tr. 1, pp. 77-80)
98. A solar panel/electrical component fire would be contained using methods prescribed by the fire department. Typically, fires are allowed to burn out while keeping the fire from spreading to adjacent areas. (SFI 2, response 43)
99. The facility would be remotely monitored 24/7 by a data acquisition system. (SFI 1, response 41. Attachment 9)
100. Operation of the Project would not interfere with internet, cable or phone service to nearby properties. (Tr. 1, pp. 36-37)
101. No permanent night lighting of the facility is proposed. (Tr. 1, p. 36)
102. The site is not within a Federal Emergency Management Agency (FEMA)-designated 100-year flood zone. (SFI 1, p. 12)
103. The Federal Aviation Administration (FAA) requires a glare analysis for on-airport solar development at federally-obligated airports. Federally obligated airports are airports that receive federal funding. (Council Administrative Notice Item Nos. 17-18)
104. The nearest airport to the facility is Ellington Airport located approximately 3.1 miles south of the site. It is not a federally-obligated airport. No glare analysis is required to comply with FAA policy. (Council Administrative Notice Item No. 17-18, 39; SFI 2, response 45)
105. Notice to the FAA would not be required for the solar facility. Notice to the FAA may be required if a crane is utilized at the site during construction. (SFI 1, p. 15; SFI 1, Exhibit XV – FAA Determination)
106. The proposed transformers would utilize FR3 oil, a non-toxic and biodegradable oil. The transformers would be equipped with a remotely monitored alarm system that can detect abnormal oil levels. (SFI 2, response 44)

Noise

107. The facility would only operate during the daytime. (SFI 3, Attachment 1)
108. Noise emissions from the solar facility would be primarily from the operation of two transformers and 14 inverters. Two electrical equipment pads/areas are proposed, each containing 7 inverters and one transformer. (SFI 2, response 47; SFI 3, response 57)
109. Each inverter and transformer would produce a maximum sound level of approximately 80 dBA and 61 dBA, respectively, at a distance of 3.3 feet. (SFI 3, Attachment 1)
110. The operation of the facility would produce a sound level of 44 dBA at the nearest developed property line (187 South Road), thus, it would be in compliance with the DEEP Noise Control Standards. (SFI 1, Site Plans Sheet 4; SFI 2, response 49)
111. Operation of the facility would produce a sound level of 60.5 dBA at the nearest property line, an undeveloped forest parcel used for passive recreation and owned by the Northern Connecticut Land Trust. SFI could deploy noise mitigation measures near the northern equipment pad (82 feet from the property boundary) to reduce daytime noise levels to below 55 dBA. (SFI 2, Attachment 1, response 58; Tr. 1, pp. 37-38)
112. Operation of the facility would be in compliance with the DEEP Noise Control Standards for an industrial emitter to a residential receptor (61 dBA day/51 dBA night). (Council Administrative Notice Item No. 46)
113. Construction noise is exempt from DEEP Noise Control Standards. (RCSA §22a-69-108(g))

Environmental Effects and Mitigation Measures

Air and Water Quality

114. The proposed Project would meet DEEP air quality standards and would not produce air emissions of regulated air pollutants or GHG. (SFI 1, p. 9)
115. During construction of the proposed Project, air emissions from the operation of machinery would be temporary in nature. SFI would deploy temporary mitigation measures to reduce emissions, where necessary. (SFI 1, p. 9)
116. As applicable to any proposed jurisdictional facility site, the Council's Filing Guide for a Petition for a Declaratory Ruling for a Renewable Energy Facility requires the submission of plans for erosion and sedimentation control consistent with the 2002 Connecticut Guidelines for Erosion and Sedimentation Control (2002 E&S Guidelines); Water consumption and discharge rate; FEMA Flood Zone information and associated flood mitigation plans; Proximity to DEEP Aquifer Protection Areas; DEEP groundwater classification underlying the site; Wetland and Watercourse Analysis Report and map, and associated Wetland and Watercourse Impact Mitigation Plan; Vernal Pool Analysis Report and Map, and associated Vernal Pool Impact Mitigation Plan. (Record)
117. Water would not be used during operation of the facility. (SFI 1, p. 12)

118. Private water wells serve the residences in the area. Vibrations from the installation of the racking system are not expected to cause sediment releases, and thus, no disruption to well water flow or quality is expected. (SFI 1, p. 12; SFI 2, response 46)
119. The site is not located within a DEEP-designated Aquifer Protection Area. (SFI 1, p. 12)
120. No on-site fuel storage is proposed during construction or operation. Refueling of machinery would be from dedicated vehicles brought to the site. (Tr. 1, p. 40)
121. SFI developed a Spill Response and Control Plan (SRCP) that includes, but is not limited to, measures for prevention, containment, cleanup and reporting. (SFI 2, Attachment 8)
122. SFI would amend its SRCP once a contractor is selected. It would include worker training and contact information including, but not limited to, regulatory agencies, spill cleanup contractors, and local responders. (Tr. 1, pp. 41-42)

Stormwater

123. Pursuant to CGS Section 22a-430b, DEEP retains final jurisdiction over stormwater management and administers permit programs to regulate stormwater discharges. DEEP regulations and guidelines set forth standards for erosion and sedimentation control, stormwater pollution control and best engineering practices. (CGS §22a-430b; DEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities. (DEEP-WPED-GP-015)
124. The DEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (General Permit) requires implementation of a Stormwater Pollution Control Plan (SWPCP) to prevent the movement of sediments off construction sites into nearby water bodies and to address the impacts of stormwater discharges from a proposed project after construction is complete. In its discretion, DEEP could require an Individual Permit for discharges and hold a public hearing prior to approving or denying any General or Individual Permit (Stormwater Permit) application. (CGS Section 22a430b; CGS Section 22a-430(b))
125. The SWPCP incorporates project designs consistent with the 2002 E&S Guidelines and the *2004 Connecticut Stormwater Quality Manual* (2004 Stormwater Manual). (DEEP-WPED-GP-015)
126. DEEP has the authority to enforce proposed project compliance with its Individual or General Permit and the SWPCP, including, but not limited to, the installation of site-specific water quality protection measures in accordance with the 2002 E&S Guidelines and 2004 Stormwater Manual. (CGS Section 22a-430b (2023))
127. The Council may impose a condition that requires subsequent compliance with DEEP standards and regulations. (Council Administrative Notice Item No. 75 – *FairwindCT, Inc. v. Connecticut Siting Council*)
128. The Project would require a DEEP-issued Stormwater Permit prior to commencement of construction activities as defined in the General Permit. (CGS Section 22a-430b)
129. The General Permit requires the designing qualified professional to conduct the SWPCP Implementation Inspection that confirms compliance with the General Permit and the initial implementation of all SWPCP control measures for the initial phase of construction. The SWPCP also requires a qualified inspector to inspect the work areas at least once per week and within 24-hours after

