



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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VIA ELECTRONIC MAIL & CERTIFIED MAIL RETURN RECEIPT REQUESTED

March 1, 2024

Lee D. Hoffman, Esq.
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103-3702
lhoffman@pullcom.com

RE: **PETITION NO. 1597** – Greenskies Clean Energy LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 3.74-megawatt AC solar photovoltaic electric generating facility located at Parcel No. 017-150-066, Spencer Hill Road, Winchester, Connecticut, and associated electrical interconnection. **Final Decision.**

Dear Attorney Hoffman:

At a public meeting held on February 29, 2024, the Connecticut Siting Council (Council) considered and ruled that the above-referenced proposal meets air and water quality standards of the Department of Energy and Environmental Protection and would not have a substantial adverse environmental effect, and pursuant to Connecticut General Statutes § 16-50k, would not require a Certificate of Environmental Compatibility and Public Need with the following conditions:

1. Approval of any Project changes be delegated to Council staff;
2. Submit a copy of the DEEP Stormwater Permit prior to the commencement of construction;
3. Submit a final structural design for the racking system stamped by a Professional Engineer duly licensed in the State of Connecticut;
4. Submit a final electrical interconnection plan that has been approved by Eversource for Council review and approval, prior to the commencement of construction, that includes the use of pad-mounted equipment on both the Eversource and GCE sides of the interconnection, and any hybrid design options to reduce the visual impact of the electrical interconnection;
5. Provide a landscaping plan to include plantings in the northwest portion of the site to reduce views from off-site locations;
6. Submit an agricultural co-use plan for the site, if applicable, with a document that shall indemnify and hold harmless the Council, its agents, representatives and employees from any and all losses, claims, actions, costs and expenses, judgments, subrogations, or other damages resulting from any injury to a person or to property arising out of the presence of third-parties within the fenced solar facility site;

7. Submit a final construction Spill Prevention, Control, and Countermeasures Plan prior to the commencement of construction;
8. Submit TCLP test results for the selected solar panels that indicate the panels would not be characterized as hazardous waste at the time of disposal, under current testing criteria;
9. Provide a copy of the Emergency Response Plan to local emergency responders prior to facility operation and provide emergency response training;
10. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed within three years from the date of the mailing of the Council's decision, this decision shall be void, and the facility owner/operator shall dismantle the facility and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's decision shall not be counted in calculating this deadline. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The facility owner/operator shall provide written notice to the Executive Director of any schedule changes as soon as is practicable;
11. The Council shall be notified in writing at least two weeks prior to the commencement of site construction activities;
12. The facility owner/operator shall file an annual report on a forecast of loads and resources pursuant to Conn. Gen. Stat. §16-50r;
13. Any request for extension of the time period to fully construct the facility shall be filed with the Council not later than 60 days prior to the expiration date of this decision and shall be served on all parties and intervenors, if applicable, and the Town of Winchester;
14. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed **along with a representative photograph of the facility**;
15. The facility owner/operator shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v;
16. This Declaratory Ruling may be transferred or partially transferred, provided both the facility owner/operator/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. The Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the facility within 30 days of the sale and/or transfer. Both the facility owner/operator/transferor and the transferee shall provide the Council with a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility, including contact information for the individual acting on behalf of the transferee; and
17. This Declaratory Ruling may be surrendered by the facility owner/operator upon written notification to the Council.

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction. All work is to be implemented as specified in the petition dated November 6, 2023 and additional correspondence dated January 8, 2024.

Enclosed for your information is a copy of the staff report on this project.

Sincerely,

A handwritten signature in dark ink, appearing to read "Melanie A. Bachman". The signature is fluid and cursive, with the first name "Melanie" being more prominent than the last name "Bachman".

