



**Lee D. Hoffman**  
90 State House Square  
Hartford, CT 06103-3702  
p 860 424 4315  
f 860 424 4370  
lhoffman@pullcom.com  
www.pullcom.com

November 6, 2023

**VIA ELECTRONIC MAIL AND HAND DELIVERY**

Melanie Bachman  
Executive Director/Staff Attorney  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

**Re: Petition of Greenskies Energy, LLC for a Declaratory Ruling that no Certificate of Environmental Compatibility and Public Need is Required for the Proposed Construction, Operation and Maintenance of a 3.74 MW AC Ground-mounted Solar Voltaic Facility to be Located at Spencer Hill Road, Winchester, Connecticut**

Dear Ms. Bachman:

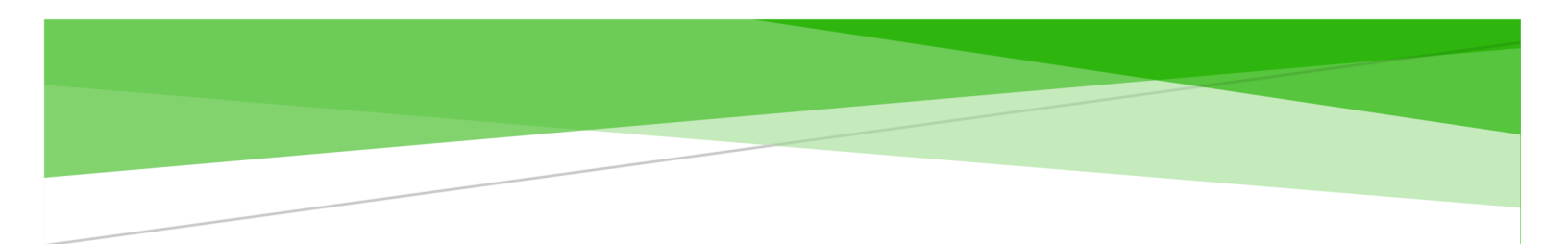
I am writing on behalf of my client, Greenskies Clean Energy, LLC, which is submitting the enclosed petition for a facility to be located at the above-referenced location in Winchester, Connecticut. With this letter, I am enclosing the original and fifteen copies of the Petition, including all appendices. I am also enclosing a check for \$625.00, made payable to the Connecticut Siting Council.

Should you have any questions concerning this submittal, please contact me at your convenience.

Sincerely,

Lee D. Hoffman  
Enclosures

cc: Town Clerk, Town of Winchester, Connecticut



**Petition by Greenskies Clean Energy LLC for a  
Declaratory Ruling, Pursuant to Connecticut General  
Statutes § 4-176 and § 16-50k, for the Proposed  
Construction, Operation and Maintenance of a 3.74 MW  
AC Ground-mounted Solar Photovoltaic Electric Facility  
Located at Spencer Hill Road Winchester, Connecticut**

**Prepared for  
The Connecticut Siting Council**

**November 6, 2023**

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## 1.0 Introduction

This is a Petition for a declaratory ruling, pursuant to Connecticut General Statutes §§ 4-176 and 16-50k, that no Certificate of Environmental Compatibility and Public Need (“Certificate”) is required for the development, construction, operation and maintenance of a proposed solar photovoltaic project (the “Project”) proposed by Greenskies Clean Energy LLC (“GCE” or “Petitioner”) in the Town of Winchester, Connecticut. The Project consists of the development of a 3.74-megawatt (“MW”) alternating current (“AC”) ground-mounted solar photovoltaic (“PV”) system (“Facility”) located at Spencer Hill Road, Winchester, Connecticut (“Property”). See Figure 1 – Site Location Map and Figure 2 – Proposed Project Areas Aerial.

GCE submitted the Project in response to a renewable energy RFP and was selected as one of the projects approved in that RFP process. As a result, the Project will generate zero emission renewable energy credits (“ZRECs”) as a Class I renewable energy resource. Given its winning bid, GCE entered into a LZNERS1-8630 Tariff Agreement, a Non-Residential Energy Solutions Project for a distressed community. The offtaker for the Project will be the City of New London Board of Education. The Project was awarded its contract through the 2022 Buy-All Program Virtual Net Metering (“VNM”) program. The Project qualifies for the Purchase and Sale of Connecticut Class 1 Renewable Energy Credits as a Zero Emission Project with Eversource. The Agreement is dated July 25, 2022. The required in-service date (“COD”) under this contract is October 17, 2025.

Authorization by the Connecticut Siting Council (“Council”) via approval of this Petition would allow the Petitioner to construct the Project and assist the State of Connecticut in achieving its goal of energy conservation and sustainability. Pending approvals, the Project will commence financing, detailed engineering, procurement, and construction efforts in 2024, with commercial operation planned for the entire Project in 2025.

The Project is located on one parcel within the Town of Winchester Rural Residential zoning district and is comprised of approximately 16 acres on an 190-acre parcel. See Figure 3 – Zoning Map. The Town of Winchester’s Assessor’s Office has the parcel listed as MBL – 017-150-066 and the parcel is currently owned by Frank Ahern and Karen Merete. See Figure 4 – Tax Parcel Map and Figure 5 – Existing Conditions Map.

## 2.0 Petitioner

GCE is a limited liability company with offices at 127 Washington Ave, North Haven, CT 06473. GCE is a fully integrated development platform that develops, finances, designs, constructs, owns, operates, and maintains clean, renewable-energy projects throughout the United States. In conjunction with its affiliate, Clean Focus Yield, GCE offers integrated solar and battery-storage solutions to commercial and industrial (“C&I”), municipal, and utility customers. From beginning to end – origination through construction and then lifetime operation – customers work with a single delivery team. GCE focuses on delivering clean energy, peak performance, and maximum energy savings. Since 2009, GCE and other affiliates of Greenskies have constructed and are operating over 310 MW of C&I solar projects throughout the country. The power generated by the portfolio is sold under long-term contracts that are typically 20 years, and the majority of the buyers have investment-grade credit ratings.

GCE has developed, owns and operates other large-scale ground-mount projects in Connecticut, including but not limited to, a 16.78 MW AC facility in Waterford, a 5 MW AC facility in North Haven, a 5 MW AC facility in Stonington, a 5 MW AC facility in East Lyme, and a 5 MW AC facility in North Stonington. As the Council is aware, GCE has other projects under construction in Connecticut. GCE’s commercial clients include Target Corporation, Walmart, Inc., and Amazon.com, Inc., and our projects with them represent 136 MW across 276 sites in 16 states. According to the Solar Energy Industry Association, Target, Walmart, and Amazon are in the top six solar users at US-based facilities as of 2022<sup>1</sup>. GCE is the partner of choice for large corporations and owners of real estate seeking to take a company- or portfolio-wide approach to solar energy adoption, and GCE is consistently ranked as one of the top solar developers in the United States.

As a vertically-integrated company, GCE manages every step of the solar development and implementation process. From project origination to design and engineering to

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<sup>1</sup> See, <https://www.scia.org/news/solarmeansbusiness2022>



construction and, ultimately, operation and maintenance, GCE brings years of industry knowledge and expertise at every level. Moreover, with hands-on management of on-site performance and sophisticated reporting processes in place, both during construction and operation and maintenance, the company is able to ensure safety, quality control and optimal electrical generation throughout the life of each project.

Correspondence and communications regarding this Petition should be addressed to both of the following individuals:

Dennis Hicks  
Project Developer  
Greenskies Clean Energy LLC  
127 Washington Ave  
West Building, Garden Level  
North Haven, CT 06473  
[Dennis.hicks@greenskies.com](mailto:Dennis.hicks@greenskies.com)  
(203) 710-2449

Lee D. Hoffman  
Pullman & Comley, LLC  
90 State House Square  
Hartford, CT 06103-3702  
[lhoffman@pullcom.com](mailto:lhoffman@pullcom.com)  
(860) 424-4315

## 3.0 Proposed Project

### 3.1 Project Area Overview

The Project's site is located on a 190-acre parcel at Spencer Hill Road, Winchester, Connecticut ("Project Area"). The Town of Winchester's Assessor Office has the parcel listed as MBL – 017-150-066, and the parcel is currently owned by Frank Ahern and Karen Merete. See Figure 4 – Tax Parcel Map. There are current agricultural activities taking place on the Property. As is explained in greater detail below, the proposed Project would allow the landowners to continue the wood lot harvesting and farming operations on the Property via shared use of agriculture and solar to support the State's commitment to renewable energy.

Frank Ahern and Karen Merete purchased the Property in 1993 and have historically carried out agricultural activities on the Property, including wood harvesting and a hayfield. Due to the increasing economic challenges of farming in Connecticut, Frank Ahern and Karen Merete sought to supplement their income by selling or developing a portion of their land. As they sought to supplement their income, Frank Ahern and Karen Merete came to the realization that the best option for supplemental income would come in the form of converting a portion of the land to residential development or to allow solar panels to be placed on a portion of their property. Residential developers have expressed interest in purchasing and subdividing the property, however, the landowners wish to avoid parting with the land if it could be avoided. Developing a solar farm on the site would allow Frank Ahern and Karen Merete to retain ownership of the Property while generating a supplemental source of income through a lease agreement with GCE.

#### 3.1.1 Existing Site Land Use

The overall land use of the 190-acre parcel/Property consists of forest, wetlands, and pasture/hayfield. Frank Ahern and Karen Merete have owned the Property since 1993. The Property has been used as a 20-acre hayfield and a 180-acre forest wood lot for the last three decades. See Figure 5 – Existing Conditions Map.

According to Town of Winchester's Zoning Map, the principal use of the parcel is designated residential and located in a rural residential zoning district. There are no dwellings on site, and the Property is currently farmed by a tenant farmer. The access road is a split off from a shared driveway with one of the abutters. Historically, the only other people to access the Property have been loggers and the occasional hunter. While the Town Ordinance does not explicitly mention solar projects, it does allow for similar uses by a special permit process. Some of the uses are Public Utility Facility, Public safety facility, Public and commercial recreation facilities, Schools, Places of Worship, Commercial Greenhouses, and even Earth Extraction. We believe the proposed project falls within the intensity of the uses allowed with a special permit in the Rural Residential zone of Winchester.

### 3.1.2 Surrounding Land Use

The character and quality of Winchester is defined by its natural resources. According to Winchester's Plan of Conservation and Development dated 2021, this area of Winchester consists of small-scale farming and elevated terrain, punctuated by north-south oriented stream valleys. It is a low density residential area. The valleys are where most of the more intense development occurs. At the southern base of the drumlin is the Gilbert School and associated Land Trust. The surrounding parcels are a mix of uses but are primarily rural residential with some small farm plots. To the north of the Property, are primarily wooded parcels with a house placed near the road. Within these parcels are a single-family residence, a stable, and two parcels without residences. East of the Project Area are abutting residential single-family homes and a wastewater treatment facility owned by the State located across CT-8. In addition to the Gilbert School the southern abutting parcel is a partially forested parcel with a stream in the forested section and a farm field adjacent to the Project Area.

### 3.1.3 Project Area Alternatives

The Project Area was selected by GCE because it was suitable for a solar PV project and would have minimal natural resource and environmental impacts. The Project as designed will not have adverse effects on quality forested areas, agricultural land, or the designated wetlands, and the Project will not diminish the quality of life of those who live in the vicinity. It was also important to GCE to select a site that allows interconnection of the generation facility to a feeder and substation of the utility company that is compatible with its grid and goal of better serving customers. The proposed Project Area allows for interconnection to the Eversource distribution grid at a cost that is viable and avoids long term studies or any negative impacts to the electrical grid. Every attempt is made to minimize adverse effects of development on the land.

GCE conducted an extensive search of both public and private land, resulting in the selection of the Property. GCE uses third party consultants combined with site visits, thorough internal analysis and minimal impact requirements, and review of public data for environmental classifications/hazards to understand the biological, environmental, historical, and archeological impacts of solar development on selected sites. While all development has an impact on the area and community, the social and environmental impacts of this Project are a net positive.

## 3.2 Project Description

### 3.2.1 Site Access

The primary access point to the Project will be via an existing gravel farm road entrance from Spencer Hill Road to access the portion of the Property where the solar array is proposed. Existing farm roads traversing the Property would be used to the maximum extent feasible during construction. The Petitioner would construct an approximately 1,600 linear foot internal gravel roadway within the Project Area to provide centralized access to the proposed solar array, electrical equipment, and stormwater detention basins. The Petitioner proposes the construction of the roadway on prepared subgrades with a gravel topping which would match existing grades to the greatest extent feasible. See Figure 7 – Proposed Project Layout and Appendix A – Sheet C-2.0 Layout and Materials Plan – Overall.

### 3.2.2 Solar Facility Design and Layout

It is currently anticipated that the Project will consist of photovoltaic (PV) arrays to be comprised of 540-watt panels (depending on the state of module technology at the time of construction) arranged two-high in portrait set at a 20-degree angle to balance the solar yield, located in the best available area within the Property while avoiding the region closest to the neighbors in order to minimize their view of the Project and to maximize annual energy production. The panels will be mounted on steel racking with driven posts to a depth to attain sufficient structural capacity to resist the loads from the weight of the panels, as well as environmental loads including snow, wind, and seismic forces. Because the final selection of panels has not yet been determined, GCE cannot state whether the panels have passed the toxicity characteristic leaching process (“TCLP”) test at this time.

