

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

**LSE Scutum LLC and LSE Bootes LLC (Lodestar Energy) petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 1.93-megawatt AC solar photovoltaic electric generating facility located at 141 Town Farm Road, and Parcel Nos. 86-326 and 86-164, Abbe Road, Enfield, Connecticut, and associated electrical interconnection.**

**PETITION NO. 1611**

**MAY 9, 2024**

## **PETITIONERS' RESPONSES TO INTERROGATORIES FROM PARTY TOWN OF ENFIELD**

Petitioners LSE Scutum LLC and LSE Bootes LLC (collectively "Petitioner") hereby submit these objections and responses to the Town of Enfield's (the "Town") interrogatories dated May 2, 2024.

GENERAL OBJECTIONS: Petitioner objects to the Town's instructions, requests for production and verification as all are outside the scope and practice of the Siting Council. Petitioner submits all of the following objections and responses subject to these General objections.

1. ***Identify all alternative sites within Enfield or other towns that were explored, and explain why this site was chosen over alternative sites.***

RESPONSE: There are numerous criteria used during site selection including, without limitation: technical issues including Eversource interconnection substation capacity, circuit capacity, and proximity to Eversource distribution lines and feasibility and costs to upgrade existing Eversource infrastructure; land issues including land availability, parcel size, accommodation of the project size and environmental factors including wetland impacts, slope, buildability, environmental impacts. As a result of analyzing and weighing all of those factors, Petitioner entered into lease agreements with the underlying property owners for the Project.

2. ***Did Lodestar consider a larger setback from the roadways and abutting properties? If yes, please explain why a larger setback was not proposed. If no, why not?***

RESPONSE: Lodestar used the largest possible setbacks and setbacks in compliance with all applicable requirements to achieve the desired system size in MW.

For this Project, the property line setbacks are a minimum of fifty (50) feet and the closest point of the panels to a residential property line is one hundred (100) feet with the closest residence being one hundred thirty-five feet away. The three parcels are all zoned in the R-44 zone per the Enfield zoning regulations, which requires a fifty (50) foot front yard setback, thirty-five (35) foot rear setback and sixty (60) foot side yard setback. While these setbacks are not applicable since the Town has no zoning jurisdiction over this Project, the Project complies with the setback requirements that would be applicable if the Town did have jurisdiction.

3. ***What benefits will exist or accrue to the Town of Enfield or its residents from an approval and development of this proposal?***

RESPONSE: Petitioner objects to this interrogatory as it requests information that is outside the scope of a petition for declaratory ruling under the Public Utility Environmental Standards Act, C.G.S. § 16-50g *et seq.* (PUESA). Specifically, Petitioner does not need to establish specific benefits to the Town or neighbors pursuant to PUESA. Subject to such objection without waiving the same, the Town of Enfield will receive property taxes from the Facility. Other than during the construction period, solar has no impact on road traffic, school enrollment, other Town services, while at the same time it will benefit the Town's tax rolls. In addition, renewable energy has a positive impact on all

citizens by reducing reliability on fossil fuels and improving grid resilience. In addition, distributed generation increases grid resiliency, which benefits all who are connected to the distribution grid.

4. ***What benefits, if any, will exist or accrue to any abutters of the site from an approval and development of this proposal?***

RESPONSE: Petitioner objects to this interrogatory as it requests information that is outside the scope of a petition for declaratory ruling under the PUESA. See also objection to #3.

5. ***What will be the impact upon the property values of the owners of properties abutting this site and to the owners of properties in the surrounding community from an approval and development of this proposal?***

RESPONSE: Petitioner objects to this interrogatory as it requests information that is outside the scope of a petition for declaratory ruling under the PUESA.

6. ***Enfield already has a number of sites that have been developed for solar arrays? Why should additional projects like this one be permitted in Enfield?***

RESPONSE: Petitioner objects to this interrogatory as it requests information that is outside the scope of a petition for declaratory ruling under the PUESA. Specifically, there is no statute or regulation that imposes a cap or limitation on the number of solar arrays that may be developed in any given area. Subject to this objection and without waiving the same, the CT DEEP has continued to encourage the development of renewable energy projects through its procurement programs, including solar projects, to comply with the State of Connecticut renewable portfolio standards (RPS). The NRES program, which this Project received an award from, is a part of the CT DEEP's continued efforts to achieve its RPS.

7. ***Why is it necessary that the facility occupy as much as 10.15 acres inside the fence on the site?***

RESPONSE: This acreage is needed to achieve the system size in MW.

8. ***What improvements will be made on the 1.95 acres beyond the fenced limits?***

RESPONSE: The improvements beyond the fenced limits will include minimal tree clearing, a swale for stormwater control, access roads, and utility poles.

9. ***Why is it necessary that the maximum height of the panels be approximately ten (1) feet? (sic)***

RESPONSE: Panels are approximately 7.5' long and rotate about their centerline axis. The racking is raised to allow the panels to rotate freely above any undulating topography, vegetation, snow, or other ground features that might impede their movement. This mounting height has been minimized as much as possible to avoid unnecessary visual disturbance.

10. ***Why is the maximum angle of the panels be (sic) sixty degrees? What will be the impact of this angle on glare? On visibility?***

RESPONSE: Sixty degrees east and west about the axis of rotation provides for optimized sun tracking throughout the day, for all days of the year. Optimizing the solar tracking capability of the panels enables a minimum quantity of panels to be installed due to maximizing efficiency. Panels utilize an antireflective coating that greatly reduces or eliminates glare. The panels track the sun throughout the day and are at their maximum tilt angle for a very short period in the morning and evening.

11. ***How will this Project “improve grid resiliency in Connecticut by providing distributed energy where it is needed”? Where is it needed?***

RESPONSE: The Project is part of the Non-Residential Energy Solutions Program (NRES) which “is a statewide program that provides renewable energy tariffs to compensate non-residential owners of distributed energy resources like solar for the power their systems produce and provide to the electric grid.” The NRES objectives are “to foster the sustained, orderly development of the state’s Class I renewable energy industry and to encourage participation by customers in underserved and environmental justice communities, among others.” Improvements to the distribution network are directly funded by the Interconnection Services Agreement and will enhance local network services at and around the location of the solar array. The solar array will enable generation of electricity locally which assists in preventing outages caused by upstream constraints (substations and reliance on other circuits).

12. ***Why is the life of the Project to be twenty (20) years, when the designed life and warranty of the inverters is only ten (10) years?***

RESPONSE: The NRES Program is a 20-year tariff. The Project’s life is designed in accordance with the program. Equipment warranties are typically established by manufacturers and Petitioner can either choose to purchase an extended warranty or simply pay the full cost for equipment replacement outside of the manufacturer’s warranty period. With respect to the equipment, certain components (like inverters) will need to be replaced or refurbished as normal wear and tear degrades their useful life, just as tires on your car would need to be replaced intermittently.

At the conclusion of the initial term of the NRES program, it is likely the facility will remain in operation under a to-be-determined program or tariff established by the Public Regulatory Authority (PURA). The Project has secured land rights and other entitlements to enable the extension of the facility’s operations.

13. ***What air pollutants and greenhouse gasses will be emitted during construction, and explain what mitigation measures will be in place to avoid and (sic) issues? How can you be sure that “any potential air effects produced by the Project’s temporary construction activities will be de minimis”?***

RESPONSE: Please refer to Exhibit 7, section 3.1 of the Petition.

14. ***If, as admitted, the site will occupy the majority of the Property, how can you be sure that impacts to the delineated wetland located on the Property will be minimized? What will be the impacts to the wetlands?***

RESPONSE: Petitioner objects to this interrogatory to the extent that it seeks to impermissibly characterize the Project. Subject to such objection and without waiving the same, Petitioner refers to the Town and the Council to the Petition itself. In addition, Petitioner has submitted expert analysis from a soil and wetlands scientist licensed in the State of Connecticut confirming that no wetlands impacts will occur. The Project has been designed in accordance with the CT DEEP stormwater requirements and wetlands setbacks associated therewith. As noted in the response to interrogatory #16, the CT DEEP will regularly inspect the Project to confirm compliance with the approved site plan. Please also refer to section 3.2.3 of Exhibit 7 of the Petition.

15. ***How can you be sure that blasting or other similar measures will not be required during construction, such that there will be no impact on groundwater resources?***

RESPONSE: No blasting will be utilized at the Site. If rock is encountered, Petitioner will pre-drill pilot holes and backfill with suitable material for pile installation. No basins are currently contemplated which is the other main activity that would require excavation.

16. ***Who will be responsible for ensuring that erosion and sediment controls will be installed and maintained in accordance with the 2002 Guidelines (sic) for Soil Erosion and Sediment Control and that stormwater is managed in accordance with the 2004 Connecticut Stormwater Quality Manual? Who will be responsible for uh (sic) maintenance and management?***

RESPONSE: As the holder of both the Siting Council petition and CT DEEP stormwater permit, Petitioner will be responsible for ensuring compliance with those permits. CT DEEP requires that Petitioner engage its regional conservation district staff at Petitioner's cost, who perform regular inspections to confirm compliance.

17. ***What are the health and safety requirements applicable for electric power generation? How can we be sure the Project will meet or exceed all such requirements?***

RESPONSE: Petitioner objects to this interrogatory as it requests information that is outside the scope of a petition for declaratory ruling under the PUESA. In addition, Petitioner objects to this interrogatory as it is vague and unclear and calls for a legal conclusion which does not require a response. Subject to this objection and without waiving the same, Petitioner will comply with all applicable laws and regulations associated with constructing, operating and maintaining the Facility.

18. ***The Project includes a seven (7) foot high safety fence. But the fence will not be in contact with the ground. How does that prevent people from gaining access to the site?***

RESPONSE: The seven foot security fence will be raised six (6) inches off the ground to allow for animal migration, as is routinely requested by the CT DEEP and the Siting Council.

19. ***How can you be sure that the noise generated by the facility will not affect or trouble the abutting property owners?***

RESPONSE: Petitioner objects to this interrogatory as it is vague and does not reference any regulation or measurable standard. Subject to this objection and without waiving the same, Petitioner is required to establish compliance with noise regulations as established by the CT DEEP. Exhibit 8 to the Petition establishes that the Facility will comply with the applicable noise regulations. See also Petitioner's response to the interrogatories issued by the Siting Council on April 18, 2024.

20. ***What will be the impact on vehicular traffic during the hours of construction? How will this impact residents trying to go to work or to school? Why is it necessary to perform construction work on Saturdays?***

RESPONSE: Petitioner will comply with all work schedule requirements imposed by the Town of Enfield's building code and as required by the Project's building and electrical permits. Like any other construction project, there will be construction-related traffic during the short construction period.

21. ***Why is this Project "precisely the type of project that Connecticut legislature, regulatory agencies, environmental groups, utilities, and ratepayers have been promoting . . ." Which environmental groups support this project? Which ratepayers support this project? Which Connecticut agencies support this project?***

RESPONSE: See the responses to interrogatories #6 and #11. This Project is part of the NRES Program, a statewide program with "objectives to foster the sustained, orderly development of the state's Class I renewable energy industry and to encourage participation by customers in underserved and environmental justice communities, among others."

22. ***The Council on Environmental Quality indicated that "the site is currently cropland, planted with corn" and the "upland soils are mapped and noted as Prime Farmland soil by the NRCS." Why should prime and productive agricultural land be converted to solar facilities? Was an agricultural co-use plan considered for this site? If not, why not?***

RESPONSE: Petitioner objects to this interrogatory as it is vague and unclear. Subject to this objection and without waiving the same, the impact to farmlands is one of the many environmental impacts that the Council weighs in its decision on a petition for declaratory ruling and, in addition, the Council requests comments from the CT Department of Agriculture regarding pending petitions. In regards to the Site, the majority of the underlying property was used as a stone gravel/quarry operation and has limited ability to support agricultural activities as a result of that historical use. The underlying property owners have decided to terminate the farming operations at the Site regardless of the outcome of this petition. Petitioner has not proposed any agricultural co-use for the Site but, to the extent that Petitioner investigates such possibilities in the future, Petitioner will comply with all permitting requirements associated therewith.

23. ***Why were white spruce chosen to be planted along the west and south borders of the site? What will be done to ensure that the site is not visible from abutting or surrounding properties?***

RESPONSE: Petitioner objects to this interrogatory as it requests information that is outside the scope of a petition for declaratory ruling under the Public Utility Environmental Standards Act, C.G.S. § 16-50g *et seq.* and is vague and unclear. Specifically, Petitioner is not required under PUESA to ensure the Project is not visible. Subject to this objection and without waiving the same, Petitioner has proposed both fencing and landscaping along the fenceline in those areas that abut residential structures. Petitioner is open to considering alternatives for the proposed screening landscaping.

24. ***Did Lodestar consider a larger setback from the roadway and abutting properties? If yes, explain. If not, why not?***

RESPONSE: See response to interrogatory #2.

25. ***In March of this year solar (sic) farm in southeastern Texas was destroyed by a hailstorm. How can we be sure that this will not happen here, and why should (sic) not be concerned about the durability and reliability of solar panels? Will damage to the solar panels cause leakage of dangerous and toxic chemicals into the soil?***

Response: Petitioner objects to this interrogatory as it requests information that is outside the scope of a petition for declaratory ruling under the PUESA and is vague and unclear. Subject to this objection and without waiving the same, Petitioner will obtain equipment warranties for its major equipment associated with the Project and, in addition, will engage a professional organization to perform its operation and maintenance. That O&M provider will be responsible for repairing equipment damage and coordinating equipment warranties associated therewith.

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. