

CONNECTICUT SITING COUNCIL

**TRITEC AMERICAS, LLC, NOTICE OF ELECTION)
TO WAIVE EXCLUSION FROM SITING COUNCIL)
JURISDICTION, PURSUANT TO CONNECTICUT)
GENERAL STATUTES § 16-50k(e), AND PETITION)
FOR A DECLARATORY RULING , PURSUANT TO)
CONNECTICUT GENERAL STATUTES § 4-176)
AND § 16-50k, FOR THE PROPOSED)
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)**

DOCKET NO. 1609

APRIL 9, 2024

**APPLICATION OF THE TOWN OF MANCHESTER TO
INTERVENE UNDER C.G.S. §§ 4-177a(b), 16-50n, AND 22a-120**

Pursuant to Connecticut General Statutes §§ 4-177a(b), 16-50n, and 22a-120, the Town of Manchester (hereinafter referred to as ‘Manchester’) hereby moves and petitions the Connecticut Siting Council to be made an intervenor in the above petition by TRITEC America, LLC (hereinafter ‘TRITEC’) to waive exclusion from Connecticut Siting Council jurisdiction and for a declaratory ruling for the proposed construction, maintenance and operation of a 0.999-megawatt AC solar photovoltaic electric generating facility located at 250 Carter Street, Manchester, Connecticut, and associated electrical interconnection. Manchester represents that its participation is in the interests of justice and the environment and that their participation will not impair the orderly conduct of the proceedings.

In support of this request, Manchester states the following:

1. The Town of Manchester is a body politic and duly formed municipal corporation with its territorial limits sited in Hartford County, Connecticut. It’s mailing address is

Manchester Town Hall, 41 Center Street, Manchester, CT 06045. Correspondence should be sent to this address and made to the attention of the Town Attorney's Office.

2. While Manchester supports solar energy projects in general, it has concerns with the proposed photovoltaic electric generating facility proposed for 250 Carter Street. These concerns have been expressed both by its residents at hearings before its legislative body, the Manchester Board of Directors, and Manchester's Planning & Zoning Commission which also serves as its Inland and Wetlands Commission. Manchester's administrative staff also have several serious concerns about TRITEC America, LLC's proposal.
3. Manchester is concerned about the following:
 - a. The proposed clearing of 7.8 acres of forest within a 23-acre Small Core Forest on the site is harmful. This proposal runs afoul of the state Department of Energy and Environmental Protection, (hereinafter 'DEEP') position that solar facilities should not be sited in core forests. DEEP further recommends that a 300-foot wetland buffer be utilized "to protect core forest connectivity and function" which is not included in this proposal. (See, CT DEEP Solar Permitting Fact Sheet, 2020.)
 - b. The proposed 7.8 acre site is likely to soon become old-growth forest and its ecological value cannot be overstated. Clearing this acreage would impair the site's ability to (1) sequester massive amounts of carbon, (2) absorb significant amount of water from the ground; and (3) stabilize the soil.
 - c. TRITEC'S decommissioning plan for the site represents that the site would be

returned to its original condition which the Town staff believe is impossible as it would take decades to reach its current stage.

- d. Manchester believes that TRITEC's description of its proposal as an "agrivoltaic" project is inapposite. Its plan for the relocation and future use of the maple taps is speculative and undeveloped. Its proposal for a seed mix around the solar arrays, is not native to the site and is not a pollinator-friendly species. Additionally, the site maintenance plan calls for the use of mowing and herbicides which are not conducive to pollination.
- e. The proposal calls for approximately 1,100 sq. ft. of direct, permanent wetland impacts, including the construction of a 12-foot gravel access road to cross existing wetlands. No assurances are given that the gravel will not migrate to the public highway, creating safety and maintenance issues for the Town. Indirect wetland impacts are not discussed in the reports but are obvious. The proposed outflow pipe from the proposed stormwater basins would be quite high, especially as the existing trees would no longer be present to absorb the water that they currently do. Expected high volumes of stormwater will negatively affect the wetlands.
- f. The 7.8-facility will be surrounded by a 7-foot-high chain link fence that will present a significant obstacle for wildlife and a disruption of their migratory patterns as well as the elimination of their habitat. In addition, as the site is located in a DEEP Natural Diversity Database (NDDDB) area, the proposal puts at risk the Box Turtle, which will be impacted by habitat loss, fragmentation and degradation of the current well-drained forest bottomlands. The long-

term impacts of TRITEC's proposal is not discussed. The Box Turtle is listed as a state species of Special Concern. Manchester has further concerns that the proposal will have an impact on the ability of the Northern Long Eared bat to roost in the area.