The current PV array electrical site plan has a nameplate capacity of 3.74 MW AC and is designed with 343 strings of 24 modules, for a total of 8,232 modules. There would be 30 125 kW inverters that are to be centrally located within the Facility. The DC capacity is 4.44 MW and the AC capacity is 3.74 MW. The DC to AC ratio is designed as 1.187. The

PV array is to be split into two systems for interconnection: A and B. System A consists of 4,392 modules and has a capacity of 2.37 MW DC and 1.99 MW AC. System B consists of 3,840 modules and has a capacity of 2.07 MW DC and 1.75 MW AC. The power from the inverters would be directed to a transformer, meter, disconnects and switchgear prior to interconnecting with the utility distribution feeder. The power from System A will interconnect to the pole to the north of the access road at Spencer Hill. The power from System B will interconnect to the pole to the south of the access road at Spencer Hill Road.

The Petitioner is aware that the electrical plans are not consistent with the site civil plans at the time of this Petition submission. The electrical plans (Appendix B) are currently being reviewed by the utility provider (Eversource), and it is the intent of the Petitioner that the electrical layout shown on the site civil plans (Appendix A) should be considered to be the most current electrical layout at this time. The Petitioner intends to provide the Council with updated electrical plans as appropriate once the ongoing consultation with Eversource is completed.

### 3.2.3 Electrical Interconnection

The interconnection application for the Project was submitted to Eversource on February 9, 2023. The Project is proposed to interconnect with the Winsted 33B Substation located in downtown Winsted which is approximately 1.82 miles from the Project. There will be two points of interconnection: One to a pole to the north of the access road and the other at a pole to the south of the access road at Spencer Hill Road.

In March 2023, Eversource informed GCE that an Impact Study would be required and is expected to last approximately 270-360 days. ISO NE determined that a Level III study will also be required. This is due to generation nesting up to the bulk substation, Campville 14R. An Impact Study was performed and Eversource concluded that approximately 0.8 miles of 4.8 kV circuitry will be converted to 23 kV and reconductored. A Facility Study is currently ongoing.

### 3.2.4 Fencing and Site Security

The Petitioner proposes a 7-foot high chain link fence to be installed around the perimeter of the Project Area to provide site security, as well as to address National Electric Code requirements. The perimeter fencing would extend around the array. GCE currently contemplates having four access gates, with locking hardware, along the perimeter for access to the permanent stormwater basins. See Appendix A – Sheet C-2.0- Layout and Materials Plan.

### 3.3 Stormwater Management

The Petitioner prepared a Stormwater Management Report in accordance with the 2004 State of Connecticut Stormwater Quality Manual and with the Connecticut General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (“Stormwater General Permit”) effective December 31, 2020. A copy of this Report is attached as Appendix E.

The Petitioner also reviewed soil mapping and performed a field geotechnical study in September 2023 to investigate the native soil conditions and infiltration rates at the proposed locations of the stormwater basins. As indicated in the attached Stormwater Management Report, predevelopment drainage patterns have been maintained to the greatest extent feasible in an effort to maintain pre-development flows to off-site areas.

A total of three (3) stormwater management basins have been designed and are strategically located throughout the Project Area to maintain existing drainage patterns and to protect onsite resources. Each basin will discharge stormwater runoff to one of the onsite wetland systems. No proposed stormwater basin exceeds the 3 acre-ft volume limit that would trigger the need for a CT DEEP Dam Safety Permit, thus it is assumed no further documentation will be required for this.

The Petitioner developed a HydroCAD model, using TR-55 methodology, to evaluate the existing and proposed drainage conditions of the Property. The results of the analysis

demonstrate that there would not be an increase in peak stormwater runoff rates for the 2-, 25-, 50-, and 100-year storm events. Water quality treatment of the Project Area is proposed to be handled in these permanent stormwater management basins and the vegetated buffers surrounding the Project.

### 3.4 Construction Schedule and Phasing of Construction

Project construction is anticipated to begin in Spring/Summer 2024 pending regulatory approvals. Initial work would involve the installation of erosion and sediment control measures, including installation of sediment basins. A temporary staging area is currently contemplated to be located in the field northwest of the Project.

Formal construction notice to proceed would be anticipated in Spring/Summer 2024, with delivery of equipment likely commencing in late Summer 2024. As each discrete area of installation is completed, the ground surface would be stabilized, although best management practices will remain in place until final stabilization occurs.

Final installation of array equipment and landscaping/screening measures would be anticipated in Fall of 2024. Final site stabilization, testing, and commissioning would be expected to be completed in the late Fall of 2024. Construction activities would be expected to occur Monday through Saturday between the hours of 7:00 a.m. and 5:00 p.m. A draft construction schedule timeline is provided as Figure 8 – Construction Schedule.

The “Construction Sequence” for the Project begins by defining a qualified inspector, emergency contact, and tentative schedule of all inspections, as well as holding a pre-construction meeting with representation from the general contractor, site contractor, Connecticut Department of Energy and Environmental Protection (“CT DEEP”), Town of Winchester, the engineer of record, and the qualified inspector. The contractor will contact Call-Before-You-Dig and notify the Town of Winchester at least 48 hours prior to commencement of any construction activity. Upon achieving completion of construction



and final site stabilization, the engineer of record will investigate the Project Area and all temporary erosion controls shall be removed.

Prior to construction, a health and safety plan will be finalized by the contractor and would address not only the specific characteristics of the Project Area and the Project, but also will reflect the nature of the surrounding land uses. A Storm Water Pollution Control Plan (“SWPCP”) would also be developed and implemented by the project civil engineer that will include regular inspection of erosion control measures to prevent sedimentation or water quality impact and ensure compliance with the Stormwater General Permit. The Stormwater Management Report (Appendix E) provides Erosion and Sedimentation Control Best Management Practices – Maintenance/Evaluation Checklists for Construction Practices and Long-Term Practices. Construction sequencing is described in detail on sheet C-4.0 in Appendix A.

### 3.5 Operation and Maintenance

GCE has a dedicated O&M team that currently monitors and maintains all operational assets in the GCE portfolio. This team would manage the efficient operation of the Project after it is turned on and the construction is complete. A team of individuals, including system analysts and field operators, would monitor the system 24 hours a day, 7 days a week. The operation center utilizes Also Energy’s platform for site monitoring and generation reporting, along with a custom-built in-house platform designed for improved site analytics. Custom alarm management provides instantaneous notifications. System performance analytics would be completed weekly to better understand the health of each asset and find trends in under producing systems. See Appendix C – Operations & Maintenance Plan.

### 3.6 Decommissioning

At the end of the Project’s life, decommissioning would include disassembly and removal of above-ground structures, removal of subsurface structures and restoration of disturbed areas. Where reasonably required, restoration would include seeding, and mulching to establish vegetation and prevent soil loss and erosion. Pursuant to the terms of the lease

that GCE has entered into, GCE is required to remove the solar facility from the Project Area.