- a rain event that meets certain permit criteria. The qualified soil erosion and sediment control professional or a qualified professional engineer would inspect the area and confirm stabilization and compliance with the post-construction stormwater management requirements. (DEEP-WPED-GP-015)
130. SFI prepared a SWPCP that concluded post-construction stormwater could be controlled by perimeter swales and two stormwater management infiltration basins located on the west side of the site. The management system is designed to maintain existing drainage patterns. (SFI 1, Attachment 9)
 131. The Project has been designed to comply with DEEP Stormwater Permit Appendix I. As required by Appendix I, the design maintains a 50-foot wetland buffer from the stormwater basins and a 100-foot wetland buffer from the solar panels. (SFI 1, p. 10, Site Plan Sheets 5 and 6)
 132. The northern stormwater basin is located in an existing agricultural field. The southern stormwater basin would be located within an abandoned orchard. (SFI 1, Site Plan Sheets 4, 5 and 6)
 133. The outflow from the southern stormwater basin directs water down gradient towards South Road, (State Route 83). An existing swale along the east side of road directs water south to a catch basin and a culvert that extends under the road, discharging on the west side. (SFI 1, Site Plan Sheet 6; Tr. 1, pp. 19-21)
 134. There would be no increase in water discharge from the site that would affect the existing South Road swale/culvert system. The site stormwater management system is designed to retain excess stormwater during storms and discharge it at a flow that does not exceed pre-existing conditions. (SFI 1, Attachment 9; Tr. 1, pp. 19-22)
 135. SFI met with the DEEP Stormwater Program on August 16, 2023 to discuss the proposed Project. DEEP did not request changes to the proposed design. (SFI 2, response 1; Tr. 1, pp. 29-30)
 136. SFI would submit a General Permit application to DEEP if the Project is approved by the Council. (Tr. 1, p. 29)
 137. Due to stormwater outfalls that direct water towards Route 83, SFI would provide the DOT with stormwater outflow calculations as part of the DOT encroachment permit review. (SFI 1, pp. 59-60)
 138. The Project would be constructed in one phase. SFI intends to install E&S controls, then proceed with tree clearing, grubbing and grading where necessary, followed by construction of the permanent stormwater basins and site infrastructure. SFI does not intend to install temporary sediment traps for use during construction. The two permanent stormwater basins would not be used as sediment traps but would be cleaned if sediment entered the basins at the end of the construction phase. (SFI 1, Site Plan Sheet 7; Tr. 1, pp. 26-29)
 139. Temporary wood chip berms would be installed on the hillside grading area in the southeast corner of the site to reduce stormwater velocities. Wood chips would also be spread on disturbed areas of the site to reduce erosion during construction. (SFI 1, Site Plan Sheet 6; Tr. 1, pp. 28, 61)
 140. The Inland Wetlands and Watercourses Act (IWWA), CGS §22a-36, *et seq.*, contains a specific legislative finding that the inland wetlands and watercourses of the state are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed, and the preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. (CGS §22a-36, *et seq.* (2023))

141. The IWWA grants regulatory agencies with the authority to regulate upland review areas in its discretion if it finds such regulations necessary to protect wetlands or watercourses from activity that will likely affect those areas. (CGS §22a-42a (2023))
142. The IWWA forbids regulatory agencies from issuing a permit for a regulated activity unless it finds on the basis of the record that a feasible and prudent alternative does not exist. (CGS §22a-41 (2023))
143. Under the IWWA:
 - a) “Wetlands” means land, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture;
 - b) “Watercourses” means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border the state; and
 - c) Intermittent watercourses are delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (A) Evidence of scour or deposits of recent alluvium or detritus, (B) the presence of standing or flowing water for a duration longer than a particular storm incident, and (C) the presence of hydrophytic vegetation. (CGS §22a-36, *et seq.* (2023))
144. A wetland inspection of the host parcel was performed on December 22, 2022. Two ponds, resulting from past excavations below the water table, are located in the western portion of the property, north of the farmhouse. The ponds are permanent features with bordering wetlands. (SFI 1, pp. 9-10, Attachment 8)
145. The ponds likely support a diversity of amphibian species. A survey for specific amphibian species was not conducted. The ponds do not exhibit vernal pool characteristics and no vernal pools were identified on the host parcel. (SFI 1, Attachment 8; SFI 2, response 1; Tr. 1, pp. 47-48, 67)
146. The construction limit of disturbance (LOD) would be approximately 50 feet from both ponds at its closest point. (SFI 1, Site Plan Sheets 5 and 6)
147. Increasing the distance of the LOD to the ponds would most likely result in the loss of solar panels and associated energy production as well as require the relocation of the northern stormwater basin. (Tr. 1, pp. 48-49)

Forests and Parks

148. Development of the Project would require approximately 3 acres of edge forest clearing in the southeast portion of the site. (SFI 1, p. 5)
149. The edge forest borders an approximate 360-acre DEEP-designated core forest block. Removal of the edge forest would decrease the core forest block by approximately 3 acres. (Council Administrative Notice Item No. 100; SFI 2, Attachment 6)
150. Development of the Project would also require approximately 5.3 acres of clearing in an abandoned orchard in the southwest portion of the site. (SFI 1, p. 5, Site Plan Sheet 4)

151. The site is approximately 0.9 mile northwest of the Shenipsit State Forest at its closest point. (Council Administrative Notice Item No. 99)

Scenic, Historic and Recreational Values

152. SHPO submitted correspondence to SFI on July 25, 2023, stating that the proposed Project would not affect any historic or archeological resources. (SFI 1, Attachment 14)
153. The site would be visible to the abutting developed residential property to the south (187 South Road) and to residences on the west side of South Road in the area of the proposed access drive. (SFI 1, p. 13)
154. To mitigate some of the views of the facility, SFI would install a row of white spruce along the southwestern section of the perimeter fence. White spruce grows at a rate of one to two feet a year and is deer resistant. It may be necessary to top/trim the spruce trees if they reach a height where it would shade the facility. (SFI 1, p. 13, Site Plan Sheet 6; SFI 2, response 1; Tr. 1, p. 24)
155. Due to topography and the angle of the panels, solar panel glare is not expected at the residences on the west side of South Road. (Tr. 1, pp. 44-45)
156. There is little existing vegetation between 187 South Road and the site. In addition to the row of white spruce, SFI would be willing to install additional plantings along the property line to enhance screening. (Tr. 1, pp. 23-24)
157. Due to the sloping hillside in the access road area, residences across South Road would be able to view the 20-foot wide emergency outfall structure and the outlet pipe associated with the southern stormwater detention basin. SFI would be willing to plant screening below the basin area to mitigate some of the views of these features. (Tr. 1, pp. 24-26, 45)
158. Landscape plantings are typically warranted for up to one year and would be replaced if there is die off in this timeframe. (Tr. 1, p. 106)
159. There are no town or state designated scenic roads near the site. (SFI 1, p. 13)
160. There are no “blue-blazed” hiking trails maintained by the Connecticut Forest and Park Association within one mile of site. (Council Administrative Notice No. 96)
161. The Northern Connecticut Land Trust McCann Farm reserve abuts the site to the east. The preserve features several hiking trails, one of which extends through a forest along the property line with the host parcel. The site is approximately 140 feet to the hiking trail at its closest point and would be visible from the trail. (SFI 3, Attachment 2; SFI 2, response 50)
162. No comments were received from OPM or DEEP regarding impact to scenic quality or resources. (Record)
163. The Project would be consistent with the State Plan of Conservation and Development as it would be a Class I renewable zero emissions electric generation facility that is compatible with state goals for environmental protection and minimization of potential impacts to historic, agricultural and scenic resources. (Council Administrative Notice No. 60, p. 15)