Melanie A. Bachman
Executive Director

MAB/RDM/dll

Enclosure: Staff Report dated February 29, 2024

c: The Honorable Todd Arcelaschi, Mayor, Town of Winchester (tarcelaschi@townofwinchester.org)
Robert Geiger, Interim Town Manager, Town of Winchester (rgeiger@townofwinchester.org)
Service List dated November 7, 2023
Steven Williams, Fire Marshal, Town of Winchester (swilliams@townofwinchester.org)

STATE OF CONNECTICUT)

: ss. Southington, Connecticut March 1, 2024

COUNTY OF HARTFORD)

I hereby certify that the foregoing is a true and correct copy of the Decision and Staff Report in Petition No. 1597 issued by the Connecticut Siting Council, State of Connecticut.

ATTEST:



Melanie A. Bachman
Executive Director
Connecticut Siting Council

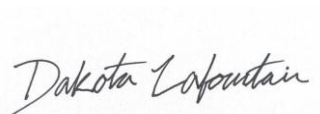
STATE OF CONNECTICUT)

: ss. New Britain, Connecticut March 1, 2024

COUNTY OF HARTFORD)

I certify that a copy of the Connecticut Siting Council Decision and Staff Report in Petition No. 1597 has been forwarded by Certified First Class Return Receipt Requested mail, on March 1, 2024, to each party and intervenor, or its authorized representative, as listed on the attached service list, dated November 7, 2023.

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	Greenskies Clean Energy LLC	Lee D. Hoffman, Esq. Pullman & Comley, LLC 90 State House Square Hartford, CT 06103-3702 lhoffman@pullcom.com (860) 424-4315 Dennis Hicks Project Developer Greenskies Clean Energy LLC 127 Washington Ave West Building, Garden Level North Haven, CT 06473 Dennis.hicks@greenskies.com (203) 710-2449



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Petition No. 1597
Greenskies Clean Energy LLC
3.74-MW AC Solar Photovoltaic Electric Generating Facility
Parcel No. 017-150-066, Spencer Hill Road, Winchester

Staff Report
February 29, 2024

Introduction

On November 7, 2023, the Connecticut Siting Council (Council) received a petition from Greenskies Clean Energy LLC (GCE) for a declaratory ruling pursuant to Connecticut General Statutes (CGS) §4-176 and §16-50k for the construction, operation and maintenance of a 3.74 megawatt (MW) alternating current (AC) solar photovoltaic electric generating facility located at Parcel No. 017-150-066, Spencer Hill Road, Winchester, Connecticut and associated electrical interconnection (Petition or Project).

Pursuant to Regulations of Connecticut State Agencies (RCSA) §16-50j-40 on or about October 31, 2023, GCE notified abutting property owners, Town of Winchester (Town) officials and state officials and agencies of the proposed Project. No comments were received.

On December 18, 2023, the Council issued interrogatories to GCE. GCE submitted responses to the interrogatories on January 8, 2024, one of which included photographic documentation of site-specific features intended to serve as a “virtual” field review of the Project site.

Pursuant to CGS §4-176(e) of the Uniform Administrative Procedure Act, an administrative agency is required to take action on a petition for a declaratory ruling within 60 days of receipt. During a regular meeting held on December 21, 2023, pursuant to CGS §4-176(e), the Council voted to set the date by which to render a decision on the Petition as no later than May 5, 2024, which is the 180-day statutory deadline for a final decision under CGS §4-176(i).

Municipal Consultation

On October 31, 2023, GCE notified the Town of the proposed Project. On November 7, 2023, GCE received comment from Affordable Family Housing LLC, an abutting property owner along North Main Street, in support of the Project.

On November 7, 2023, the Council sent correspondence to the Town stating that the Council has received the Petition and invited the Town to contact the Council with any questions or comments by December 7, 2023. No comments were received.

State Agency Comments

On November 7, 2023, pursuant to RCSA §16-50j-40, the Council sent correspondence requesting comments on the proposed Project from the following state agencies by December 7, 2023: Department of Energy and Environmental Protection (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).

In response to the Council's solicitation, the CEQ submitted comments on November 16, 2023 regarding wildlife, visual impact and farmland soils.¹

No other state agencies provided written comments on the Project.

