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VIA ELECTRONIC MAIL

January 25, 2024

Lee D. Hoffman, Esq.
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103-3702
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RE: **PETITION NO. 1598** – Windsor Solar One, 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 3.0-megawatt AC solar photovoltaic electric generating facility located at 445 River Street, Windsor, Connecticut, and associated electrical interconnection. **Town Interrogatories to Petitioner.**

Dear Attorney Hoffman:

The Town of Windsor (“Town”) requests your responses to the enclosed questions no later than February 1, 2024. Please submit an original to the office of Updike, Kelly and Spellacy, P.C. (“Town’s Counsel”) Goodwin Square 225 Asylum Street, 20th Floor, Hartford, CT 06103 Attn: Robert M. DeCrescenzo, Esq. and an electronic copy to bdecrescenzo@uks.com.

Please be advised that the original is required to be submitted to the Town’s Counsel’s office on or before the February 1, 2024 deadline.

Any request for an extension of time to submit responses to interrogatories shall be submitted to the Town’s Counsel in writing.

Very truly yours,

Robert M. DeCrescenzo, Esq.
Town Attorney

Petition No. 1598
Windsor Solar One, LLC
445 River Street, Windsor, Connecticut

Interrogatories
January 25, 2024

Notice

1. Describe outreach efforts to project abutters. Have any abutters requested further information? Were right-of-way (ROW) restoration measures described during public outreach?

Proposed Site

2. The proposed site is in the Agricultural “AG” Zone. Were alternative sites within the Town explored? If so, which alternative sites? Will the facility be aesthetically compatible with the surrounding area in the AG Zone and the residential zone?
3. What is the distance of the nearest 100-year flood zone from the facility?
4. Where is the nearest publicly accessible recreational area from the proposed project site? Describe the visibility of the proposed project from this recreational area, if any.

Project Development

5. Referencing the Petition, the proposed project site is bounded to the west and south by River Street, which contains residential properties consisting of single-family homes and townhouse/condominium style buildings. The proposed project site is also bounded to the north by townhouse/condominium style buildings. Will any residences have year-round views of the solar array areas/fencing, electrical equipment, and new utility poles? Can landscaping be installed to mitigate views?
6. Has Windsor Solar One, LLC (WSO) considered building up a landscaped berm along the River Street frontage and/or along the northern portion of the site with vertical and horizontal undulations to provide immediate total screening from ground level view? If yes, explain. If not, why not?
7. Has WSO considered putting a fence on the outside of the berm to allow sheep to graze on the berm grasses?
8. Has WSO considered a larger setback from the roadway and abutting properties? If yes, explain. If not, why not?
9. Referencing Figure 5, what is the height of the four (4) proposed poles along River Street? Describe the aesthetics of the poles. Were alternate locations on the project site considered for the Poles? Can the poles be shorter? Were any traffic studies conducted to assess the potential impact of placing a pole at the corner of River Street? If yes, explain. If not, why not?

10. What equipment will be placed on the poles? If equipment is placed on the poles, will this equipment generate noise? Will the noise be within State and local regulatory parameters?
11. Can the project be revised to include larger wetland buffers, including but not limited to relocation of array areas to other portions of the proposed project site or the use of higher wattage panels? Does relocation option conflict with desire for greater setbacks from homes?
12. Has WSO met with the DEEP Stormwater Division? If yes, when? Describe any recommendations, comments, or concerns about the project from the Stormwater Division.
13. Is the sediment trap that is being proposed temporary? Is there anything that would be permanent that will remain within this area?
14. It appears that the temporary sediment basin size can be reduced by approximately 35% (63,990 cf to 39,798 cf), leaving more area for panel placement. Is that possible? Can some panels be relocated from the adjacent River Street to the area?
15. Final grading for the area of the temporary sediment basin is not shown on the plans. Can panels be relocated from adjacent River Street to this area?
16. If a Declaratory Ruling is issued for the proposed facility, does WSO plan to construct, or partially construct, the facility and transfer it to another entity?
17. What factors would cause WSO to sell or transfer the project to another entity prior to decommissioning?
18. If WSO transfers the facility to another entity, would WSO provide the Town with a written agreement as to the entity responsible for any outstanding conditions of the Declaratory Ruling and quarterly assessment charges that may be associated with this facility, including contact information for the individual acting on behalf of the transferee?
19. What inspections of the project site will be conducted pre-construction, during construction and post-construction? Who will be responsible for said inspections?
20. Identify any proposed new and/or replacement structures that are pending Federal Aviation Administration obstruction evaluation. Are any of the existing structures currently marked/lighted?
21. Will a crane be required for construction? If yes, would notice to the Federal Aviation Administration be required for the temporary use of a crane?
22. Has WSO conducted any noise studies? If so, what methodology was used for that study? If not, why not?
23. How do the trackers work? What are the maintenance requirements for the trackers? Do the trackers emit any audible noise? How do the trackers adjust in inclement weather? Do they only move up and down or do they also move side to side? How is this monitored?

24. Referencing the Petition p. 7, the project, as currently designed, will consist of 7,280 First Solar Model FS-7520A-TR1, 520-Watt solar modules, 24 CPS 600V 125kW (SCH125KTL-DO/US-600) inverters, AC panel boards and/or switchgear, and two 1500 kVa transformers. Do the transformers and other equipment mentioned above emit noise? If yes, can noise study be conducted?
25. Referencing the Petition pp. 17-18, the noise attenuation figure provided predicts a sound level of 26 dB at 455 feet from the inverter equipment pad to the nearest residential zone. Inverse Square Law suggests an 85 dB measurement at one meter from the source would be 42 dB at 455 feet from the source, not 26 dB as stated. Can WSO explain this discrepancy?
26. Is the noise emitted from the inverter equipment concentrated in a narrow and/or high frequency band that is more likely to be perceived as louder than ambient noise levels?
27. Has WSO contemplated using acoustic blankets to achieve a dampening of the decibels emitted from the project site? If yes, explain. If not, why not?
28. Has WSO contemplated using sound barriers to decrease the noise emitted from the project? If yes, explain. If not, why not?
29. Will WSO provide a noise specification on the tracking motors to reflect the decibel levels?
30. Can WSO permit an independent study of noise on the project site? If not, why not?
31. Quantify the amounts of cut and fill that would be required to develop the proposed facility. If there is excess cut, will this material be removed from the site or deposited on the site?
32. Referencing Appendix F p. 25, the review of previously completed research in the vicinity of the proposed project site and the analysis of cultural resources recorded nearby, indicates that the larger project region contains precontact Native American Deposits. Archaeological sites occupied within the study region date from as early as the Late Archaic Period (ca., 4,500 years ago), suggesting that additional archaeological sites may be situated within the proposed project site. What steps will WSO take to ensure the preservation and safety of potential archaeological artifacts under the project site?
33. Provide a side profile drawing to depict the solar panel angle with horizontal, and the maximum and minimum heights of the arrays above the ground.
34. Would the underside of any panels have the potential to function as shelters or nesting areas for wildlife? Would nests/droppings be periodically removed from under the panels?
35. Has WSO conducted any studies to determine the economic impact the proposed project may have on abutting property values in the Town of Windsor? If yes, provide said study. If not, why not?

36. Will any of the energy generated at the project site be distributed to any residents or businesses in the Town of Windsor? If yes, explain. If not, why not?
37. What tax revenue will be generated on the project site for the benefit of the Town (i.e. taxes on land, solar array and associated equipment)?

Interconnection

38. What is the line voltage of the proposed electrical interconnection?

Energy Output

39. What distribution system benefits (ex. resiliency of critical infrastructure, reliability of the electric system, etc.) would be provided by the facility? How does the facility meet the objectives of the state Energy Storage Solutions Program?
40. Is the facility required to reserve any battery storage capability for backup power? Where would the backup power be used?
41. How many solar panels would be associated with a 1.00 MW AC array, and how many solar panels would be associated with a 2.00 MW AC array?
42. What time interval is anticipated to achieve stabilization of disturbed areas?
43. How long will it take for the facility to obtain full output from when it is completed and placed in service?
44. What is the anticipated capacity factor for the project? Would the capacity of the system decline over time? If so, estimate annual losses.
45. Is it the intention that the entire output of the facility will be sold to the grid?

Environmental

46. Provide a copy of the wetland and vernal pool assessments specific to the site.
47. What impact will the facility have on adjacent vernal pools and wetlands?
48. What is the distance from the limit of disturbance to the nearest wetland boundary for each solar array area and associated stormwater management features (excluding gravel access roads)? Will any work be conducted within 150 feet from the wetlands and watercourses? If so, please describe the work.
49. Referencing the Connecticut Department of Agriculture's '*Requirements for Solar Grazing Properties*', describe the plan for water testing, for contaminants prior to livestock being brought to the site.

50. Referencing Appendix C, if the sheep grazing program ceases with Hillview Farm, what alternatives are in place to address the overgrown vegetation on the project site? What is the sheep grazing management plan for the site? How often are the sheep brought into the site and removed from the site? Will the sheep be located on site overnight, if so, where will they be sheltered on the site? Describe the shelter.
51. Referencing Appendix C, has WSO conducted any tests regarding the potential harmful effects of noise on the sheep grazing near the inverters and equipment at the project site? If yes, explain. If not, why not? Has WSO determined if there are any potential harmful effects of the sheep grazing near the solar panels, inverters, and equipment at the project site in regard to the heat or glare the equipment emits?
52. What wildlife could potentially be displaced from the project site due to the solar array and equipment?
53. Were subsurface soils evaluated for hazardous contaminants? If yes, provide us with the results of the evaluation. Will excavated soils require disposal at a hazardous materials facility? Will disturbed soils be tested prior to being relocated on site or removed from site?
54. Will the project require a U.S. Army Corps of Engineers permit/notification for work within wetlands/watercourses?
55. How is the proposed facility consistent with the objectives of the state Conservation & Load Management Plan?
56. Will any trees be cut down at the site, including but not limited to the north and northeast tree line adjacent to the Amazon facility? If so, how many acres? Identify the amount of tree clearing for each of the array areas. How would tree clearing affect the acreage? Provide an aerial photograph that depicts pre- and post-construction acreage.
57. Was an assessment conducted for the northern long-eared bat, a federally and state-listed endangered species? Explain. Was an assessment conducted for the eastern box turtle, a state-listed protected species? Explain.
58. What, if any, fertilizers, or pesticides are expected to be used during the of the solar project, and for what reason(s)?
59. Were more environmentally friendly alternatives explored for supporting the solar panels to be installed at the site? Explain how the choices were selected.
60. What is the depth of the solar panels post into the ground? Is there dynamic compaction of soil on the driving of posts/poles, access drives, fencing and or equipment pad area?
61. Will topsoil, subsoil, and substratum soil material be stockpiled for reuse? Where will this be located and how will it be stabilized? What mechanisms are in place to ensure these materials

will stay on site? Please provide an erosion and sediment control plan. What plan is in place for dust control on the site during and after construction?

62. Referencing the Connecticut Department of Agriculture's '*Requirements for Solar Grazing Properties*', describe the plan for proper soil preparation, including preliminary soil testing. Additionally, provide a plan to repeat the testing every 2-3 years, including incorporation of soil amendments as needed.
63. Were any samples taken and georeferenced to determine existing soil physical and chemical properties to use as a baseline? If yes, provide the results of the baseline study.
64. Will there be a soil scientist on site during soil disturbance activities to assist in directing trenching and grading to correctly separate and replace soil horizons and stockpiling?
65. The entire 47.1-acre parcel contains approximately 3.4 acres of prime farmland soil and 42.5 acres of statewide important farmland soil. Will there be an agreement to put aside an agricultural easement on other land so it can remain agriculture in perpetuity?
66. Explain the proposed planting plans and provide a list of plantings (including size, number of plantings, and species)? Is there going to be a licensed landscape architect on site supervising the plantings? What is the care and treatment plan (i.e. management plan) for these plantings? What would happen if trees planted die within the first two to three years? Will they be replaced?

Public Safety

67. Has WSO explored using safer solar panels sourced from the United States? If yes, describe how the decision was made. If not, why not?
68. Has the manufacturer of the proposed solar panels conducted Toxicity Characteristic Leaching Procedure (TCLP) testing to determine if the panels would be characterized as hazardous waste at the time of disposal under current regulatory criteria? If so, submit information that indicates the proposed solar modules would not be characterized as hazardous waste. If not, would WSO agree to install solar panels that are not classified as hazardous waste through TCLP testing?
69. Could the construction or operation of the proposed facility impact or interfere with any existing utilities or infrastructure within the surrounding area? If so, identify any measures that would be employed to protect existing utilities or infrastructure from impact or interference.
70. What health concerns do transmission of electromagnetic waves pose to the surrounding residents of the project?
71. Has WSO conducted any studies to determine the potential impact on cell phone reception, Wi-fi, and internet connectivity in the immediate vicinity of the project site? If yes, provide said study. If not, why not? Would there be any impact to cell phone reception, Wi-Fi, and internet connectivity during the construction of the facility?

72. Referencing Appendix C, under what circumstances would the panels require treatment/maintaining with chemicals? If chemicals are used, what types of chemicals would be used and what potential environmental and safety risk do they have?
73. Has a glare impact analysis been conducted from the variable angled panels? If yes, provide the results of said analysis. If not, why not? What direction will the panels be rotating? What degree to these panels rotate and tilt? What is the glare impact on the surrounding residences?
74. Are there contamination concerns with water pooling and drainage contaminating nearby bodies of water, including but not limited to the Farmington River? What is WSO's stormwater runoff plan?
75. Would the proximity of any existing or proposed structures present a fire safety or other hazard (ex. Lightning strike)? Would the proximity of any existing or proposed structures present a hazard in relation to the electric generating equipment?
76. What type of special equipment would be necessary to extinguish a battery storage/electrical component fire? Specifically, based on any history of fires at installed battery systems, is there specialized firefighting equipment necessary to extinguish a Lithium-ion battery fire? Is there a concern with runoff and cleanup caused by fire extinguishment?
77. Referencing Appendix C, regarding emergency response:
- a. Is outreach and/or training necessary for local emergency responders in the event of a fire or other emergency at the site?
 - b. How would site access be ensured for emergency responders?
 - c. In the event of a brush or electrical fire, how would WSO mitigate potential electric hazards that could be encountered by emergency response personnel?
 - d. Could the entire facility be shut down and de-energized in the event of a fire? If so, how?
 - e. Would there be an emergency key box for first responders to access the site for shutdown purposes?
78. Who is responsible for the costs associated with training local emergency responders?
79. What layers of protection will be included to prevent "Thermal Runaway?" For example, please respond to the following:
- f. Would explosion vent panels be installed on the top of battery energy storage system?
 - g. Would a fast-acting gaseous agent system be installed to potentially put any Class C fire out before it can turn into a Class B fire that involves battery cells?
 - h. Would thermal imaging be employed?
80. Referencing Appendix L, how many gallons of fuel or oil in cumulative volume will the project store above ground?

81. Referencing the Petition, some hazardous substances are required to be used or stored on the project site during construction or operation for the project. While the Petition lists examples of these hazardous substances, explain what damage they could potentially cause to the project site if not handled and stored properly.
82. Referencing Appendix L, the project's location is proximate to sensitive environmental features. Provide more detail as to the sensitive environmental features referenced therein.
83. Referencing the Petition, the property owner does not intend on removing snow from panels. Would the current design cause snow/and or ice to accumulate and stay in place during prolonged incidents of cold weather? Is there a plan to remove snow/ice to prevent ice fall hazard? If yes, describe snow/ice removal methods and site access.
84. Please provide an image of the agricultural fence that is being proposed as a reference. Please describe the gate for the
Facility Maintenance/Decommissioning
85. Are there any provisions within the lease with the property owner related to decommissioning and/or site restoration at the end of the project's useful life? If yes, describe and/or provide any such provisions.
86. Please provide details of the maintenance plan over the useful life of the facility.
87. Would project decommissioning include stormwater management features? If yes, how would the stormwater management system be removed?
88. Referencing the Petition, what is the status of the DEEP Natural Diversity Data Base request? If this is complete, please provide the results.
89. Referencing Appendix D, provide a preliminary Health and Safety Plan associated with decommissioning the site to minimize and eliminate all risks and hazards. Include a Job Hazard Analysis that will analyze each step of construction for hazards, along with any hazardous materials that may be used on site.
90. Will a construction and maintenance bond be obtained for the work to be performed? If yes, in what amount? If not, why not?
91. Will a decommissioning performance bond be obtained for the decommissioning work? If yes, explain the details of the planned decommissioning bond. If not, why not?
92. What site testing/cleanup work are required in decommissioning the project?
93. Would replacement modules be stored on-site in the event solar panels are damaged or are not functioning properly? If so, where? How would damaged panels be detected?