Racking posts pulled from the ground are expected to create minimal ground disturbance. Any disturbed areas will be seeded with the same seed mix used across the site during the life of the Project or, if the landowner prefers, another acceptable mix would be selected.

At the time of decommissioning, GCE would submit to the Town of Winchester and the Council a request plan for continued beneficial use of any components to be left on site, including gravel roads, landscaping and/or visual screening and stormwater buffers.

Under the proposed decommissioning plan, GCE would be responsible for all decommissioning costs. Any additional permits or approvals required for decommissioning, removal, and legal disposal of Project components would be obtained before decommissioning activities begin. All activities would be conducted in accordance with all permits and applicable rules and regulations. Recycling and disposal of all materials would be conducted in accordance with local, state, and federal waste disposal regulations.

#### Facility Materials/Equipment

PV facilities are constructed using the same basic materials and methods of installation common to their application. Materials include:

*Metals:* Steel from pier foundations, racking, conduits, electrical enclosures, fencing; aluminum from racking, module frames, electrical wire, and transformers; stainless steel from fasteners, electrical enclosures, and racking; copper from electrical wire, transformers, and inverters.

*Concrete:* Equipment pads and footings.

*PV modules:* PV Modules are typically constructed of glass front sheets (some use glass back sheets as well), plastic back sheets and laminates, semiconductor rigid silicon cells,

internal electrical conductors (aluminum or copper), silver solder, plus a variety of micro materials. The semiconductor PV cell materials represent a very small part of a PV module's weight, between 1 and 2%. As manufacturers pursue lower-cost modules, thinner layers of semiconductor materials are used which reduces this percentage. The most commonly used semiconductor material for the construction of PV modules is silicon. Glass, aluminum, and copper are easily recyclable materials, and silicon can be recycled by specialty electronics recyclers.

*Glass:* Most PV modules are approximately 80% glass by weight.

*Plastics:* A limited quantity of plastic materials are used in PV systems due to a system's continuous exposure to the elements and long operational lifetime. Plastics typically are found in PV facilities as wire insulation, electrical enclosures, control and monitoring equipment, and inverter components.

### Sequence of Decommissioning

The following sequence for the removal of the components will be used:

#### *PV Site:*

- Disconnect PV facility from the utility power grid;
- Disconnect all aboveground wirings, cables and electrical interconnections and recycle offsite by an approved recycling facility;
- Remove concrete foundations. Electric components and their foundations will be removed and recycled off-site by a concrete recycler;
- Remove PV modules and transport to recycling facilities for recycling and material reuse;
- Remove the perimeter fence and recycle off-site by an approved metal recycler; and
- Remove all waste.

#### *Inverters/Transformers:*

- Disconnect all electrical equipment;
- Remove all on site inverters, transformers, meters, fans, and other electrical components and recycle off-site by an approved recycler; and
- Remove all waste.

*Access Road:*

- The access road built on the Project, and associated drainage infrastructure will remain as a means to access the site in the future, if the landowners choose to do so and are granted permission from the Council and Town of Winchester.

## 4.0 Project Benefits and Needs

Connecticut has set aggressive targets to reduce greenhouse gas emissions and to substantially increase the deployment of Class I renewable energy to mitigate the negative environmental impacts associated with traditional electric power generation. As such, the State has set a Renewable Portfolio Standard target to achieve 40% Class I renewable energy by 2030 and a 100% zero carbon target for the State's energy sector by 2040.

The proposed Project will help Connecticut achieve these goals and will provide economic and social benefits to the State and the Town of Winchester in the form of lower electricity costs, greater grid stability, and the creation of construction jobs.

## 5.0 State and Local Outreach/Input

GCE has been in communication with and has engaged state and local regulators regarding the design and development of the Project.

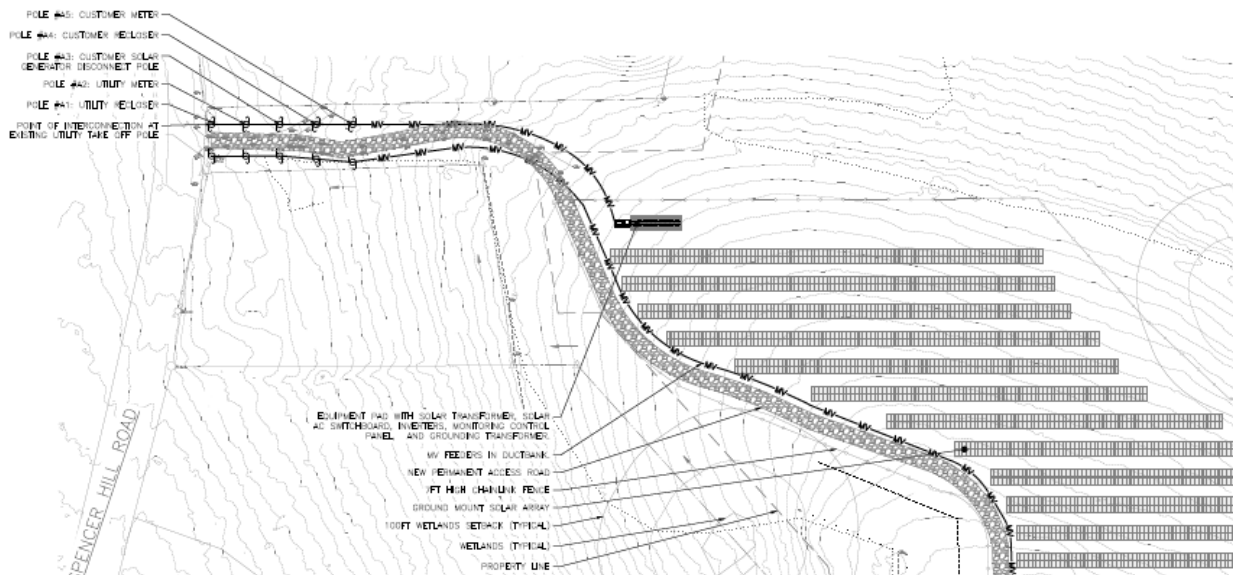
On March 7, 2023, GCE received notification from the CT DEEP ezFile portal that no extant populations of Federal or State Endangered, Threatened, or Special Concern species are likely to exist on site. GCE also intends to abide by all regulations regarding exclusion of wildlife from electrical facilities. See Appendix H for the letter generated by the CT DEEP Portal.