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.²

Public Act 17-218

Public Act (PA) 17-218³ 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.” GCE has secured written confirmations from both DOAg and DEEP.

Pursuant to CGS §16-50x, the Council has exclusive jurisdiction over the construction, maintenance and operation of solar photovoltaic electric generating facilities throughout the state. PA 17-218 requires developers of solar facilities with a generating capacity of more than 2 MW to obtain a written determination from DOAg or DEEP that the project would not materially affect the status of land as prime farmland or core forest prior to submission of a petition for a declaratory ruling to the Council. PA 17-218 does not confer the Council's exclusive jurisdiction over the construction, maintenance and operation of solar photovoltaic electric generating facilities throughout the state upon DOAg or DEEP. PA 17-218 also does not 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.

Public Benefit

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.” The state Comprehensive Energy Strategy (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. Furthermore, the Governor's Executive Orders and Council on Climate Change examine existing policies and identify new strategies to combat climate change. The proposed facility will contribute to fulfilling the

¹ https://portal.ct.gov/-/media/CSC/3_Petitions-medialibrary/Petitions_MediaLibrary/MediaPetitionNos1501-1600/PE1597/ProceduralCorrespondence/PE1597_CEQCommentsRecd_a.pdf

² *Corcoran v. Connecticut Siting Council*, 284 Conn. 455 (2007)

³ Codified at Conn. Gen. Stat. §16-50k(a) and §16a-3k (2021)

State's Renewable Portfolio Standard and Global Warming Solutions Act as a zero emission Class I renewable energy source.

The Project was selected as part of the Non-Residential Renewable Energy Solutions (NRES) Program and has entered into a NRES agreement with the City of New London Board of Education. The required in-service date to meet contract obligations is October 17, 2025.

The NRES program is a successor program to the Low Emission Renewable Energy Credit and Zero Emission Renewable Energy Credit (LREC/ZREC) and Virtual Net Metering (VNM) programs to further develop the state's Class I renewable energy objectives and to encourage the participation by customers in underserved and environmental justice communities through 20-year contracts.

After the 20-year NRES contract expires, GCE would continue to operate the facility and seek other revenue mechanisms.

GCE may participate in an ISO New England, Inc. (ISO-NE) Forward Capacity Auction in the future.

Proposed Site

Pursuant to CGS §16-50x, the Council has exclusive jurisdiction over the proposed solar electric generating facility "site." Under 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. The Council does not have jurisdiction or authority over any portion of the host parcel beyond the boundaries of the Project "site." This includes portions of the parcel retained by the landowner and portions of the parcel the landowner may lease to third parties. Once a facility is decommissioned, the Council no longer has jurisdiction or authority over the Project "site."

Under a lease agreement with the property owner, GCE proposes to construct the solar facility on an approximate 16-acre site within a 190-acre parcel located on Spencer Hill Road in the Winsted section of Winchester. The host parcel has frontage on Spencer Hill Road to the west and North Main Street to the east and is mostly forested except for a field near Spencer Hill Road.

The initial term of the lease agreement is for 21 years after construction of the Project is completed. The lease contains three options for a five-year extension.

The western and central portions of the host parcel are within the Rural Residential zoning district. The eastern portion of the host parcel is within the Gateway zoning district. Land use in the surrounding area consists of undeveloped land, low density residential and agricultural.

The proposed site is located in the existing field in the western portion of the host parcel. The site gently slopes downgradient to the north with elevations ranging from 1140 feet above mean sea level (amsl) to 1185 feet amsl. Slopes within the site are generally 5 to 10 percent with some areas ranging up to 15 percent.

GCE selected the site due to availability, proximity to electric distribution lines and minimal impact to environmental resources such as wetlands and forest. 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.⁴

⁴ *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007); CGS §16-50p(g) (2019).

Proposed Facility and Associated Equipment

The proposed 3.74 MW AC solar facility consists of 8,232 solar panels rated at 540 Watts. Other equipment includes thirty 125 kW inverters and two 2,000 kVA transformers. Two 15-foot by 30-foot concrete pads, each with a transformer and 15 inverters, would be installed along the west edge of the solar array. The site will be separated into two electrical systems - System A - 1.99 MW and System B - 1.75 MW, each with an electrical pad supporting a transformer, switchgear and 15 inverters.

The panels would be installed at a 20-degree angle on a fixed tilt racking system, supported by driven posts, and would be approximately 8.7 feet above grade at the highest point and 3 feet above grade at the lowest point. The vegetated aisles between the panel rows would be approximately 12.5 feet wide.

Panel row wiring would extend along the racking system to reduce potential damage from weather events, maintenance activities or animals. Wiring would transition to conduit and extend to the electrical pads. From the transformer pads, an underground line would extend northwest along the proposed access drive to the electrical interconnection area adjacent to Spencer Hill Road.

The proposed interconnection (preliminary design) would consist of 9 new utility poles, at a height of approximately 30-40 feet above grade, with 5 poles on the utility side and 4 poles on the customer side. Eversource requires one pole for each piece of equipment. System A will interconnect to an existing pole north of the access road and System B will interconnect to an existing pole south of the access road. GCE would provide a completed interconnection plan once Eversource has completed its study.

GCE has not discussed a pad-mount interconnection design to reduce the number of poles given the anticipated high cost of a pad-mount design which would affect the economics of the Project.

Currently, Eversource is conducting a Facility Study with an expected completion date by the end of January 2024 and ISO-NE is conducting a Level III transmission study with an expected completion date by the end of March 2024⁵. An Impact Study conducted by Eversource determined approximately 0.8 miles of a 4.8 kV circuit would need to be converted to 23 kV to facilitate interconnection to the Campville 14R bulk substation.

The projected capacity factor for the proposed solar facility is approximately 15.2 percent. The power output would decline over time with an anticipated annual power output loss of approximately 0.5 percent. A battery storage system is not proposed at this time.

Access to the site will be via an existing gravel farm road entrance on Spencer Hill Road. A new 15-foot wide, 1,600-foot long gravel drive would be constructed from the entrance and extend along the west side of the solar array to access to the electrical equipment pads.

⁵ ISO-NE advises the Electric Distribution Companies as to what level of study is required based on the criteria in their I.3.9 process. Projects over 5 MWs automatically trigger a Level III study. Projects that are > 1 MW and < 5 MWs may need a Level III study if there is a 'cumulative impact' to the regional power system. The cumulative impact is based on total generation receiving approvals since January 1, 2019 (projects >1 MW that receive approval from ISO-NE) at a bulk station (high side voltage ≥ 69 kV) or group of 'electrically close' bulk stations as defined by ISO-NE. ISO-NE defines 'cumulative impact' as ≥ 20 MWs aggregate. For this project, the bulk, Campville 14R substation has >20 MWs aggregate of >1 MW projects. This includes the distribution substations that the Campville 14R substation feeds. All projects >1 MW at this time automatically go into a Level III transmission study at Campville 14R and all distribution stations fed by Campville 14R.

The solar facility would be enclosed by a seven-foot high chain link fence with vehicle access controlled by a locked gate. Three other gates would be installed to provide access to the stormwater basins on the east side of the Site.

Construction of the facility would disturb approximately 16 acres, inclusive of the solar array, equipment pads, access road, and electrical interconnection.

The nearest property line from the solar field perimeter fence is approximately 11.5 feet to the south (owned by the host property owner). The nearest residence from the solar field perimeter fence is approximately 345 feet to the northwest at 146 Spencer Hill Road.

The solar racking system would be installed on existing grades. Earthwork is required for installation of three stormwater detention basins along the east edge of the Project site.

A site construction phasing plan has been developed that includes two main construction phases. Phase 1 includes all work necessary to establish the temporary sediment traps and perimeter erosion control measures at the site. Once the temporary sediment traps have been stabilized, Phase 2 would commence. It would include site infrastructure and access road installation, final site stabilization, and conversion of the temporary sediment traps to permanent stormwater basins. Disturbed areas from construction activities would be stabilized with a meadow pollinator friendly seed mix.

Construction is anticipated to begin in Spring/Summer 2024, with commercial operation commencing by the end of 2024. Typical construction hours and work days of the week are as follows: Monday – Saturday, 7:00 AM to 5:00 PM.

The estimated cost of the Project is approximately \$9 million.

Public Safety

The Project would comply with the current National Electrical Code (NEC), National Electrical Safety Code, CT State Fire Prevention Code, and National Fire Protection Association codes and standards, as applicable.

The nearest federally-obligated airport is Simsbury Airport located approximately 15 miles to the east. The Federal Aviation Administration (FAA) notice criteria tool determined notice to the FAA is not required for the solar facility. The FAA does not require a glare analysis for solar installations that are located on non-airport land. Notice to the FAA may be required if a crane is utilized at the site during construction.

The proposed facility would be remotely monitored through a 24/7 data acquisition system. If a problem with the facility is detected, system diagnostics would remotely shut down the inverters. The solar array is divided into separate electrical units by the inverters so if one section has a fault condition and shuts down, other sections can still operate.

A manual disconnect switch would be located on-site. GCE would provide facility operation and safety training for local emergency responders which will include Project details, access, disconnect locations, and electrical functioning of the system. An electrical fire at the site typically would be allowed to burn out.

The proposed facility would be in compliance with DEEP Noise Control Standards. Noise modeling indicates noise from the operation of the Project would be approximately 43.5 dBA from the nearest equipment pad to the nearest property line (116 feet to the southwest). Construction noise is exempt from DEEP Noise Control Standards.

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

Electric and Magnetic Fields (EMF) produced from solar facility electrical components would dissipate quickly with distance and therefore similar to pre-existing EMF background levels at the property lines.

The proposed seven-foot high chain link solar array perimeter fence complies with NEC fencing requirements⁶.

Environmental Effects and Mitigation Measures

Air and Water Quality

The Project would not produce air emissions as a result of operation.

The site is not located within a DEEP-designated Aquifer Protection Area or a Public Water Supply Watershed.

The facility would not use or discharge water during operation.

GCE performed a wetland survey in December 2022 that identified seven wetlands and three intermittent watercourses, in proximity to the site. Five wetlands are located to the east of the site with three located within or partially within an active agricultural field. Two small wetlands are located west of the site at the edge of the agricultural field. No vernal pools were identified during the survey.

The construction limit of disturbance (LOD) would be 50 feet from three of the wetlands at their closest point. In compliance with the DEEP Stormwater Permit Appendix I, GCE would maintain a 50-foot wetland buffer from stormwater control features and a 100-foot wetland buffer from solar panels. There would be no forest clearing within 100 feet of any wetland.

Stormwater

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.

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

⁶ Section 691.4(2) of the National Electrical Code (NEC), 2020 Edition notes that, "Access to PV electric supply stations shall be restricted by fencing or other adequate means in accordance with 110.31..." Section 110.31 notes that for over 1,000 Volts, "...a wall, screen, or fence shall be used...A fence shall not be less than 7 feet in height or a combination of 6 feet or more of fence fabric and a 1 foot or more...utilizing barbed wire or equivalent."

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.

Construction of the Project would require approximately 16 acres of ground disturbance and thus, a DEEP-issued Stormwater Permit is required prior to commencement of construction. The Stormwater Permit and associated SWPCP incorporates Project designs consistent with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control* and the *2004 Connecticut Stormwater Quality Manual*.

GCE met with the DEEP Permit Concierge Team on April 17, 2023 to discuss the Project. At the meeting requirements of General Permit Appendix I, Stormwater Management at Solar Array Construction Projects, were discussed with the DEEP Stormwater Program.

GCE has not filed an application for a Stormwater Permit to date. GCE prepared a stormwater analysis that concluded three permanent stormwater basins would be required for the Project. Each basin will discharge stormwater runoff towards wetlands adjacent to the Project area.

Forests and Parks

Construction of the site would not require tree clearing on the host parcel. A 0.25 acre wooded windbreak would be cleared on the abutting property to the south (also owned by the host property owner) for shade mitigation.

By letter dated, July 18, 2023, pursuant to PA 17-218, DEEP determined that the proposed Project will not materially affect the status of core forest.

There are no public parks that abut the site.

Fish, Aquaculture and Wildlife

DEEP submitted a Natural Diversity Database (NDDB) determination letter to GCE on March 7, 2023 indicating there are no records of State-listed species on the site.

The site is not adjacent to any DEEP designated cold water habitat areas.⁷

The northern long-eared bat (NLEB), a federally-listed and state-listed Endangered Species, occurs in Connecticut. No impact to NLEB is expected due to the bat's preference for intact forests as habitat.⁸

Disturbed areas would be seeded with a wildflower meadow mix beneficial to pollinators.

The seven-foot tall perimeter fence would have a six-inch gap at the bottom to allow for small animal movement.

⁷ <https://geodata.ct.gov/datasets/CTDEEP::cold-water-habitat-sites/explore?location=41.938386%2C-73.066164%2C15.92>

⁸ https://portal.ct.gov/-/media/DEEP/wildlife/pdf_files/outreach/fact_sheets/NorthernLong-earedBat.pdf

Agriculture

The host parcel contains prime farmland soils according to mapping maintained by the United States Department of Agriculture (USDA) Natural Resource Conservation Service. Under PA 17-218, “prime farmland” means land that meets the criteria for prime farmland as described in 7 Code of Federal Regulations (C.F.R.) 657, as amended from time to time. 7 C.F.R. 657 defines prime farmland in relevant part as “land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses.”

The parcel is currently used for agricultural activities, including, but not limited to, hay farming by a tenant farmer and forest product harvesting by the landowner. Post-construction, agricultural activities would continue on the host parcel.

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

The Project would be located within a portion of an existing 21.5-acre hayfield and will disturb approximately 6.6 acres of prime farmland soil. GCE intends to utilize existing grades within the solar array area to minimize disturbance to prime farmland soils with the exception of excavation and re-grading of a 0.49-acre area to construct the permanent stormwater basins required by DEEP.

By letter dated October 3, 2023, DOAg determined that the proposed Project will not materially affect the status of prime farmland as long as GCE develop agricultural co-uses for the Project site that include commercial herb farming, pollinator-friendly ground cover, beekeeping, and establishment of a one-acre research plot for use by the Connecticut Agricultural Experiment Station for the life of the Project. DOAg also imposed a condition that “there will be no grading, cutting or filling, topsoil removal, or other actions associated with the project’s installation and ultimate deconstruction.” On November 16, 2023, DOAg submitted correspondence to the Council stating that it received notification from DEEP that the stormwater management plan for the proposed Project conflicts with this condition and revoked its October 3, 2023 written determination that the proposed Project will not materially affect the status of prime farmland.⁹

After further review of the proposed stormwater management system that requires grading in prime farmland soil areas, DOAg submitted additional correspondence on February 9, 2024, reaffirming the determination that the proposed Project will not materially affect the status of prime farmland as long as GCE develops and implements agricultural co-uses for the Project site for the life of the Project.¹⁰

Relocating the Project to avoid prime farmland soil is not possible due to the presence of wetlands, DEEP designated Forestland Habitat and the disruption of other ongoing agricultural activities.

Scenic, Historic and Recreational Values

SHPO submitted correspondence to GCE on March 9, 2023, indicating that the proposed Project would not affect historic properties or known archeological resources.

⁹ https://portal.ct.gov/-/media/CSC/3_Petitions-medialibrary/Petitions_MediaLibrary/MediaPetitionNos1501-1600/PE1597/ProceduralCorrespondence/PE1597Greenskies-Winchester-Revoked-DOAG-NMA-Letter-111623_a.pdf

¹⁰ https://portal.ct.gov/-/media/CSC/3_Petitions-medialibrary/Petitions_MediaLibrary/MediaPetitionNos1501-1600/PE1597/determinations/PE1597---DOAG---No-Material-Impact-Letter_02092024.pdf

There are no “blue-blazed” trails maintained by the Connecticut Forest and Parks Association located proximate to the site.

