



## STATE OF CONNECTICUT

### ***CONNECTICUT SITING COUNCIL***

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)

Web Site: [portal.ct.gov/csc](http://portal.ct.gov/csc)

### **VIA ELECTRONIC MAIL & CERTIFIED MAIL RETURN RECEIPT REQUESTED**

May 24, 2024

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

RE: **PETITION NO. 1608** – 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 3.035-megawatt AC solar photovoltaic electric generating facility located at 141 Middlefield Road, Durham, Connecticut, and associated electrical interconnection. **Final Decision.**

Dear Attorney Hoffman:

At a public meeting held on May 23, 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 the final structural design for the racking system stamped by a Professional Engineer duly licensed in the State of Connecticut prior to commencement of construction;
4. Submit a final Spill Prevention, Control, and Countermeasures Plan with updated contractor information and appropriate reporting forms;
5. Submit a Final Landscaping and Screening Plan including, but not limited to, an agricultural-style fence design and plantings along the southern portion of the site;
6. Submit an agricultural co-use plan for the site, if a co-use is implemented, 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 an Emergency Response Plan for the proposed facility within contact information prior to facility operation;

8. Provide a copy of the Emergency Response Plan to local emergency responders prior to facility operation and provide emergency response training
9. Submit final details of transformer insulating oil leak monitoring;
10. Consult with Eversource Energy to determine the feasibility of installing Eversource Poles 1 and 2 farther from Middlefield Road to reduce visibility;
11. Submit a post-construction operational noise study that documents compliance with state standards and the identification of any noise mitigation measures that are employed to adhere to the standards;
12. The Council shall be notified in writing at least two weeks prior to the commencement of site construction activities;
13. 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;
14. 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 Durham;
15. 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**;
16. 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;
17. The facility owner/operator shall file an annual report on a forecast of loads and resources pursuant to Conn. Gen. Stat. §16-50r;
18. 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
19. 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 January 17, 2024 and additional information dated April 23, 2024.

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

Sincerely,



Melanie A. Bachman  
Executive Director

MAB/MP/dll

Enclosure: Staff Report dated May 23, 2024

c: The Honorable Brendan Rea, First Selectperson, Town of Durham  
([firstselectman@townofdurhamct.org](mailto:firstselectman@townofdurhamct.org))  
The Honorable Robert Yamartino, First Selectperson, Town of Middlefield,  
([ryamartino@middlefield.org](mailto:ryamartino@middlefield.org))  
The Honorable Benjamin Florsheim, Mayor, City of Middletown ([mayor@middletownct.gov](mailto:mayor@middletownct.gov))  
Robert Doyle, Fire Marshal, Town of Durham ([rdoyle@townofdurhamct.org](mailto:rdoyle@townofdurhamct.org))

STATE OF CONNECTICUT )

: ss. Southington, Connecticut May 24, 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. 1608 issued by the Connecticut Siting Council, State of Connecticut.

ATTEST:



---

Melanie A. Bachman  
Executive Director  
Connecticut Siting Council

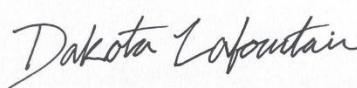
STATE OF CONNECTICUT )

: ss. New Britain, Connecticut May 24, 2024

COUNTY OF HARTFORD )

I certify that a copy of the Connecticut Siting Council Decision and Staff Report in Petition No. 1608 has been forwarded by Certified First Class Return Receipt Requested mail, on May 24, 2024, to each party and intervenor, or its authorized representative, as listed on the attached service list, dated January 18, 2024.