- g. Manchester's Engineering Staff is not satisfied that the Stormwater Management Report adequately addresses the proposal's compliance with the Town of Manchester's Public Improvement Standards Section 3.06 for Storm Drainage Systems. There is also concern that the Proposal does not adequately address TRITEC's capacity and obligation to maintain the proposed basin outlet and outlet structure, which will be landlocked. It is also noted that while there is a discussion of anticipated stormwater runoff effects, there is no discussion of the effects of groundwater impact.
4. Manchester's staff is also concerned that some of the proposed elements on the site during the expected operational period are not in compliance with the intent of requirements and guidelines of applicable standards.
5. The proposed site includes part of the Shenipsit Trail that is maintained and supported by the Connecticut Forest and Park Association, with additional support from state and local governments. This trail traverses the property and the proposed deforestation and fencing off of the 7.8 acres is disruptive of this state and local asset. Regional trails are beneficial to Manchester's residents and affects the quality of their lives. The proposal detracts from the livability of Manchester as a community.
6. The proximity of the proposed facility is 78 feet from the nearest property line and 219-feet from the nearest residence. There is not adequate screening between the

residences and the site. Further, the residences are thirty feet higher than the proposed solar arrays. There is also concern that the activity will generate a consistent low level of noise disrupting the neighbor's peaceful enjoyment of the property. These resident concerns affect Manchester directly as it can lower property values and lower the receipt of tax revenue to Manchester because of a decline in assessment values.

7. There is also concern that because of the topography, high groundwater, and the site-wide presence of soil and sediment, there is the potential that a significant weather event, which have become more common in recent years and are accelerating, will result in catastrophic impact on downslope properties. While such catastrophic events will directly affect the neighbors there is a foreseeable possibility that the Town's roads will be affected, and it may have to become involved with the remediation of the effects from these events.
8. Manchester is also concerned that no fire plan has been produced to deal with scenarios where this electrified facility catches fire.
9. Clearly the TRITEC Proposal will have a negative impact on the environmental area, scenic vistas, neighboring property values and the general character and harmony of the surrounding conservation land and general neighborhood.
10. Of special note, on December 15, 1997, the Manchester Planning and Zoning Board denied a zone change from RR to RAA for the property now known as 250 Carter Street for the reason that the requested zone change was not consistent with the surrounding rural residential area and the Manchester's Plan of Development. The proposed electric generating facility pending before the Siting Council can be fairly

characterized as an Industrial or Commercial activity or a hybrid of both. If the Manchester P&Z denied a change from RR to RAA, which in effect was a moderately more intense rural residence use, then it strains credulity for TRITEC to urge that the Siting Council, which is statutorily obligated to consider a municipality's planning and zoning regulations, to approve such an extreme intensive use as proposed by TRITEC. Manchester's zoning regulations would not countenance such a result. Manchester would be injured by such a disregard of its Plan of Conservation and Development.

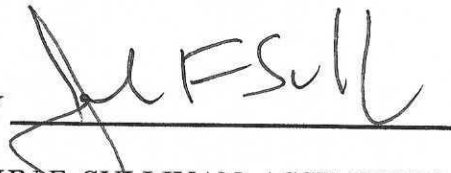
11. Manchester has a direct interest in the proceedings that will be specifically and substantially affected if the TRITEC proposal is approved. Manchester seeks to intervene in the above proceeding for the purpose of submitting testimony, briefs and other evidence relevant to the Siting Council's consideration of Docket Number 1609.
12. Manchester hereby presents this verified pleading pursuant to Gen. Stat. § 16-50n, for the purpose of asserting that evidence and testimony shall be presented in order to demonstrate that the activity proposed by TRITEC is likely to unreasonably harm the public trust in the air, water or other natural resources in Manchester and the state of Connecticut, because of granted, TRITECS AC Solar Photovoltaic electric generating facility at 250 Carter Street will unreasonably impact inland wetlands, public water sources, neighboring property values and the visual quality of the environment in a residential area.
13. Manchester will seek to present evidence that will demonstrate that the environmental impact could be reasonably mitigated by the use of alternative locations.
14. Manchester will seek to present evidence and testimony that will demonstrate that

pursuant to Gen. Stat. § 16-50n, any need for the proposed facility that might be fulfilled by the pending proposal, will be significantly outweighed by the need to protect the environment and health of Manchester and the State and to minimize damage to scenic, historic and recreational values.

WHEREFORE, for the above stated reasons, Manchester respectfully requests that its application for intervenor status pursuant to General Statutes §§ 4-177a(b), 16-50n, and 22a-120, be granted.

PROPOSED INTERVENING PARTY
THE TOWN OF MANCHESTER

BY

A handwritten signature in black ink, appearing to read "JFSullivan", written over a horizontal line.

JOHN F. SULLIVAN, ASST. TOWN ATTORNEY
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townattorney@manchesterct.gov.

VERIFICATION

I, Steve Stephanou, Town Manager of the Town of Manchester, duly sworn, hereby verify that the above application is true and accurate to the best of my belief.



Steve Stephanou, Duly Authorized

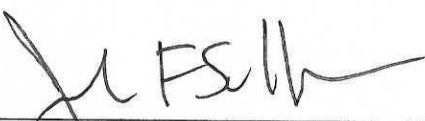
Sworn and subscribed before me this ^{9th} day of April 2024,
at Manchester, County of Hartford, State of Connecticut.



John F. Sullivan
Commissioner of the Superior Court

CERTIFICATION

I hereby certify that a copy of the foregoing was electronically delivered on April 10, 2024 to all parties on the Service listed dated January 26, 2024.

BY 

John F. Sullivan
Commissioner of the Superior Court