Most of the Project is set back from Spencer Hill Road and would be screened by existing vegetation.

The residences at 140, 142, and 146 Spencer Hill Road abut the host parcel near the access road entrance. Based on concerns from the abutters, GCE redesigned the western portion of the Project to create a larger buffer to these properties prior to the filing of the Project with the Council. Based on topography, the Project would be at a higher elevation than the residences. In addition, a wooded area would screen the view of the solar array from 140 Spencer Hill Road. No landscaping is proposed.

The proposed utility poles would be located adjacent to the access drive entrance, abutting 140 and 142 Spencer Hill Road.

Operations and Maintenance

An evaluation of the facility and performance of preventative maintenance measures would be conducted in accordance with manufacturer’s specifications and would occur at least once per year. Replacement modules would not be stored on-site.

The proposed transformers would be filled with a nonhazardous mineral oil, and due to the limited amount of oil, are not required to have secondary containment. The transformers would include a low oil level detection system.

Snow on the panels will be allowed to slide off. Module cleaning, when necessary, would utilize medium pressure water from a water truck and a soft scrub brush. No chemicals would be used.

Vegetation within the solar array area would be managed 2-3 times per year. The stormwater management system would be inspected 2-4 times per year.

Decommissioning

At the end of the Project’s useful life (anticipated to be at least 30 years), the Project would be decommissioned, and the site restored to its original condition. Project decommissioning would include removal and disposal or recycling of all above-surface Project components.

All recyclable materials would be transported to appropriate recycling facilities. Any non-recyclable materials will be properly disposed in accordance with state and federal laws. The equipment pads and access roads and fencing would be removed. After component removal, the site will be regraded and seeded. The access drive and the stormwater management system may remain in place, if requested by the property owner.

The solar panels for the Project have not yet been selected. GCE 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.