Fish, Aquaculture and Wildlife

164. SFI reviewed the most recent DEEP Natural Diversity Database (NDDDB) mapping for the site which determined that no NDDDB buffered areas overlapped the site, thus, no consultation with the DEEP NDDDB program was conducted. (SFI 1, p. 9; Tr. 1, p. 49; DEEP-WPED-GP-015 - Appendix A)
165. The northern long-eared bat (NLEB), a federally-listed and state-listed Endangered Species occurs in Connecticut. However, there are no known occurrences of NLEB in Somers. By letter dated October 2, 2023 the U.S. Fish and Wildlife Service determined that the Project would not likely have an adverse effect on the NLEB, and no additional action is necessary. (SFI 2, Attachment 1; Council Administrative Notice No. 92)
166. The mesh of the proposed chain link fence would be raised 8-inches above grade to allow for small wildlife movement. (SFI 1, Site Plan Sheet 8; Tr. 1, p. 36)
167. The solar array would be seeded with a pollinator-friendly plant mix. The stormwater detention basins would be seeded with a stormwater specific plant mix. (SFI 1, Site Plan Sheet 7; Tr. 1, pp. 53-54)

Agriculture

168. Most of the northern portion of the Site was previously mined for gravel. Existing soils at the site consist of sand, gravel and sandy loams. (SFI 1, Attachment 9)
169. The statutory mission of the Governor's Council for Agricultural Development (GCAD) is to develop a statewide plan for Connecticut agriculture. In 2012, GCAD recommended DOAg create an agriculture-friendly energy policy that includes, but is not limited to, on-farm energy production to reduce costs and supplement farm income, agricultural net metering for power production and transmission, and qualification of agricultural anaerobic digestion projects for zero-emissions renewable energy credits. (Public Act 11-189; GCAD First Annual Report December 2012)
170. Agriculture in Connecticut is likely to be adversely impacted by climate change. It is most affected by changes in temperature and both the abundance and lack of precipitation. The top five most imperiled agricultural products are maple syrup, dairy, warm weather produce, shellfish and apple and pear production, but there are opportunities for production expansion with the future climate, including, but not limited to, biofuel crops, witch hazel and grapes. (Council Administrative Notice Item No. 66 – Climate Change Preparedness Plan)
171. Adaptation strategies for climate change impacts to agriculture include promotion of policies to reduce energy use, conserve water and encourage sustainability. (Council Administrative Notice Item No. 66 – Climate Change Preparedness Plan)
172. Pursuant to CGS §22-26aa, *et seq.*, DOAg administers the Statewide Program for the Preservation of Agricultural Land, a voluntary program to establish a land resource base consisting mainly of prime and important farmland soils. A permanent restriction on non-agricultural uses is placed on the deed of participating properties, but the farms remain in private ownership and continue to pay local property taxes. The host parcel is not enrolled in this program. (CGS §22-26aa, *et seq.*; SFI 2, response 16)
173. Public Act 490 is Connecticut's Land Use Value Assessment Law for Farm Land, Forest Land and Open Space Land that allows land to be assessed at its use value rather than its fair market or highest and best use value for purposes of local property taxation. (CGS §12-107a through 107-f (2023))

174. The host parcel is currently enrolled in the Public Act 490 Program for agricultural land tax abatement. Once constructed, the solar facility site portion of the host parcel would not be eligible for the program. (SFI 2, response 15)
175. Prime farmland soils are defined by the United States Department of Agriculture National Resources Conservation Service as the most suitable land for producing food, feed, fiber, forage, and oilseed crops. (Council Administrative Notice Item No. 14)
176. No prime farmland soils were identified at the site. (SFI 1, Attachment 16)

Facility Construction

177. If the Project is approved by the Council, the following permits would be required for construction and operation:
a) DEEP Stormwater Permit;
b) Town Building/ Electrical Permit; and
c) DOT Encroachment Permit.
(SFI 2, response 2)
178. Construction of the site would maintain existing grades through a majority of the site except for the hillside in the southeast corner where an approximate 5-acre area would be regraded to attain slopes of 15 percent, and the grading required to construct the access drive and stormwater management system adjacent to South Road. (SFI 1, p. 6, Site Plan Sheets 5 and 6)
179. Construction of the facility would require a small export of material off-site. There will be no net loss of topsoil at the site. (SFI 2, response 1; Tr. 1, p. 61)
180. Site construction would disturb an approximate 22.1-acre area. (SFI 2, response 1)
181. Site grubbing would include a 1.7-acre area in the southeast portion of the site and in the 5.3-acre former orchard adjacent to South Road. (SFI 1, pp. 5-6, Site Plans Sheets 5 and 6)
182. The tracker support posts would be driven to a depth of approximately 12 feet. The posts would typically be driven into the ground utilizing track-mounted driving equipment. (SFI 2, response 46; Tr. 1, pp. 16-17)
183. Due to the presence of gravel and sandy soils, ledge is not expected. Blasting is not anticipated. (Tr. 1, pp. 34-35)
184. Construction of the facility is expected to take up to 6 months. (SFI 1, p. 6)
185. Construction hours would be Monday through Saturday from 7:00 AM to 7:00 PM, and Sundays, if necessary. (SFI 1, p. 14)

Traffic

186. The Project would not create traffic concerns for South Road (CT Route 83). (Tr. 1, p. 80)
187. SFI would obtain an encroachment permit from DOT for the proposed access drive entrance on South Road. (Tr. 1, p. 80)

188. Once operational, the site would be visited a few times per year for maintenance and inspections. The site would not be permanently staffed. (SFI 1, p. 14)

Facility Operations and Maintenance

189. SFI provided a post-construction Operations and Maintenance (O&M) Plan that includes, but is not limited to, provisions for remote monitoring, equipment maintenance, and site safety and security. (SFI 9, Attachment 9; Tr. 1, p. 42)
190. Vegetation within the array would be managed by mowing a few times per year. Landscaping and shrub growth around the site perimeter would be pruned and cut as necessary. The stormwater basins would be inspected and cleaned of debris and leaves, when necessary. (SFI 9, Attachment 9; Tr. 1, pp. 105-106)
191. When necessary, the solar panels would be washed using water. (SFI 9, Attachment 9)
192. The inverters and tracker motors have a lifespan of 10 to 15 years and 10 to 20 years, respectively, and would be replaced as necessary. (Tr. 1, pp. 33-35)
193. Spare equipment, such as inverters or panels, would be stored off-site. (Tr. 1, p. 90)
194. SFI would retain a third-party contractor to monitor and maintain the facility. (Tr. 1, pp. 53-54)
195. The tracker system can orient the panels at a steep angle to reduce snow accumulation. (Tr. 1, pp. 43-44)
196. It is possible the tracker motors/system would be temporarily disabled during extreme cold or icing events. (Tr. 1, p. 66)

Decommissioning

197. The facility has a life of 30-35 years; however, the Project may be decommissioned after 25 years based on the lease arrangement if a new lease is not executed. (SFI 2, response 1; Tr. 1, pp. 32-33)
198. At the end of the Project's lifespan, it will be decommissioned and removed from the property. The site would be regraded and disturbed areas re-vegetated. The stormwater management system would remain in place for use by the host parcel owners. (SFI 1, Attachment 5; SFI 2, response 56)
199. SFI intends to recycle Project materials, including solar panels, to the maximum extent practicable. Project materials that cannot be recycled would be removed from the site and disposed of at a licensed disposal facility. (SFI 1, Attachment 5)
200. Pursuant to CGS §16-50p(g), the Council has no authority to evaluate, amend and/or determine rights under any lease with the property owner of the proposed site, including, but limited to, the restoration of the soils to prime farmland status. (CGS §16-50p(g) (2023))
201. The lease agreement with the property owner includes provisions related to decommissioning and site restoration at the end of the Project's useful life. (SFI 2 1, response 13)

202. SFI has selected solar panels for the Project that meet current Toxicity Characteristic Leaching Procedure (TCLP) criteria³ for characterization as nonhazardous waste in the event the solar panels are not recycled at the end of the Project's life. (SFI 1, Attachment 4)

Neighborhood Concerns

203. Pursuant to CGS § 16-50m, the Council, after giving due notice thereof, held a public comment session on September 7, 2023 at 6:30 p.m. via Zoom remote conferencing. (Record; Tr. 2, p. 4)
204. No members of the public signed up to speak at the 6:30 p.m. public comment session. (Record; Tr. 2, p. 6)
205. The Council received two written limited appearance statements regarding the proposed facility. (Record)

³ <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-261/subpart-C/section-261.24>

Figure 1 – Site Location

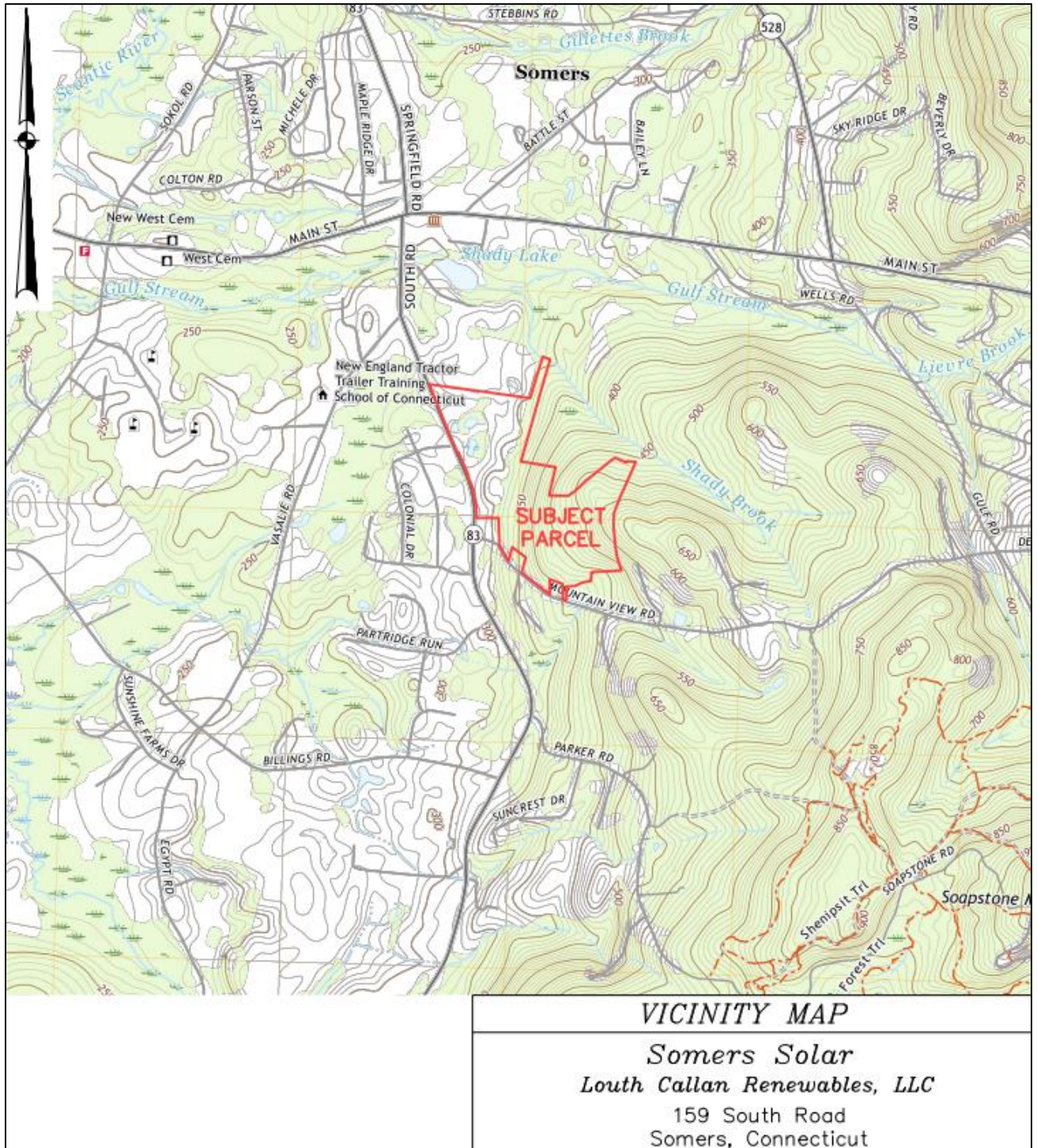
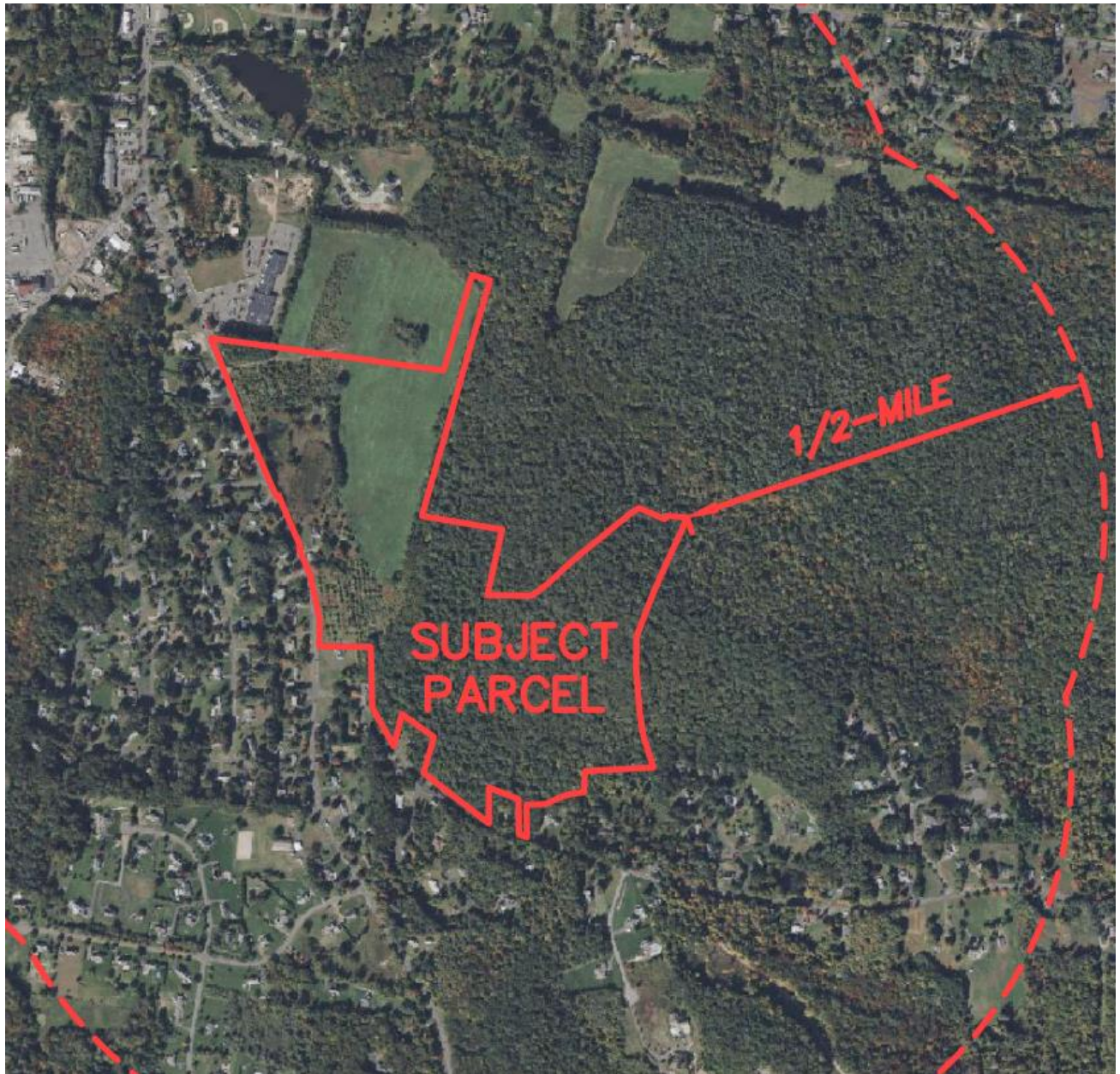