ATTEST:



---

Dakota LaFountain  
Office Assistant  
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)
<b>Petitioner</b>	<input checked="" type="checkbox"/> E-mail	Greenskies Clean Energy, LLC	<p>Lee D. Hoffman, Esq. Pullman &amp; Comley, LLC 90 State House Square Hartford, CT 06103-3702 (860) 424-4315 <a href="mailto:lhoffman@pullcom.com">lhoffman@pullcom.com</a></p> <p>Dennis Hicks Project Developer Greenskies Clean Energy, LLC 127 Washington Ave West Building, Garden Level North Haven, CT 06473 <a href="mailto:Dennis.hicks@greenskies.com">Dennis.hicks@greenskies.com</a> (203) 710-2449</p>



## STATE OF CONNECTICUT CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051  
Phone: (860) 827-2935 Fax: (860) 827-2950  
E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)  
Web Site: [portal.ct.gov/csc](http://portal.ct.gov/csc)

### Petition No. 1608 Greenskies Clean Energy LLC 3.035-MW AC Solar Photovoltaic Electric Generating Facility 141 Middlefield Road, Durham

#### Staff Report May 23, 2024

#### Introduction

On January 17, 2024, 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 3.035 megawatt (MW) alternating current (AC) solar photovoltaic electric generating facility located at 141 Middlefield Road, Durham, Connecticut and associated electrical interconnection (Petition or Project).

Pursuant to Regulations of Connecticut State Agencies (RCSA) §16-50j-40 on or about December 12, 2023, GCE notified abutting property owners, Town of Durham (Town) officials, Town of Middlefield officials City of Middletown officials (municipalities)<sup>1</sup>, and state officials and agencies of the proposed Project.

Prior to the submission of the Petition to the Council, GCE received comments regarding visibility concerns from abutters to the north and south of the site. No existing vegetation would be removed along the northern property line. In consultation with the abutter, GCE relocated the solar array and retained a 100-foot forested buffer to the south. GCE could also add vegetative screening to reduce views of the facility from the south. If the Project is approved, a final Landscaping and Screening Plan could be submitted prior to construction.

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 February 29, 2024, 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 July 15, 2024, which is the 180-day statutory deadline for a final decision under CGS §4-176(i).

On April 2, 2024, the Council issued interrogatories to GCE. GCE submitted responses to the interrogatories on April 23, 2024, one of which included photographic documentation of site-specific features intended to serve as a “virtual” field review of the Project site.

#### Municipal Consultation

On October 6, 2023, GCE contacted the Town regarding the Project. GCE attended a Town Planning and Zoning (P&Z) Commission meeting on January 17, 2024. Subsequently, GCE has had ongoing contact with the Town Administrative Coordinator and Town Planner.

---

<sup>1</sup> The Town of Middlefield and the City of Middletown are both located within 2,500 feet of the proposed facility.

On January 19, 2024, the Council sent correspondence to the municipalities stating that the Council has received the Petition and invited the municipalities to contact the Council with any questions or comments by February 16, 2024.

On March 21, 2024, the Town P&Z Commission expressed concerns relative to visibility and aesthetics. Specifically, the Town P&Z Commission provided the following recommendations:

- a) A wire, farm-style fence with wooden posts or other fence design that is consistent with the rural character of the Project location; and
- b) Mixed height landscape plantings in the vicinity of the proposed equipment location that continue to the south to mitigate visual impacts from the west of Middlefield Road (Route 147).

### **State Agency Comments**

On January 19, 2024, pursuant to RCSA §16-50j-40, the Council sent correspondence requesting comments on the proposed Project from the following state agencies by February 16, 2024: 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 January 24, 2024 regarding wildlife, visual impact, wetlands and farmland soils.<sup>2</sup>

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.<sup>3</sup>

### **Public Act 17-218**

Public Act (PA) 17-218<sup>4</sup> 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

<sup>2</sup> [https://portal.ct.gov/-/media/CSC/3\\_Petitions-medialibrary/Petitions\\_MediaLibrary/MediaPetitionNos1601-1700/PE1608/StateAgencyComments/PE1608\\_STATEMEMO-CommentsRecd\\_a.pdf](https://portal.ct.gov/-/media/CSC/3_Petitions-medialibrary/Petitions_MediaLibrary/MediaPetitionNos1601-1700/PE1608/StateAgencyComments/PE1608_STATEMEMO-CommentsRecd_a.pdf)

<sup>3</sup> *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007)

<sup>4</sup> Codified at Conn. Gen. Stat. §16-50k(a) and §16a-3k (2023)

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

The Project was selected in the statewide Shared Clean Energy Facility (SCEF) Program, which is a competitive procurement process administered by the state's electric distribution companies to develop utility scale renewable energy. New or incremental Class I renewable generation projects ranging in size from 100 to 5,000 kW (AC) are eligible to bid into the SCEF Program for a Tariff Terms Agreement (TTA) with a 20-year term. The electricity and renewable energy credits produced by the facility would be sold to Eversource in accordance with the TTA.