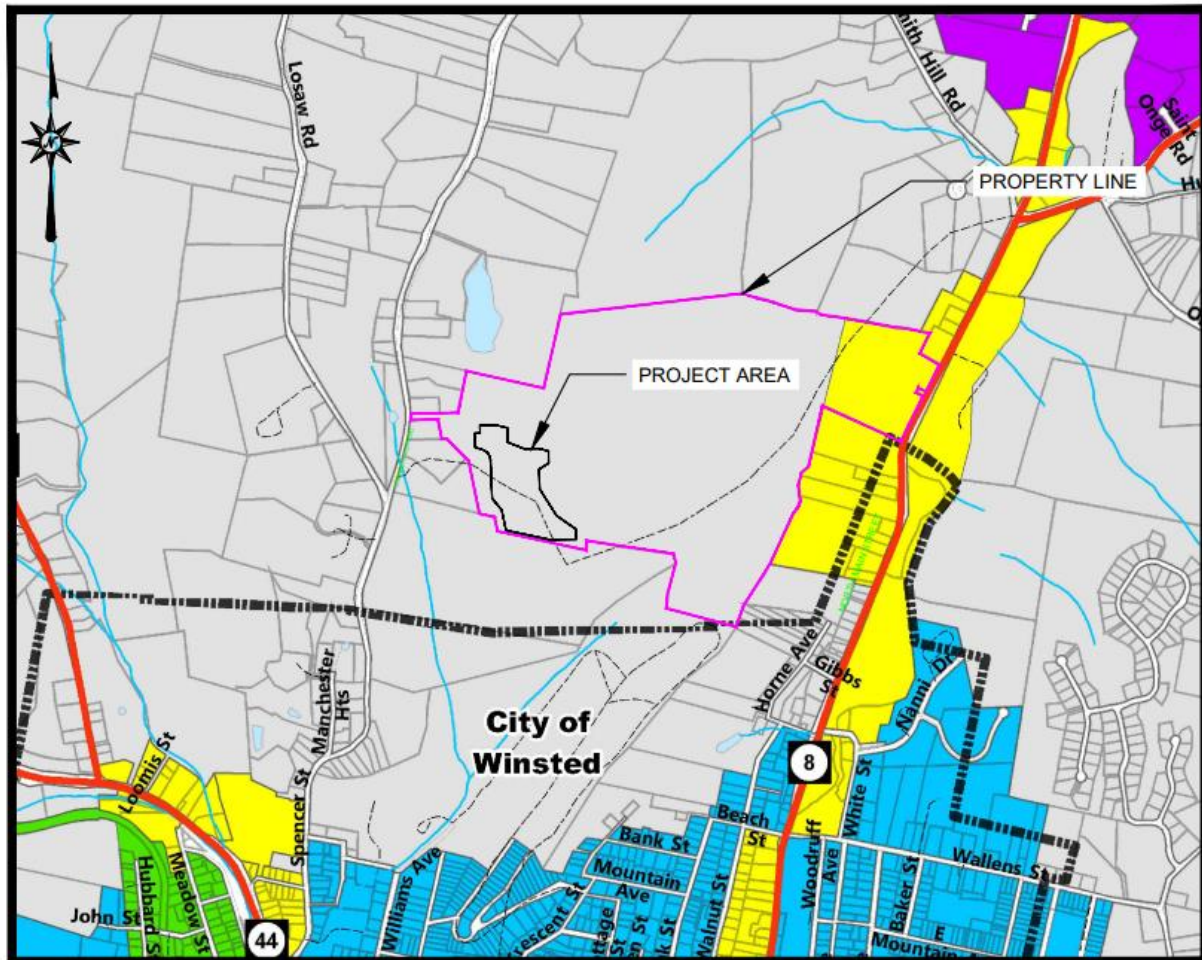
Conclusion

The Project is a grid-side distributed resource with a capacity of not more than sixty-five megawatts, meets air and water quality standards of the DEEP, and would not have a substantial adverse environmental effect. The proposed Project will not produce air emissions, will not utilize water to produce electricity, was designed to minimize environmental impacts, and furthers the State's energy policy by developing and utilizing renewable energy resources and distributed energy resources. Furthermore, the Project is participating in the state's NRES Program.

If approved, staff recommends the following conditions:

1. Approval of any Project changes be delegated to Council staff;
2. Submit a copy of the DEEP Stormwater Permit prior to the commencement of construction;
3. Submit a final structural design for the racking system stamped by a Professional Engineer duly licensed in the State of Connecticut;
4. Submit a final electrical interconnection plan that includes consultation with Eversource to reduce the visual impact of the electrical interconnection, including minimization of visibility on GCE's side of the interconnection;
5. Provide a landscaping plan to include plantings in the northwest portion of the site to reduce views from off-site locations;
6. Submit an agricultural co-use plan for the site, if applicable, with a document that shall indemnify and hold harmless the Council, its agents, representatives and employees from any and all losses, claims, actions, costs and expenses, judgments, subrogations, or other damages resulting from any injury to a person or to property arising out of the presence of third-parties within the fenced solar facility site;
7. Submit a final construction Spill Prevention, Control, and Countermeasure prior to the commencement of construction;
8. Submit TCLP test results for the selected solar panels that indicate the panels would not be characterized as hazardous waste at the time of disposal, under current testing criteria; and
9. Provide a copy of the Emergency Response Plan to local emergency responders prior to facility operation and provide emergency response training.

Project Location



Zoning Districts

-  HLBH Highland Lake Business District
-  HLD Highland Lake District
-  PI Production & Innovation
-  RR Rural Residential
-  TC Town Center
-  TCR Town Center Residential
-  TG Town Gateway
-  TSF Town Single Family

Existing Conditions



- Project Study Area
- Study Area Delineated Wetland Edge
- Study Area Delineated Wetland Area
- Delineated Ordinary High Water
- Delineated Stream Center

Site Layout