Figure 2- Existing Conditions



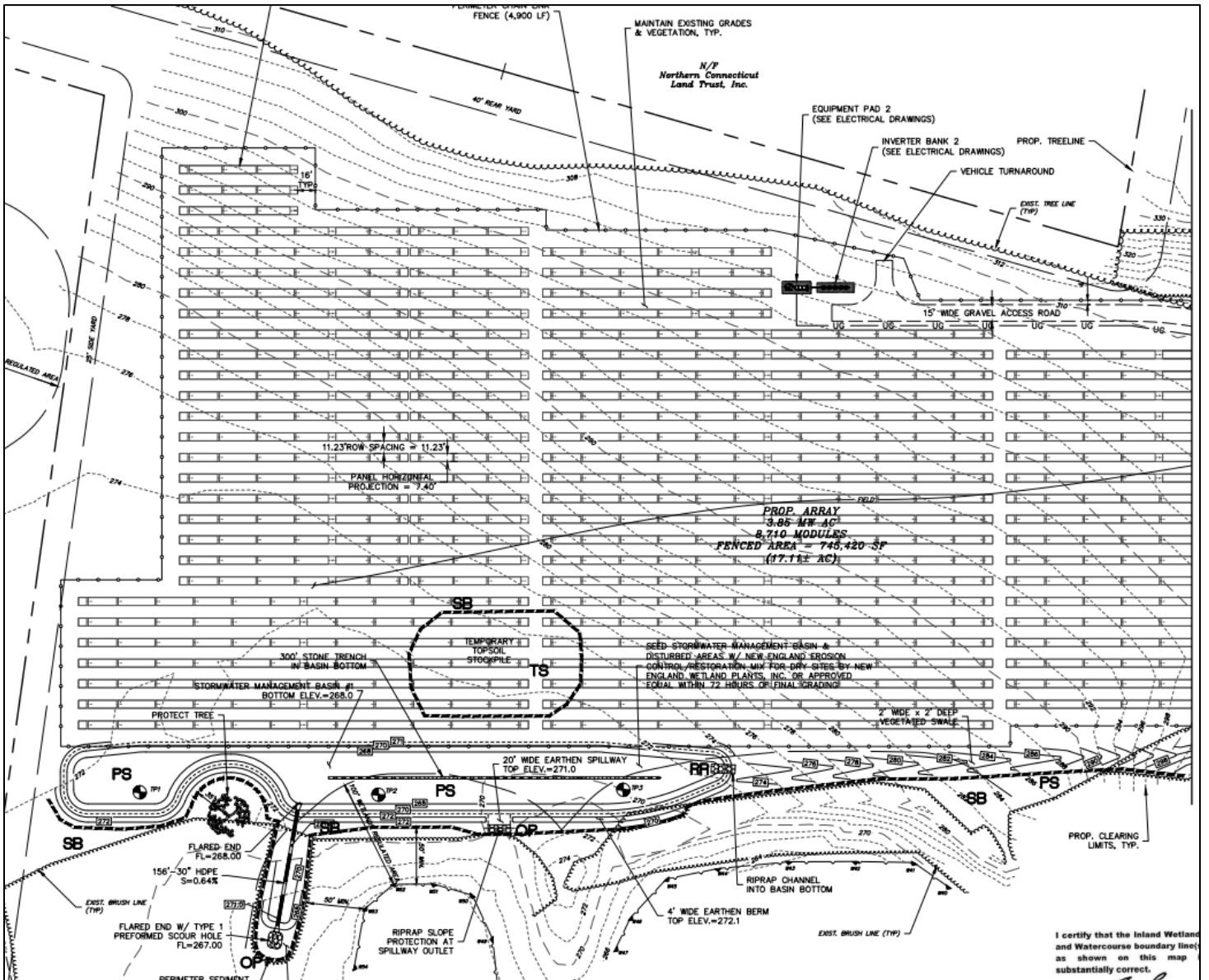
(SFI 1, Attachment 2)

