

CONNECTICUT SITING COUNCIL

TRITEC AMERICAS, LLC, NOTICE OF ELECTION)	
TO WAIVE EXCLUSION FROM SITING COUNCIL)	
JURISDICTION, PURSUANT TO CONNECTICUT)	DOCKET NO. 1609
GENERAL STATUTES § 16-50k(e), AND PETITION)	
FOR A DECLARATORY RULING , PURSUANT TO)	
CONNECTICUT GENERAL STATUTES § 4-176)	
AND § 16-50k, FOR THE PROPOSED)	JULY 16, 2024
CONSTRUCTION, MAINTENANCE AND)	
OPERATION OF A 0.999-MEGAWATT AC SOLAR)	
PHOTOVOLTAIC ELECTRIC GENERATING)	
FACILITY LOCATED AT 250 CARTER STREET,)	
MANCHESTER, CONNECTICUT, AND)	
ELECTRICAL INTERCONNECTION)	

**LATE FILE POSITION STATEMENT OF THE
TOWN OF MANCHESTER
REGARDING A PROPOSED PERMANENT
CONSERVATION EASEMENT AND DECOMMISSIONING PLAN**

During the May 21, 2024 evidentiary hearing session, the Council requested that the Town of Manchester submit a late-file position statement regarding TRITEC’s proposal for a permanent conservation easement on the host parcel outside of the solar photovoltaic electric generating facility site and a collaborative decommissioning plan.

The undersigned consulted with the Board of Directors, which is the legislative body of the Town of Manchester, and the Town Manager, concerning the Council’s request and responds with this late-file position statement.

**FIRST ISSUE: PROPOSAL FOR A
PERMANENT CONSERVATION EASEMENT**

At the outset, the Town notes that TRITEC is not the owner in fee¹ of 250 Carter Street but has asserted standing as a putative lessee of the 7.8-acre area within the 41-acre parcel where it proposes to construct and maintain the solar photovoltaic electric generating facility site. As a lessee, it is not in position to convey an easement.

Even if TRITEC were in position to accomplish such a conveyance, either by an agreement with the current owner or after an outright purchase where it would gain the ability to make such a conveyance, the Town is unwilling to agree to such a conservation conveyance as it believes that the proposed construction and maintenance of the solar photovoltaic electric generating facility on the 7.8-acre site would be too disruptive of this core forest site, inconsistent with the longstanding RR zoning designation, damaging to the environment and health of the remaining area of the remaining parcel and surrounding neighborhood. Any conservation agreement would not cure the harm wrought by this potential project.

Further, in rejecting this offer, the Town notes that the 33-acres of the proposed conservation easement falls within a core forest area. While TRITEC initially represented in its filing that the proposed 7.8-acre site falls within a core forest area, it has now retreated from that position as evidenced in a series of late filed exhibits and prior testimony.

No doubt this change in position is influenced by the state Department of Energy and Environmental Protection's, (hereinafter 'DEEP') position that solar facilities should not be sited in core forests. Hence, TRITEC's new position in support of its petition is that the 7.8 acre proposed site is not a core forest. Accordingly, they urge there is no barrier to the construction

¹ The owners of record of this property is the Wells Jacobson Trust.

and maintenance of the facility.

In advancing this new dubious argument, TRITEC does not dispute that the remaining 33-acres that it proposes as the permanent conservation easement area falls within a core forest.

Hence, in light of DEEP's position that solar facilities should not be sited in core forests, TRITEC's offer of a conservation area to the Town of Manchester is an empty offer at best.

SECOND ISSUE: COLLABORATIVE DECOMMISSIONING PLAN

While the Town believes that TRITEC's petition ought to be denied, should the Council allow this petition, the Town should have input on the decommissioning plan when the project expires in 25 years. The details of such a decommissioning plan should be negotiated in accordance with industry standards and regulations now in effect and which may be adopted in the future.

However in addition, the Town would ask that the Council require that TRITEC calculate the costs of decommissioning the proposed solar photovoltaic electric generating facility in 2024 DOLLARS and be required to deposit this sum with the Town in a special interest-bearing fund designated for this purpose to secure the decommissioning operation.

In making this request, the Town notes that there is no guaranty that TRITEC will still be the lessee/owner of this site 25 years from now. It or any subsequent owner/lessee could simply walk away from its obligations to decommission and restore the site, inadequate as the restoration might be. Far too often, municipalities, including Manchester, are left to deal with abandoned buildings, shopping centers, and industrial sites which unfairly burdens the taxpayers.

The Town's special decommissioning request should not be in any way interpreted that it