At least sixty percent of the total capacity of the facility would be supplied to low-and-moderate income customers and/or low-income service organizations. The remainder would be distributed at Eversource's discretion.

After the 20-year SCEF contract expires, GCE may continue to operate the facility if other revenue mechanisms are available at that time.

GCE would not participate in an ISO New England, Inc. (ISO-NE) Forward Capacity Auction (FCA) because Eversource would own the capacity rights of the facility under the SCEF Program. However, at the conclusion of the SCEF contract, GCE might participate in the ISO-NE FCA or other capacity program that is available at that time.

### **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 17-acre site within a 22.4-acre host parcel located at 141 Middlefield Road in Durham. The host parcel has frontage on Middlefield Road to the southwest.

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

The host parcel is within the Farming Residential zoning district. Land use surrounding the host parcel is residential to the south and west, agricultural and light industrial to the north and commercial/industrial to the east.

The proposed site is located in the largely undeveloped eastern and western portions of the host parcel. The site slopes downwards from northeast to the southwest with elevations ranging from approximately 315 feet above mean sea level (amsl) to 185 feet amsl. Slopes within the site are mostly ~10 percent with some areas ranging up to 15 percent.

GCE selected the site due to availability, proximity to an electrical interconnection, 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.<sup>5</sup>

At the end of the Project's life, GCE will decommission the Project and restore the site.

### **Proposed Facility and Associated Equipment**

The proposed 3.035 MW AC solar facility consists of two array areas: Southern Array Area and Northern Array Area, totaling 6,840 solar panels rated at 540 Watts. Other equipment includes twenty-four 125 kW inverters and two transformers. Two 72-foot by 13-foot concrete pads, each with a transformer, AC switchboard, and one grounding transformer. Inverters would be installed adjacent to the equipment pads in the northwestern portion of the Southern Array Area and the southern portion of the Northern Array Area.

The panels would be installed at a 20-degree angle on a fixed tilt racking system, supported by driven posts, and would be approximately 8.5 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. The wiring is typically UV rated to protect against degradation from sun exposure. Furthermore, any wiring that would be run from row to row or row to inverters would be installed inside conduit.

The proposed interconnection would consist of four new utility poles at the site, at a height of approximately 30 to 40 feet above grade. Two poles would be owned by GCE, and two poles would be owned by Eversource. The Council notes that GCE preemptively reduced the visual impact of the proposed interconnection by eliminating one meter from the design, reducing the pole count by one and relocating the two poles on GCE's side of the interconnection to the interior of the site.

---

<sup>5</sup> *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007); CGS §16-50p(g) (2023).

GCE has had discussions with Eversource regarding pad-mounted equipment. Eversource prefers pole-mounted interconnections. GCE does not consider pad-mounted equipment to be a viable option for this Project due to the lead time and complexity of the equipment, the space pad-mounted equipment occupies, the visual impacts associated with the pad-mounted equipment, and the cost.

The Project interconnection was reviewed and approved by ISO-NE at 13.2-kV. Off-site upgrades to the electric distribution system on Cherry Hill Road are required.

The projected capacity factor for the proposed solar facility is approximately 15.4 percent. The power output would decline over time with an anticipated annual power output loss of approximately 0.56 percent. A battery storage system is not proposed at this time.

Access to the site will be via a new approximately 13-foot wide, 1,850-foot-long gravel drive that would be constructed from Middlefield Road continue to the east along the northern portion of the Southern Array Area and then continue to the north along the western portion of the Northern Array Area to a turnaround area.

The solar facility would be enclosed by a seven-foot-high chain link fence around each of the two array areas with vehicle access controlled by a locked entrance gate. GCE is amenable to installing an agricultural style fence of equal height in lieu of the chain link fence design.

Construction of the facility would disturb approximately 11.5 acres, inclusive of the solar array areas, equipment pads, access road, and electrical interconnection.

The nearest property line from the proposed solar field perimeter fence is approximately 22 feet to the north at 159R Middlefield Road. The nearest residence from the proposed solar field perimeter fence is approximately 266 feet to the northwest at 159R Middlefield Road.

The solar racking system would be installed on existing grades. Earthwork is required for installation of four stormwater detention basins at the site.

A site construction phasing plan has been developed that includes two main construction phases. Phase 1 includes all work necessary to establish erosion and sediment control measures, access, and earthwork. Phase 2 would include site infrastructure, final site stabilization, and removal of temporary erosion and sedimentation controls.

Construction is anticipated to begin in summer 2024, with final site stabilization, testing and commissioning expected to be completed in late fall 2024. Typical construction hours and workdays of the week are as follows: Monday – Saturday, 7:00 AM to 3:30 PM.

The estimated cost of the Project is approximately just under \$6.5 million.

### **Public Safety**

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

The nearest federally obligated airport is Meriden Markham Municipal Airport located approximately 7.5 miles to the west. 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 would be required if a crane over 200 feet tall were utilized at the site during construction; however, GCE has no plans to utilize a crane at this time.

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. Each solar array area 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. In the event of an electrical fire or brush fire that threatens electrical equipment, water would be used around the fire area to reduce the risk of it spreading.

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 53.6 dBA from the nearest equipment pad to the nearest property line located 97 feet to the north at 159R Middlefield Road. 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, or seven-foot agricultural style, solar array perimeter fence complies with NEC fencing requirements<sup>6</sup>.

## **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 May 2023 that identified one wetland and one perennial watercourse in the southeastern portion of the host parcel and one intermittent watercourse in the southwestern portion of the host parcel. No vernal pools were identified during the survey.

The limits of ground disturbance would be at least 100 feet from the wetland at its 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.

---

<sup>6</sup> 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.”

There would be approximately 0.1 acre of tree clearing (without stump removal) within 100-feet of the wetland. Approximately 3 to 4 trees would be cut down in this area, and the tree cutting could be performed manually to minimize disturbance.

#### 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 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 11.5 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 applicable *Connecticut Guidelines for Soil Erosion and Sediment Control* and *Connecticut Stormwater Quality Manual*.

GCE met with the DEEP Permit Concierge Team on November 14, 2023 to discuss the Project. At the meeting, requirements of General Permit Appendix I, Stormwater Management at Solar Array Construction Projects, were discussed.

GCE has not filed an application for a Stormwater Permit as of April 23, 2024. GCE prepared a stormwater analysis that concluded four permanent stormwater basins would be required for the Project. Each basin will discharge stormwater runoff towards the wetland and streams.

#### *Forests and Parks*

Construction of the site would require approximately 6.0 acres of tree clearing.

By letter dated, November 30, 2023, pursuant to PA 17-218, DEEP determined that the proposed Project will not materially affect the status of core forest.<sup>7</sup>

There are no public parks that abut the site.

#### *Fish, Aquaculture and Wildlife*

DEEP issued a Natural Diversity Database (NDDB) determination letter dated December 1, 2023 indicating there are no known records of State-listed species on the site.

The northern long-eared bat (NLEB), a federally-listed and state-listed Endangered Species, occurs in Connecticut. The Project is not located within 0.25 mile of a known NLEB hibernaculum. No known

---

<sup>7</sup> [https://portal.ct.gov/-/media/csc/3\\_petitions-medialibrary/petitions\\_medialibrary/mediapetitionnos1601-1700/pe1608/determinations/pe1608deep--greenskies-middlefield-road-durham.pdf](https://portal.ct.gov/-/media/csc/3_petitions-medialibrary/petitions_medialibrary/mediapetitionnos1601-1700/pe1608/determinations/pe1608deep--greenskies-middlefield-road-durham.pdf)

maternity roost trees are located in the vicinity of the Project. Given that only a select number of trees within open fields would be removed, the Project is not expected to affect NLEB habitat.

Pollinator plants will be included in the planting mix at the site.

The seven-foot tall perimeter fence would have a six-inch wildlife gap. However, GCE may revise the fence design to eliminate this gap in the event that sheep grazing is undertaken at the site in order to protect the sheep from predators.

#### *Agriculture*

The host parcel contains approximately 17.98 acres of 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 has not been utilized for farming since approximately the mid-1990s. Construction of the facility would occupy approximately 11.5 acres, of which approximately 8.2 acres are prime farmland soils.

By letter dated January 17, 2024, DOAg determined that the proposed Project will not materially affect the status of prime farmland as long as GCE develops agricultural co-uses for the Project site that include commercial herb farming, pollinator-friendly ground cover and beekeeping for the life of the Project. GCE proposes to sell perennial herbs and botanical plants; plant perennial cold season grasses and pollinator-friendly flowers; and maintain an apiary. The final apiary location would be determined by GCE, the property owner and the third party farmer that would manage the agricultural co-uses at the site. The lowest point of the solar modules is greater than is typically utilized to allow for increased sunlight crop growth and accessibility for farmers.

In the event that herb and botanical farming is not deemed viable for the Project, GCE would propose sheep grazing as an alternative.

A portion of the host parcel is enrolled in the Public Act 490 Program for agricultural land tax abatement. The host parcel is classified as Farm Residential and abuts parcels that are classified as Light Industrial and Farm Residential. GCE would meet with the Town to determine how the Town would treat the Project site for tax purposes.

#### *Scenic, Historic and Recreational Values*

SHPO submitted correspondence to GCE on February 2, 2024, indicating that the proposed Project would not have an adverse impact on cultural or historic resources. Existing stone walls at the site generally coincide with the parcel boundary lines. GCE has no plans to remove or otherwise modify existing stone walls.

The nearest state-designated scenic road is Route 17 in Durham, located approximately 0.23-mile to the east of the site. The facility is not expected to be visible from Route 17 due to the distance and intervening vegetation, residences and businesses. There are no known locally-designated scenic roads proximate to the site.

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

The nearest publicly-accessible recreational areas are the Durham Fairgrounds and Allyn Brook Park, both approximately 1.1 miles away. The Project would not be visible from either recreational area due to distance and intervening vegetation, residences and businesses.

#### Visibility

There is existing vegetation along all sides of the Southern Array Area and Northern Array Area. However, existing vegetation is sparse between Middlefield Road and the Southern Array Area as well as south of the Southern Array Area. Existing vegetation is also sparse west of the Northern Array Area due to existing access. Some views of the Southern Array Area through the existing vegetation may be possible from residences located along Middlefield Road proximate to the site. GCE is preparing a final Landscaping and Screening Plan that would be submitted prior to commencement of construction.

GCE has reduced the total number of utility poles from 5 to 4 by eliminating one meter from its design. These poles would be installed along the south side of the proposed access off of Middlefield Road. The two Eversource-owned poles would be located close to Middlefield Road (and abutting residences), and the two GCE-owned poles would be located between the two solar array areas or farther away from residences.

#### **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, would not have secondary containment. The transformers would include a leak monitoring 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 35 years), the Project would be decommissioned, and the site would be restored. 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 fencing would be removed. The site will be stabilized and re-vegetated.

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, subject to the availability such panels at the time of procurement and construction.

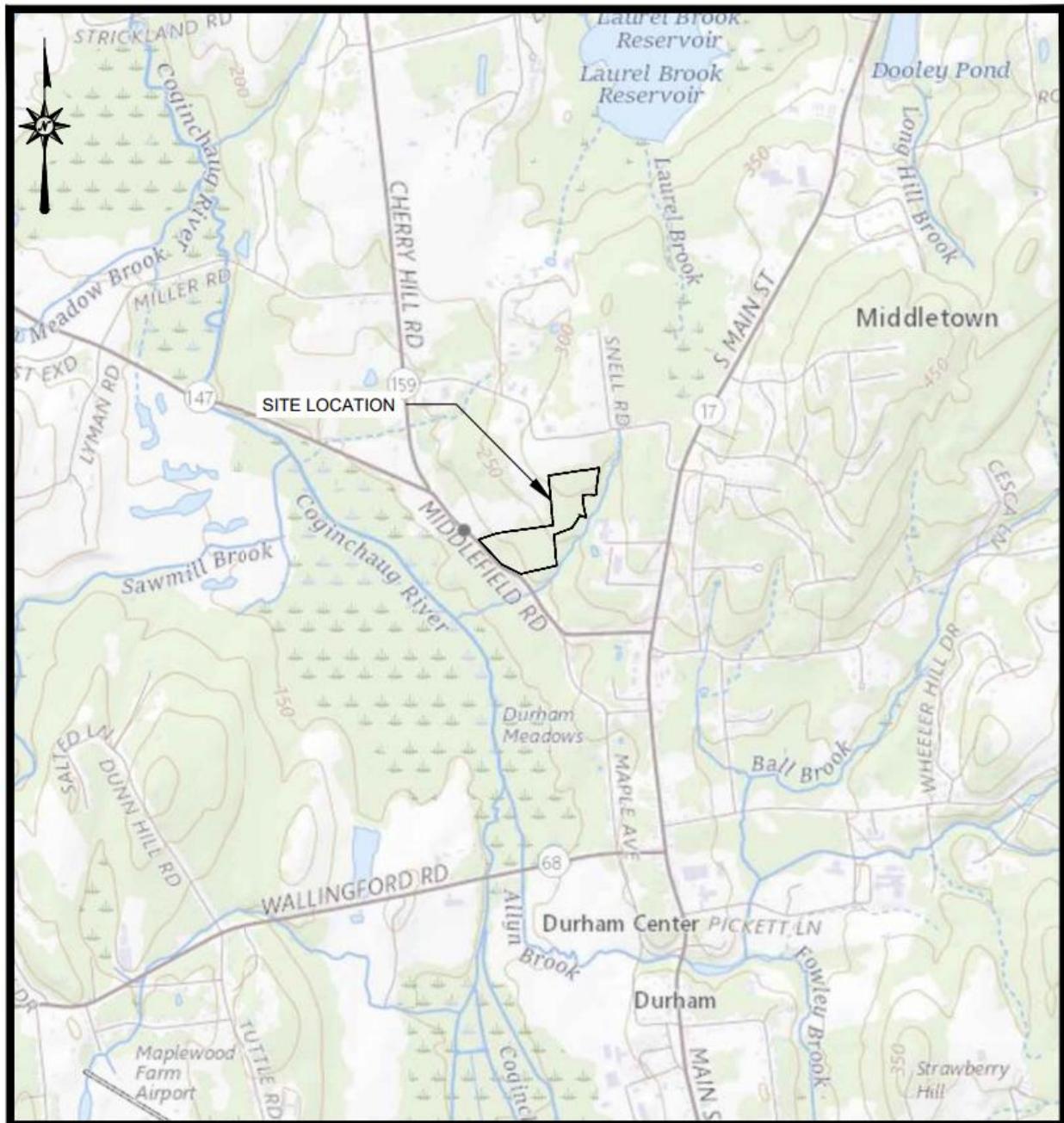
### **Conclusion**

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 SCEF Program.

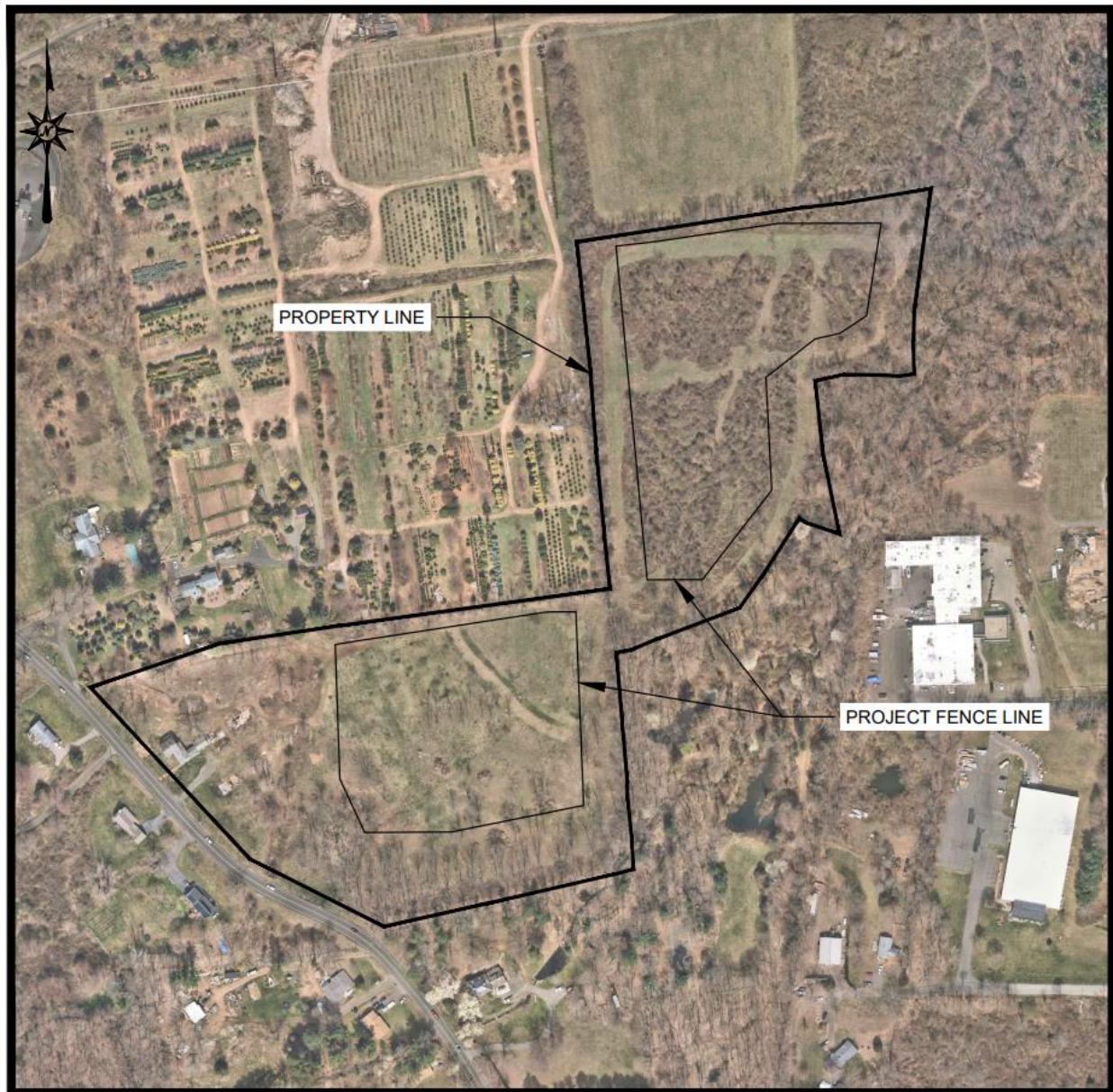
If approved, staff recommends the following conditions:

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 the final structural design for the racking system stamped by a Professional Engineer duly licensed in the State of Connecticut prior to commencement of construction;
4. Submit a final Spill Prevention, Control, and Countermeasures Plan with updated contractor information and appropriate reporting forms;
5. Submit a Final Landscaping and Screening Plan including, but not limited to, plantings along the southern portion of the site;
6. Submit an agricultural co-use plan for the site, if a co-use is implemented, 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; and
7. Submit an Emergency Response Plan for the proposed facility within contact information prior to facility operation; and
8. Provide a copy of the Emergency Response Plan to local emergency responders prior to facility operation and provide emergency response training.