Figure 3 – Proposed Facility



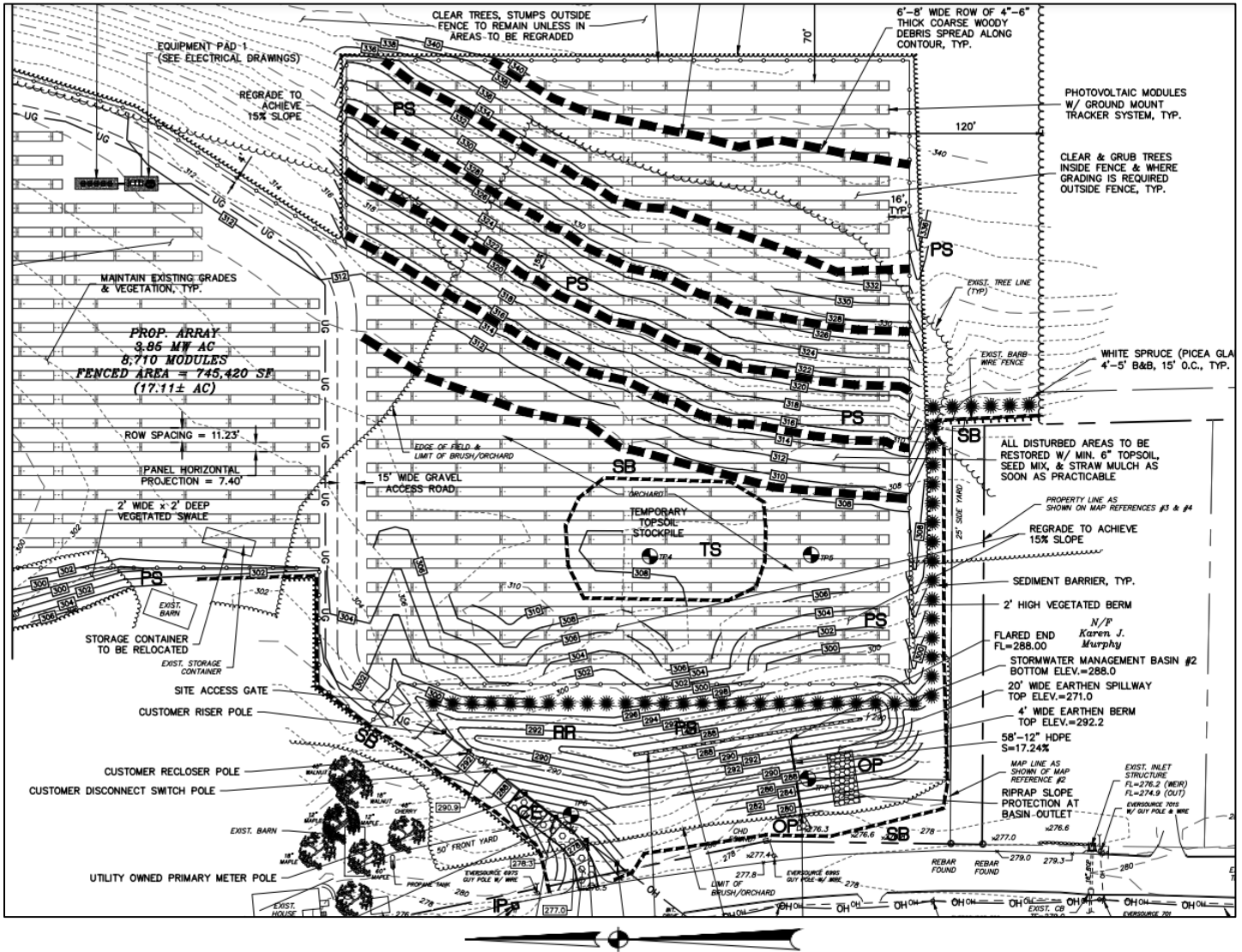
(SFI 1, Site Plan Sheet 5)

Figure 4A – Site Plan- North Side



(SFI 1, Site Plan Sheet 5)

Figure 4B – Site Plan- South Side



(SFI 1, Site Plan Sheet 6)

PETITION NO. 1592 – Santa Fuel, Inc. petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 3.85-megawatt AC solar photovoltaic electric generating facility located at 159 South Road, Somers, Connecticut, and associated electrical interconnection.	} } }	Connecticut Siting Council
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March 14, 2024

Opinion

Introduction

On September 19, 2023, Santa Fuel, Inc. (SFI) submitted a petition to the Connecticut Siting Council (Council), pursuant to Connecticut General Statutes (CGS) §16-50k and §4-176, for a declaratory ruling for the construction, maintenance, and operation of a 3.85-megawatt AC solar photovoltaic electric generating facility located at 159 South Road in Somers, Connecticut, and associated electrical interconnection (Petition or Project).

On October 17, 2023, the Town of Somers (Town) requested a public hearing. On November 9, 2023, the Council granted the Town’s request and held a public hearing on January 11, 2024.

Jurisdiction

As it applies to the Petition, CGS §16-50k states in relevant part, “...the Council shall, in the exercise of its jurisdiction over the siting of generating facilities, approve by declaratory ruling...(B) the construction or location... of any grid-side distributed resources project... with a capacity of not more than sixty-five megawatts, as long as such project meets the air and water quality standards of the Department of Energy and Environmental Protection and the Council does not find a substantial adverse environmental effect...” The Project is a “grid-side distributed resources” facility, as defined in CGS §16-1(a)(37) and has a capacity of approximately 3.85 MW.

Public Act 17-218 requires, for a solar photovoltaic facility with a capacity of two or more megawatts, to be located on prime farmland or forestland, excluding any such facility that was selected by the Department of Energy and Environmental Protection (DEEP) in any solicitation issued prior to July 1, 2017, pursuant to section 16a-3f, 16a-3g or 16a-3j, the Department of Agriculture (DOAg) represents, in writing, to the Council that such project will not materially affect the status of such land as prime farmland or DEEP represents, in writing, to the Council that such project will not materially affect the status of such land as core forest. PA 17-218 also requires that the Council not find a substantial adverse environmental effect in its exercise of jurisdiction over the facilities eligible to be approved by declaratory ruling under CGS §16-50k. There are no exemptions from this provision of PA 17-218.

By letter dated March 8, 2023, DEEP’s Bureau of Natural Resources determined the proposed solar facility would not have a material impact on the status of core forest. SFI did not seek a written determination of no material impact to prime farmland from DOAg as the proposed site does not contain prime farmland soils.

Pursuant to CGS §16-50x, **the Council has exclusive jurisdiction over the construction, maintenance and operation** of the proposed solar photovoltaic electric generating facility.

PA 17-218 does not confer the Council's exclusive jurisdiction upon DOAg or DEEP nor does it permit DOAg or DEEP to impose any enforceable conditions on the construction, maintenance and operation of solar photovoltaic electric generating facilities under the exclusive jurisdiction of the Council. The proposed site is to be used principally for an electric generating facility as defined by CGS §16-50i(a)(3).

Furthermore, the Council does not have jurisdiction or authority over any portion of the host parcel beyond the boundaries of the facility "site." This includes portions of the host parcel retained by the property owner and portions of the host parcel the property owner may lease to third parties. Once a facility is decommissioned, the Council no longer has jurisdiction or authority over the facility "site."

Public Benefit

Pursuant to CGS §16-50p, 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. PA 05-1, An Act Concerning Energy Independence, portions of which were codified in CGS §16-50k, established a rebuttable presumption that there is a public benefit for electric generating facilities selected by the Public Utilities Regulatory Authority in Requests for Proposals (RFP).

The Project was not bid into or selected through any RFP process. SFI intends to sell the power via a retail supply contract with a wholesale provider that is an ISO-NE, Inc. (ISO-NE) Market Participant. SFI anticipates it will secure a 20-year power purchase agreement with options for contract extensions. SFI may participate in an ISO-NE Forward Capacity Auction if the executed contract requires such participation.

Proposed Site

Pursuant to a lease agreement with the property owner, SFI proposes to construct the solar facility on an approximate 16.9-acre site located in the western portion of a 190-acre host parcel zoned residential. The site consists of an existing hay field, an abandoned orchard and a sloping, forested hillside.

A portion of the host parcel is currently used to farm hay and contains a farmhouse accessed from South Road. A majority of the host parcel is forested. Land use in the area includes residential to the west and south, land trust property to the east, and Geissler's Supermarket, a field and undeveloped land to the north.

Proposed Facility

The Project consists of 8,710 non-reflective photovoltaic panels rated at approximately 550 Watts. The panels would be installed on a single-axis tracker system that would move in a north-south axis to a maximum angle of 60 degrees. The tracker system would be powered by solar panels located between the panel racking tables. At maximum tilt, the panels would be approximately 15 feet above grade at the highest point and 3 feet at the lowest point. The tracker system would be arranged in north-south rows across the site, separated by 11.2-foot wide vegetated aisles.

Electrical equipment consisting of two transformers and switchgear would be installed on two 10-foot by 30-foot concrete pads along the east side of the site, away from South Road. Two inverter pads would be installed adjacent to each electrical equipment pad to support a total of 14 rack-mounted string inverters. Wiring would extend along the racking system and in underground conduits to the inverter and switchgear/transformer pads.

The Project would be enclosed by a seven-foot tall chain link fence although SFI is willing to install an agricultural-style security fence to match the agricultural use of the host parcel and other parcels in the surrounding area. The fence features an 8-inch gap at the bottom for small wildlife movement.

Access to the facility would be from a new 15-foot wide, 1,100-foot long gravel drive extending east from South Road. The new drive would ascend a hillside above South Road, then continue through the array area to the electrical pads on the east side of the site. Due to the amount of grading required to construct the access drive, SFI would use an existing dirt farm road extending from South Road along the north end of the host property during construction.

The nearest property line and off-site residence to the proposed solar array perimeter fence is approximately 42 feet and 66.5 feet, respectively, to the south at 187 South Road. Due to concerns regarding site work and grading in proximity to this residence and the lack of natural intervening vegetation to screen the residence from the site, SFI is willing to shift the entire site to the north by 10-15 feet. Although the Council recognizes SFI's willingness to relocate the site slightly, the effect of such a redesign on the stormwater basin and adjacent access road is unknown. Additionally, the Council is concerned about the significant grading required adjacent to South Road to develop the solar array access road and the associated installation of interconnection utility poles. Therefore, the Council will not approve the proposal without additional information regarding a redesign of this area.

Electrical Interconnection

The interconnection includes the installation of six 35- to 40-foot-tall utility poles clustered along the lower portion of the proposed access drive, near South Road, and one new utility pole on the west side of South Road. Four of the poles would be on the customer side of the interconnection with the remaining three on Eversource's side of the interconnection. The Council is concerned about the number of proposed utility poles adjacent to a residential area on South Road and does not have sufficient information to determine if pad-mounted interconnection equipment, either on Eversource's or SFI's side of the interconnection, or both, can be installed in lieu of the utility poles.

Due to limited hosting capacity on the existing circuit on South Road, Eversource would extend a new circuit on existing poles (overbuild) for approximately 670 feet to interconnect to an existing 23-kV electric distribution line circuit near the corner of South Road and Mountain View Road. The final design of the overbuild would be determined by Eversource.

The facility interconnection was reviewed by Eversource and is currently under review by ISO-NE.

Initial plans for the Project included a preliminary interconnection route following a new access drive extending across the forested, southern portion of the property instead of using the proposed access drive off South Road to interconnect with the existing circuit on Mountain View Road. SFI did not pursue this access road interconnection route due to difficulties in designing a suitable access road across the hillside, and access road entrance sight line issues on Mountain View Road. According to SFI, installing the interconnection route without the access road is not possible since Eversource requires vehicle access to the interconnection equipment mounted on the poles.

Although SFI stated an interconnection route with or without an accompanying access road is not possible, the Council is not convinced this option is not feasible and requires further research given the visual impact of the current proposed interconnection design. There has been no written documentation from Eversource stating vehicle access to the interconnection poles is required nor any design option from SFI demonstrating the adverse environmental impact or safety issues of such a design. Additionally, if vehicle access to the

utility poles is required, there has been no consideration of constructing a short access road extending from Mountain View Road to only serve the utility poles.

Project Alternatives

The host parcel was selected by SFI for the solar facility site due to availability; suitability in terms of parcel size, topography, lack of sensitive environmental resources, and proximity to electrical utilities for interconnection.

Pursuant to CGS §16-50p(g), the Council has no authority to compel a parcel owner to sell or lease property, or portions thereof, for the purpose of siting a facility¹.

Neighborhood Concerns

The Council held a publicly noticed public comment session via Zoom remote conferencing on January 11, 2024, commencing at 6:30 p.m. No members of the public made oral limited appearance statements at the public comment session. While the public comment record was open, two interested persons provided written limited appearance statements expressing concerns that included, but were not limited to, stormwater runoff, visibility, wildlife disruption and property devaluation.

Public Safety

The Project would comply with the current National Electrical Code (NEC), the National Electrical Safety Code and the National Fire Protection Association code.

The facility would be remotely monitored on a 24/7 basis by a data acquisition system. Monitoring includes real time performance that can detect production abnormalities and if performance issues are detected, the facility can be remotely shut down.

Prior to commencement of operation SFI would conduct outreach/training to local emergency responders. Emergency responders could shut down the facility via a manual disconnect switch.

The Project is not located within a Federal Emergency Management Agency designated 100-year or 500-year flood zone.

Notice to the Federal Aviation Administration (FAA) is not required for the solar facility. Notice to the FAA may be required if a crane is utilized at the site during construction.

Noise

Noise generated during facility operations would comply with the DEEP Noise Control Standards. To reduce ambient noise to a land trust property east of the northern inverter pad, SFI would be willing to install a noise control barrier. Noise resulting from construction is exempt from DEEP Noise Control Standards.

¹ *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007); CGS §16-50p(g) (2023)

Decommissioning

The Project has an anticipated design life of approximately 25 years but may continue operation for 35 years if lease extensions are executed. At the end of the Project's lifespan, it will be fully decommissioned and removed from the property in accordance with provisions of the site lease. The site would be restored to its original condition, with exception of the stormwater management system.

The lease is a private agreement between SFI and the property owner. At the end of the lease term, control of the solar facility site reverts back to the property owner. The Council does not have the authority to supersede restoration provisions of the site lease or require additional site restoration conditions beyond those established by the site lease. The property owner would determine site restoration conditions at the time of Project decommissioning.

Project components that cannot be recycled will be removed and disposed of in accordance with regulatory criteria. SFI intends to select solar panels for the Project that meet current Toxicity Characteristic Leaching Procedure (TCLP) criteria for characterization as nonhazardous waste in the event the solar panels are not recycled during decommissioning.

Construction would occur over a six-month period with work hours of Monday through Saturday from 7:00 AM to 7:00 PM, and Sundays, if necessary.

Environmental Effects and Mitigation Measures

Air and Water Quality

The Project would meet DEEP air quality standards. There would be no air emissions of regulated pollutants or greenhouse gases associated with site operation.

Operation of the facility would not require water use.