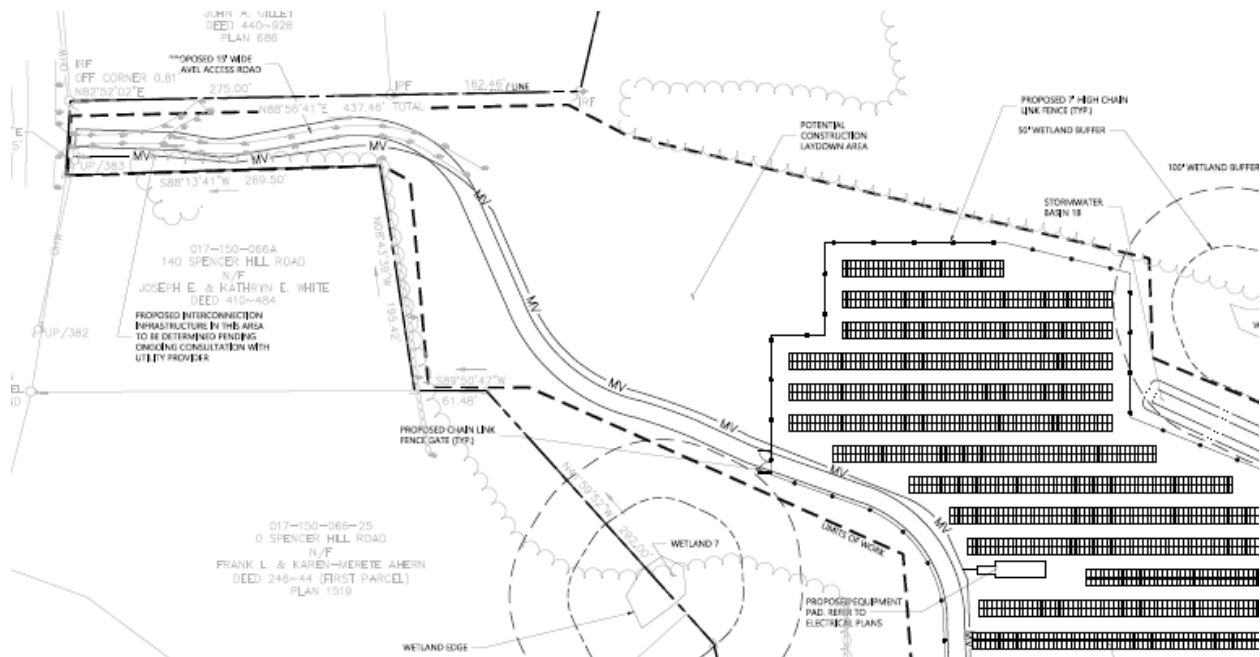
On March 9, 2023, GCE received notification from the State Historic Preservation Office ("SHPO") that no historic properties will be affected by the proposed Project. GCE has conducted two separate historic and archeological studies of the Project and the findings constituted post-colonial field scatter that would not warrant more in depth analysis. A copy of the letter from SHPO is available in Appendix F.

On March 27, 2023, GCE mailed letters to Project Site abutters in Winchester providing

an overview of the proposed Project. GCE received email communications from two direct abutters, 140 and 142 Spencer Hill Road. On May 17 GCE met with the property owners of 142 Spencer Hill Road on the Project Area. We discussed views from their properties, and an additional follow up meeting was held on August 25, 2023 with the owner of 140 Spencer Hill Road. Several items were discussed, including the permitting process, details of construction, and visual and auditory impacts. A second round of letters were mailed to Project Site abutters and government officials on October 30, 2023, and a list of those recipients is included in Appendix I to this Petition.

Aside from the written discussion and in person meeting with Project Area neighbors, the GCE team continued discussions with the two neighbors via email and phone. A complete log of those communications can be provided to the Council if desired. The key item of discussion was the ability for neighbors to see the proposed Project. GCE is understanding of this concern and worked with these adjacent landowners to minimize any perceived visual impact. As such, GCE decided to reduce the Project footprint and remove modules from the design to reduce Project visibility. Below is a snapshot showing the modules that were removed or relocated to reduce visibility of the proposed Project.





GCE is willing to continue to engage with neighbors on the Project if they desire.

On April 17, 2023, GCE had a meeting with the CT DEEP Permit Concierge Team. The CT DEEP staff present at that meeting included Emily Tully of the CTDEEP Permit Concierge Team and Chris Stone of the CT DEEP Stormwater Division. Ms. Tully stated the following: A stormwater construction general permit registration will be required for this Project. GCE will submit a registration through Ezfile. When registering for the Stormwater Construction General Permit, a letter of credit equal to the full required amount will be included with the registration. All perimeter controls (e.g., swales and basins) will need to be installed and stabilized before work begins on the Project.

As is discussed in greater detail in Section 6.8.3 below, on April 14, 2023, GCE transmitted a letter to the Department of Agriculture (“Department”) outlining various agricultural co-uses that could be maintained at the Project Area. On May 9, 2023 the Department reached out for clarification about details of the proposed dual agriculture use. On May 25, 2023 GCE responded to that request. On July 5, 2023 The Department communicated with GCE’s outside counsel that the original proposal for dual use agriculture and photovoltaics had been rejected. GCE and the Department met on August 9, 2023 to

discuss the findings and expectations of proposals for dual agriculture use and what steps GCE would have to take in order to receive a letter determining no impact to prime farmland.

On August 14, 2023, GCE submitted a second proposal letter to the Department following the guidelines discussed in the August 9 meeting. Some clarifying details were requested August 25, 2023 by the Department and responses sent August 28 by GCE. On October 4, 2023, the Department sent communication to the Council that the proposed Project and its associated dual agriculture use were accepted and found to have no material impact on the prime farmland soils located on the Project Site with a list of conditions. One of the conditions required no grading. The proposed project has no grading except for a small amount for the stormwater control basins that are required. GCE worked to confirm the grading for the basins is an acceptable exception to this condition. On October 10, and October 18, 2023, GCE provided plans for earthwork associated with the future compliance with the Stormwater General Permit requirements to the Department of Agriculture. The Department requested comment from DEEP Stormwater group on October 31<sup>st</sup> confirming that the earthwork is required for the Stormwater General Permit. On November 2<sup>nd</sup> Chris Stone of DEEP made this confirmation in writing to the Department of Agriculture. Full record of all communication between GCE and the Department can be found in Appendix M.

On April 14, 2023, GCE submitted the proposed Project into the CT DEEP Bureau of Natural Resources Division of Forestry for confirmation that there would be no impact to Core Forest. On July 18, 2023, GCE received a response that concluded that the proposed Project will not materially affect the status of the core forest on the Property. See Appendix L for CT DEEP's letter.

In addition to its contacts with state officials regarding the Project, GCE has also had significant contact with local officials related to the Project. On March 7, 2023, GCE met with Town of Winchester Town Manager, Joshua Steele Kelly, and the Town Planner, Lance Hansen, to discuss the Project. GCE introduced the Project, giving all the known studies completed at the time. GCE informed the Town that no cutting of Core Forest

would occur, Stormwater General permit requirements were going to be met, and that there was ongoing correspondence with SHPO, CT DEEP, and the Department of Agriculture. GCE also informed the Town of the size, electrical capacity, access routes, and the estimated limits of disturbance of the Project. The Town expressed concerns about the viewsheds and how visible the Project would be from downtown and the residential areas surrounding the Town. GCE also confirmed that initial outreach to the closest neighbors would begin a few weeks after the meeting, with full outreach occurring for this Petition occurring prior to submission. See Appendix I – Public Outreach Documentation.

## 6.0 Potential Environmental Effects/Impacts

### 6.1 Site/Community Setting and Scenic Character and Values

The Project Area consists of approximately 190 acres located in an area zoned as rural residential in the Town of Winchester. The overall land use of the parcel/Property consists of a hayfield and a forest being used as a woodlot. Frank Ahern and Karen Merete have owned the Property since 1993. The Project Area Area is a hay field and is currently being harvested by a tenant farmer.

The Project intends no disturbance to the forested area of the parcel which will maintain both the biodiversity and historic scenic character of the surroundings. The future ground vegetative cover within the Project Area will be more aesthetically appealing because the current hayfield will change to more diverse vegetative community by planting perennial herbs and pollinator friendly plants.

The many densely forested hills surrounding the Town will prevent the viewshed being disturbed by the proposed Project due to its positioning primarily on the northern slopes



of a drumlin with the crest of the hill. Petitioner intentionally avoided disturbing viewsheds as much as possible.

See Section 6.8.3 for a description of agricultural activities. In addition, a pollinator-friendly seed mix will be used on the perimeter of the Project Area which will support native pollinators and attract pollinators to crops that will be growing in the interspacing of the solar modules.

## 6.2 Public Health and Safety

The proposed Project is not expected to create any adverse impact with regard to public health or safety issues. The proposed Project will meet or exceed all local, state, national and industry health and safety standards and requirements. During construction and post-construction operations and maintenance, workers and personnel would follow all health and safety standards applicable to solar energy generating facilities.

A site-specific construction health and safety plan is typically developed prior to initiation of any on-site Project-related tasks. During the construction phase of development, all contractors, sub-contractors and personnel will be appropriately trained and briefed on any potential site health and safety issues. There will be a designated construction manager and/or site safety officer or representative present at all times during construction, and such individuals will be responsible for overseeing/implementing the site construction health and safety plan.

Construction traffic relative to the Property includes standard construction trucks, small earth moving equipment, and all-terrain forklift equipment. Vehicle trips would be relative to scheduled deliveries of the major materials such as solar racking, solar panels, electrical equipment to serve the solar site, and fencing materials to be installed around the perimeter of the Project Area. Construction activity and associated traffic would generally take place from 7:00 AM to 5:00 PM daily Monday through Saturdays.

Environmental items considered “chemicals” that might be used on site would include polyvinyl chloride (“PVC”) glue for use with electrical conduit installations and carbon-based fuels for vehicles and equipment. The Petitioner anticipates that there will be less than one gallon of PVC glues and less than 25 gallons of fuel stored on-site. The Petitioner would keep all flammable liquids in code compliant cabinets and containers. The Petitioner would also keep spill kits in all vehicles and equipment on-site. The Petitioner would monitor chemical usage daily to ensure compliance with all regulatory requirements. No risk of release to the environment is anticipated.

## 6.3 Noise

### 6.3.1 Noise Level Guidelines and Regulatory Requirements

Potential Project-related noise is regulated by Connecticut General Statutes section 22a-69 and the Town of Winchester Noise Level’s and Guidelines section 270-3 of the Town’s ordinance.

The Town of Winchester’s Noise Ordinance provides: “It is the intention of this chapter to carry out and effectuate the public policy of the State of Connecticut, the federal government and the Town of Winchester concerning the regulation of those activities causing measurably excessive noise and noise disturbance within the Town of Winchester. It is recognized that excessive noise is a serious hazard to health, welfare and quality of life for all citizens and that each person has a right to an environment free from noise that may jeopardize their health, safety or welfare.” For the Rural Residential District which the Property, and surrounding receptors, are located in, local ordinance prescribes a maximum level beyond the boundary of their premises of 55 dBA for daytime hours (defined as 7:00 AM to 9:59 PM Monday-Saturday, and 9:00 AM to 9:59 PM Sunday) or 45 dBA for nighttime hours (defined as 10 PM to 7 AM Sunday evening through Saturday morning, and 10 PM to 9 AM Saturday evening through Sunday morning).

Connecticut General Statutes section 22a-69 is applicable to the proposed Project and requires the Project to meet the following sound levels: 61 dBA at the nearest residential

property during the day (when the Project would be generating electricity); 51 dBA at the nearest residential property at night (when some accessory equipment might still be in operation); 66 dBA at the nearest commercial/educational property; and 70 dBA at the nearest agricultural/industrial property. The statute also accounts for impulse and other types of noise. Construction noise is exempt from the statute.

### 6.3.2 Proposed Project-generated Noise

Due to the nature of the use, facility design, required equipment and distance from potential noise receptors, the proposed Project is expected to have no adverse noise-related impact on the surrounding area. Existing uses around the perimeter of the Project Area include farming activities and single-family rural residential development.

The selected inverter has an acoustic noise rating of 73 dBA at 1 meter distance and 67 dBA at a 3 meter distance as noted in the inverter specification sheet provided in Appendix B. Based off these data points and using the inverse square law, at a distance of 26 feet the noise level will be less than 55 dBA and at a distance of 82 feet will be less than 45 dBA. All other selected system equipment will typically generate the same or lower levels of noise.

The nearest residence is located at 146 Spencer Hill Road approximately 340 feet from the Project Area and 640 feet from the closest equipment pad. Since sound dissipates with distance, the Petitioner does not anticipate that any Project-generated noise would be detectable by potential residential receptors and will be far below regulated limits.

## 6.4 Air Quality

Because the Project is a solar energy generating facility, no air emissions will be generated during operations and, therefore, an air permit would not be required. Temporary, potential, construction-related mobile source emissions would include those associated with construction vehicles and equipment. Any potential air quality impacts related to construction activities can be considered *de minimis*. Such emissions would be mitigated using available measures including limiting idling times of equipment; proper

maintenance of all vehicles and equipment and watering/spraying to minimize dust and particulate releases. In addition, all on-site and off-road equipment would meet the latest standards for diesel emissions, as prescribed by the United States Environmental Protection Agency (“USEPA”) and, with the above mitigation measures, should reduce the exhaust emissions.

## 6.5 Visual Impact Assessment

The Petitioner selected the Project’s location, among other reasons, due to its limited impact on public viewsheds. The Project should also have limited visual impact to abutters. Only three of the Property’s numerous abutters will have any sight of the Project. The Petitioner is in contact with those abutters and has already created various redesigns to address their concerns. The Project has been sited on land which is generally low visibility from surrounding roads, residences, and any designated public recreation area (i.e. playing fields, walking trails, or parks). Visual impacts of the Project from multiple directions are naturally mitigated due to a variety of distance, topography, and existing vegetation. Cross sections displaying the proposed Project elements in relation to three (3) different abutting parcels have been prepared in support of this petition and are included in Appendix J.