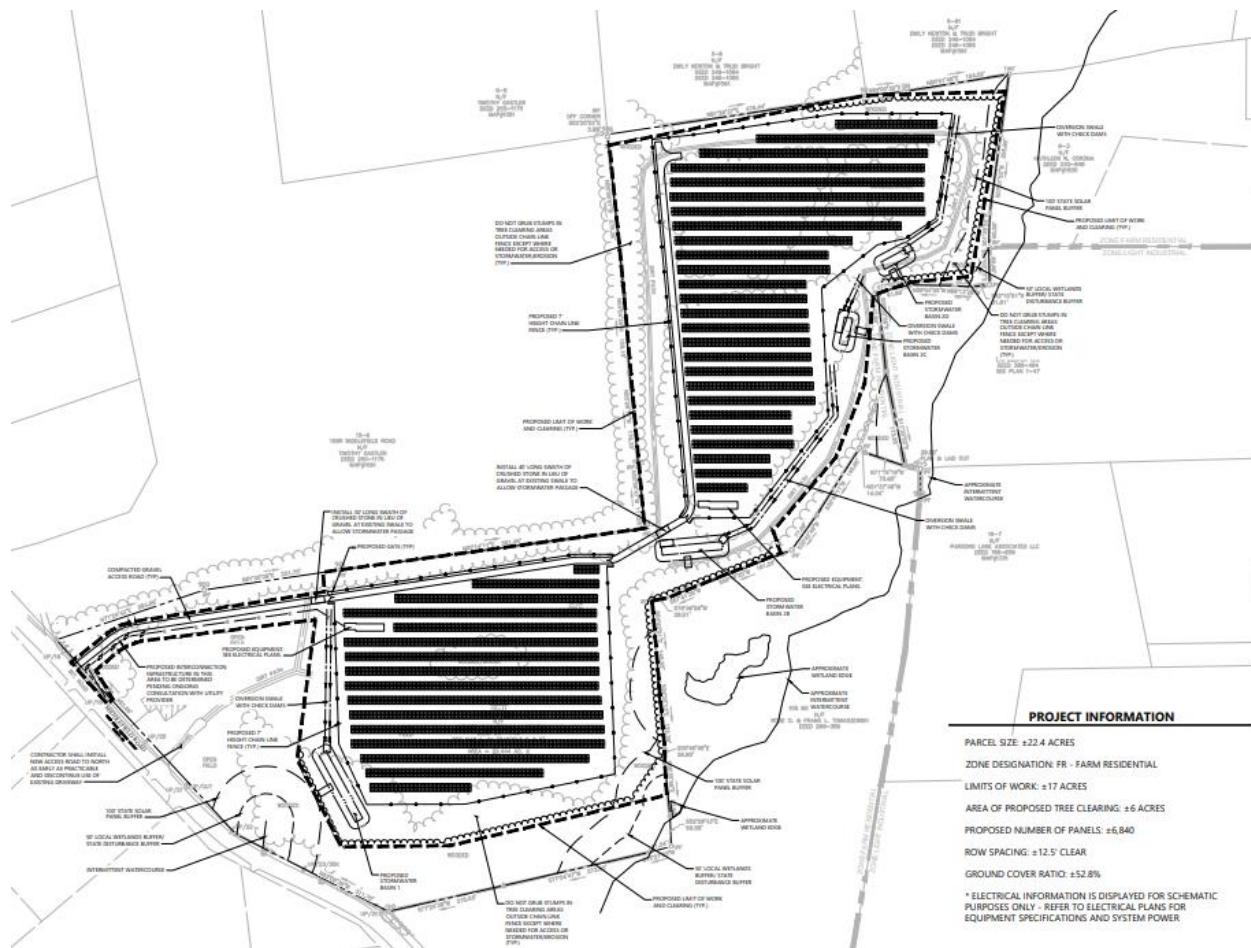
Project Location



**Existing Conditions**



## Site Layout



## PROJECT INFORMATION

PARCEL SIZE: ±22.4 ACRES  
ZONE DESIGNATION: FR - FAMILY RESIDENTIAL  
LIMITS OF WORK: ±17 ACRES  
AREA OF PROPOSED TREE CLEARING: ±6 ACRES  
PROPOSED NUMBER OF PANELS: ±6,840  
ROW SPACING: ±12.5' CLEAR  
GROUND COVER RATIO: ±52.8%  
\* ELECTRICAL INFORMATION IS DISPLAYED FOR SCHEMATIC PURPOSES ONLY. REFER TO ELECTRICAL PLANS FOR EQUIPMENT SPECIFICATIONS AND SYSTEM POWER.