The site is located outside of a DEEP-designated Aquifer Protection Area.

The host parcel and adjacent parcels are served by private wells. Vibrations from the installation of the tracking system are not expected to cause sediment releases, and thus, no disruption to well water flow or quality is expected.

SFI has developed a Spill Response and Control Plan that includes spill prevention, containment, cleanup and reporting procedures.

Stormwater

Pursuant to CGS §22a-430b, DEEP retains final jurisdiction over stormwater management and administers permit programs to regulate stormwater pollution. DEEP regulations and guidelines set forth standards for erosion and sedimentation control, stormwater pollution control and best engineering practices. The DEEP Individual and General Permits for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (Stormwater Permit) require implementation of a Stormwater Pollution Control Plan (SWPCP) to prevent the movement of sediments off construction sites into nearby water bodies and to address the impacts of stormwater discharges from a Project after construction is complete. A DEEP-issued Stormwater Permit is required prior to commencement of construction.

DEEP has the authority to enforce Project compliance with its Stormwater Permit and the SWPCP, including, but not limited to, the installation of site-specific water quality protection measures in accordance with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control* (2002 E&S Guidelines).

The Project has been designed to comply with DEEP Stormwater Permit Appendix I and the 2002 E&S Guidelines. Post-construction stormwater would be controlled by perimeter swales and two stormwater infiltration basins located on the west side of the site. The stormwater management system is designed to maintain existing drainage patterns and there will be no increase in water discharge from the site that would affect the existing South Road drainage system. SFI would provide stormwater outflow calculations to DOT as part of its encroachment permit application.

Wetlands and Watercourses

The Inland Wetland and Watercourses Act (IWWA) strikes a balance between economic activities and wetlands preservation. The impact of a proposed activity on the wetlands and watercourses that may come from outside the physical boundaries of the wetlands or watercourses is a major consideration. Defined upland review areas, such as 100 feet, provide a trigger for reviewing whether a regulated activity is likely to affect wetlands and watercourses. Under CGS §22a-41(d), regulatory agencies shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life *unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses*.

Two ponds with bordering wetlands are located in a wooded area in the western portion of the property. The ponds appear to have been formed from past excavation activities. Although the ponds support a diverse amphibian population, they do not exhibit vernal pool characteristics.

Although the Project includes a 50-foot buffer from the stormwater management system to the ponds and associated wetlands, in the absence of an amphibian survey of the ponds and a report on the potential effects of the Project on the ponds, the Council finds a larger buffer is warranted to protect the water quality of the ponds and associated wetlands.

Scenic, Historic and Recreational Values

The Project would have no effect on historic or archeologic resources listed on the State or National Register of Historic Places.

The Project would be visible from a hiking trail on an abutting land trust parcel to the east. There are no “blue-blazed” hiking trails maintained by the Connecticut Forest and Park Association within one mile of the site.

There are no Town or state designated scenic roads within one mile of the site.

No comments were received from the Office of Policy and Management or DEEP regarding impacts to scenic quality or resources.

The site would be visible to the abutting developed residential property to the south (187 South Road) and to residences on the west side of South Road in the area of the proposed access drive. The proposed stormwater basin and outflow control structures would be visible from South Road and residences across the street. To mitigate views of the facility, SFI would install spruce trees along the perimeter fence and is willing to install additional plantings to further reduce visibility of the facility.

The Council finds the visual impact of the electrical interconnection problematic in that the cluster of six new utility poles would be visible from South Road and residences across the street, whereas a pad-mounted design or an alternative interconnection route through a forested area abutting Mountain View Road could have less of a visual impact.

Fish, Aquaculture and Wildlife

The proposed site is not within a DEEP Natural Diversity Database (NDDB) buffered area.

SFI consulted with the U.S. Fish & Wildlife Service's (USFWS) which determined development of the site would not likely have an adverse effect on the northern long-eared bat (NLEB), a federally-listed and state-listed Endangered Species.

Agriculture

There are no prime farmland soils at the Site.

The landowner currently grows hay crops on the fields in the northeastern portion of the host parcel.

The host parcel is currently enrolled in the Public Act 490 Program for agricultural land tax abatement. Once constructed, the solar facility site portion of the host parcel would not be eligible for the program.

The solar array would be seeded with a pollinator-friendly plant mix.

Forest and Parks

The Shenipsit State Forest is located approximately 0.9 miles southeast of the proposed site.

Development of the site will require the removal of approximately 3 acres of edge forest that buffers a core forest block. Removal of the edge forest would decrease the core forest block by approximately 3 acres. There would be no material impact on the status of core forest.

Construction of the facility would also require the clearing of an approximate 5.3-acre former orchard adjacent to South Road.

Conclusion

Based on the record in this proceeding, the Council finds that there would be a substantial adverse environmental effect associated with the construction, maintenance and operation of an approximately 3.85 MW solar photovoltaic electric generating facility and associated electrical interconnection located at 159 South Road, Somers, Connecticut, as proposed.

Although the proposed Project is a grid-side distributed resources project with a capacity of less than 65 MW under CGS §16-50k and is consistent with the state's energy policy under CGS §16a-35k, as designed, the Council finds there is insufficient information regarding a potential redesign of the southwest corner of the site to reduce site grading adjacent to South Road and the residential property at 187 South Road; insufficient buffers to the ponds/wetlands adjacent to the site; and insufficient information relative to the potential use of a pad-mounted interconnection in lieu of six new utility poles, or in the alternative, an interconnection route extending from Mountain View Road. Therefore, the Council will not issue a declaratory ruling for the proposed Project.

PETITION NO. 1592 – Santa Fuel, Inc. petition for a declaratory } Connecticut
ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, }
for the proposed construction, maintenance and operation of a 3.85- } Siting
megawatt AC solar photovoltaic electric generating facility located at }
159 South Road, Somers, Connecticut, and associated electrical } Council
interconnection.

March 14, 2024

Decision and Order

Pursuant to Connecticut General Statutes (CGS) § 16-50k(a), CGS §4-176 and the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the construction, maintenance, and operation of a 3.85 MW solar photovoltaic electric generating facility and associated electrical interconnection at 159 South Road, Somers, Connecticut, as proposed, would have a substantial adverse environmental effect, would not meet all applicable U.S. Environmental Protection Agency and Connecticut Department of Energy and Environmental Protection Water Quality Standards, and therefore, the Council will not issue a declaratory ruling on the petition for the proposed solar photovoltaic electric generating facility.

The Council finds that the proposed Project will have an adverse effect on water quality by not including adequate buffer areas to on-site wetlands and waterbodies with a diverse amphibian population. Additionally, the Council finds there is insufficient information regarding the potential redesign of the site to create buffers to an abutting residential property and South Road, as well as insufficient information regarding a potential redesign of the interconnection route to either eliminate utility poles or place them in an area with less of a visual impact.

We hereby direct that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each party and intervenor or its authorized representative, as listed in the Service List, dated September 19, 2023, and notice of issuance published in the Journal Inquirer in accordance with CGS §4-180(c) and CGS §16-50p(f).

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party and intervenor named or admitted to the proceeding in accordance with the Regulations of Connecticut State Agencies §16-50j-17.