## 6.6 Federal Aviation Administration Determination

The Petitioner used the Federal Aviation Administration (“FAA”) Notice Criteria Tool to screen the Project Area to assess if the Project triggers the FAA Notice Criteria. The result of the initial screening on April 10<sup>th</sup>, 2023 is that no additional notice is required for FAA. See Appendix K, FAA Determination.

## 6.7 Environmental Site Assessment/Conditions

A Licensed Environmental Professional (“LEP”) from VHB investigated the Project Area for potential signs of contamination in January 2023. VHB performed a Phase I Environmental Site Assessment (“ESA”) and prepared a report summarizing the findings, dated March 2, 2023. VHB concluded that no Recognized Environmental Conditions (“RECs”) were identified on site; however, their opinion is limited by the

conditions prevailing at the time of study. A copy of the Phase I ESA report can be made available upon request. None of these issues are anticipated to be exacerbated as a result of the construction of the Project.

## 6.8 Site Soils and Geology

### 6.8.1 Existing Site Soils + Geology

A review of available NRCS online soils mapping indicated the likely presence of Paxton and Montauk fine sandy loam complex across a majority of the Project Area, with slopes ranging from 3 to 15%. Geotechnical subsurface investigations were performed at on site in September 2023. The conclusions of that investigation generally found the majority of the Project Area to be topsoil underlain with sandy loam, with areas exhibiting signs of seasonal shallow high groundwater, and to be of Hydrologic Soil Group C. Soils information and results from the onsite testing are included in Appendix E.

### 6.8.2 Preservation of Prime Agricultural Soils

The Project Area is currently undeveloped farmland. A review of the USDA's soil mapping for the area indicates that the Project will be placed on approximately 16 acres of prime farmland. GCE has been working in coordination with the Department of Agriculture to eliminate any negative impacts to prime farmland. In order to achieve this GCE submitted a proposal for dual agriculture use for the Project, as discussed above. GCE understands that the Department has provided a letter to the Council acknowledging that the Project will have no material impact on farmland soils.

### 6.8.3 Agricultural Dual-Use

GCE is committed to the protection of Connecticut's prime farmland soils and the benefit that local agricultural brings to a community. Greenskies was the first solar developer in CT to develop and gain Department of Agriculture approval on a solar and agricultural co-use project. Since then, Greenskies and GCE have strived to push the growing agrivoltaic industry forward in a healthy direction and innovate best ways to combine solar and farming. In this proposed Project, GCE has created a Solar + Farming plan that balances the needs of renewable generation, protecting soils and ag use all on

the same site and is focused on regenerative approaches to farming to actually improve soil health over the lifetime of the Project.

As noted above in section 5.0 above, on April 14, 2023, GCE initiated communications with the Department of Agriculture to discuss the impact that the proposed Project would have on prime farmland soils. Since that time, the Department and the Petitioner have been in discussions regarding the agricultural co-uses the Petitioner has proposed for the Project. During these discussions, GCE proposed that a combination of management strategies was the best fit for the site. These uses included planting of perennial herbs and botanical plants paired with pollinator habitat to produce honey. Additionally, GCE has made available a plot of at minimum 1 acre of land to the Connecticut Agricultural Experiment Station (“CAES”) for agrivoltaics research. The Agricultural Experiment Station expressed interest, pending its ability to secure funding for research.

GCE has sought the guidance of the USDA NRCS Litchfield County Conservation District Office about the best practices associated with a dual-use Agricultural and Photovoltaic system. The office had recommendations that were taken into consideration by GCE. The initial recommendation from the USDA was for a solar grazing site with sheep on site providing an effective vegetation management method. After attempts by the Petitioner to secure interest from local or out of state but regionally close shepherds, it became apparent that such a plan would be untenable for the Project. A lack of shepherds, combined with logistical complications were the deciding factor to adopt the USDA’s secondary recommendation, pollinator habitat and beekeeping. Beekeeping and honey production with pollinator habitat and delayed mowing is an aspect that has been retained in the proposal submitted to the Department. In addition to pollinator habitat, GCE proposed under panel herb farming and a plot of land made available for research of Agrivoltaics. The research plot has been offered to the Connecticut Agricultural Experiment Station.

Based on the foregoing, GCE has proposed the following for consideration as a dual-use agricultural-photovoltaic project:

1. GCE will make available, at minimum, one acre of land within the Project Area to the Agricultural Experiment Station. This plot of land must be used for research into the Agrivoltaics field. The offer of land is open for the lifespan of the project.
2. GCE proposes regenerative land management of a Solar + Farming project through
  - 1) planting of perennial herbs and botanical plants that would be harvested and sold,
  - 2) planting of perennial cold season grasses, and
  - 3) planting of pollinator friendly flowers and management of a honeybee apiary for honey sales. At a very high level, maintenance would include the following:
    - Delayed mowing would ensure that the selected plants can reach harvest stage and flowering stage and provide nutritional value to the pollinators
    - Harvesting of agricultural products of plants and honey
    - Overseeding as needed to maintain sufficient land coverage of plants
    - Removal of invasive plants as needed
    - General monitoring and upkeep of the soil, plant, and bee health

This use will protect the soils and replenish them for future agricultural use once the solar array is removed. Potential herbaceous plants being considered are: mint, dandelion, mullien, oregano, purslane, red clover, rosemary, thyme, yarrow and lavender. In addition, GCE will also review the Xerces Society guidance Pollinator Plants for Northeast Region and Pollinator Habitat Installation Guide to select plants for the Project. The planting mix will also perform well for stormwater controls. Allowing these plants to grow for years will improve soil health and maintain prime farmland soils. The deep roots of the perennial plants will improve water infiltration to the soils.

In addition to the farming aspect of this Project, the Facility will be designed in such a way that it will enable the successful implementation of the proposed farming activities. The Project is being designed to accomplish this goal with three specific attributes. 1) The lowest point of the solar modules will be raised higher than is needed for solar only to allow for increased sunlight to the area below the modules as well as increased accessibility for farmers. The leading edge of the modules will be a minimum of 3.5 feet, but at places will be higher depending on topography. This minimum clearance was

established based on prior experience with seeing improved sunlight at that higher height, needing to balance the required strength of the racking system, and in connection to the row spacing and required production level for the solar project. 2) The spacing in between rows is being designed to allow for sufficient acreage to grow plants, provide sufficient area of high sunlight levels, and provide workability for farmers while again balancing the needs of the required solar capacity. The current design has a relatively high row to row spacing of 26.5 ft. 3) The site is being designed with farmer's safety in mind. All electrical feeders will be either secured to the modules/racking directly or be underground. There will be increased signage and fencing to ensure that farm workers are never exposed to unsafe conditions.

Based on the Department of Agriculture's review of GCE's plans and letters, the Department concluded the Project would not materially affect the status of the site as prime farmland, as a result of the co-use and continuing farming activities proposed for the site. GCE understands that the Department has submitted a letter with its concurrence regarding the Project to the Council.

## 6.9 Historic and Archaeological Resources

Heritage Consultants prepared a 1A Cultural Resources Assessment Survey in January 2023. Heritage found that the entire site contained a moderate sensitivity for archaeological resources and recommended that a Phase 1B study be performed within the limits of the Project. Heritage performed a Phase 1B shovel test, and a report of the findings was prepared on February 2023. The Phase 1B report concludes that no impacts to significant cultural resources are anticipated by the proposed construction and no additional archaeological investigations are recommended. A letter from SHPO dated March 9, 2023, confirms this conclusion. A copy of the Phase 1A and Phase 1B reports as well as the SHPO concurrence are included in Appendix F.

## 6.10 Wetlands and Watercourses

### 6.10.1 Wetlands Delineation and Methodology

In February 2023, soil scientists from VHB investigated the Project Area to determine if regulated Inland Wetlands or Watercourses were present. In Connecticut, Inland



Wetlands are defined by areas of poorly drained or very poorly drained soils or alluvial soils of any drainage class. The investigation was facilitated by the use of a tile spade and soil augers that were used to examine soil profiles and evaluate drainage classes. A Wetlands Delineation Report dated March 6, 2023 was prepared outlining the survey process and findings. A copy of this report is included in Appendix G.

#### 6.10.2 Existing Wetlands and Watercourses

Multiple wetland systems were delineated as a result of this effort and are depicted in the report. Generally speaking, wetland systems exist near the forested areas to the west and to the east of the Project Area. A more comprehensive analysis of the various wetland systems can be found in the Wetland Delineation Report included in Appendix G.

The proposed Project is designed to prevent and avoid any impacts to wetlands.

#### 6.10.3 Vernal Pools

The site was screened for potential habitat for vernal pool activity at the time of wetland delineation in January 2023 and VHB wetland scientists concluded that the Project Area had no likelihood for vernal pools, and therefore that no further study was required. This documentation is included in the Wetland Delineation Report in Appendix G.

#### 6.10.4 Proposed Project and Mitigation

The Project has been designed to provide a vegetated buffer between the development itself and any delineated wetland systems to maintain an ecological edge zone that separates the solar development and stormwater features from the wetland communities. The wetlands will be further protected by incorporation of the stormwater management features that have been designed to mitigate peak runoff rates and treat water quality that is generated from the development area.

In concurrence with CTDEEP Stormwater General Permit guidance, the minimum buffer proposed for any grading activities or infrastructure development is generally 50-feet from any wetland resource, and the minimum buffer proposed for any solar panels is generally 100- feet from any wetland resource.

## 6.11 Wildlife and Habitat

### 6.11.1 Rare, Threatened and Endangered Plants and Wildlife

A Request for Natural Diversity Data Base (“NDDB”) State Listed Species Review was completed and distributed to CTDEEP Wildlife Division for review. In return, a Final Determination dated March 7, 2023 was provided by CTDEEP Wildlife Division which states that no known species are likely to exist within the Project Area. The final determination letter approves construction as proposed. A copy of this letter is included in Appendix H.

### 6.11.2 Core Forest

Review of CTDEEP Forestland Habitat Impact Map indicates core forest is present to the north and east of the Project Area. None of this to be impacted. Approximately 0.25 acres of tree clearing is proposed to the south of the Project Area that is not core forest. Accordingly, it is the Petitioner’s opinion that the Project will not alter areas of core forest. See Figure 11 – Core Forest.

## 6.12 Water Supply

No water for the construction of the Facility will be sourced on site from either a well or utility hook up. All water used for construction will be trucked in. Minimal long-term water use will be required for operations for the purpose of cleaning modules and this water will also be trucked in.

## 6.13 Stormwater Management

### 6.13.1 Existing Conditions

Under existing conditions, untreated stormwater runoff from most of the Project Area generally flows westerly and easterly overland towards one of the on-site wetland systems. These wetland systems are generally small depressions at the edges of the farm fields and

ultimately discharge runoff to the perimeter wooded areas. 100% of the site is comprised of farmland and only a small amount of tree clearing is proposed for shading purposes along the southern Project Area. Generally, the Project Area is at its highest elevation within its central portions, and slopes down in all directions to the adjacent forested wetland systems. The majority of terrain slopes in the Project Area range from 5% to 10% with small portions ranging up to 15% slope. Information and computations regarding existing conditions hydrology is contained in the Stormwater Report. A copy is included in Appendix E.

### 6.13.2 Proposed Conditions

The proposed stormwater management system for the Project has been designed to meet State standards found within 2004 Connecticut Stormwater Quality Manual and CTDEEP Stormwater General Permit effective December 31, 2020. The system consists of three (3) proposed permanent stormwater management basins which have been strategically located throughout the Project Area to maintain existing drainage patterns to the onsite wetlands. A seed mix of either pollinated-friendly grasses and/or permanent turf forming grasses will be used to establish vegetation directly under the modules to help stabilize the topsoil from erosion, sequester nutrients and pollutants, and lower runoff rates. The only impervious surfaces created by the Project will be a small amount of gravel access road and equipment pads.

Post construction stormwater runoff will be collected and conveyed to the stormwater basins via overland sheet flow. Each pond will include a riprap outlet control structure designed to mitigate peak stormwater flows to predevelopment levels. Water quality treatment is provided in the basins and infiltration of stormwater runoff into the ground has been promoted to the maximum extents practicable. Information and computations regarding proposed conditions hydrology is contained in the Stormwater Report. A copy is included in Appendix E.

## 7.0 Conclusions

The Project clearly meets the standards set forth in Conn. Gen. Stat. § 16-50k(a). Specifically:

- The Project meets CT DEEP's air and water quality standards, with no material emissions associated with either construction or operation, and water quality standards associated with construction and operational stormwater management a primary focus of the Project's design;
- The Project has been configured to avoid any substantial environmental impacts by utilizing land which has been subject to former agricultural uses;
- The Project will not alter areas of core forest; and
- Petitioner has coordinated with the Department of Agriculture to promote agricultural co-uses, with the Department concluding that the Project would not materially affect the status of the Project Area and prime farmland.

In addition, the Project would not be visible from any public viewsheds or from surrounding properties, nor will there be any impacts from noise.

Given the benefits this Project will provide to the State of Connecticut, GCE respectfully requests that the Council approve this Project as currently designed and issue a declaratory ruling that a Certificate is not required.

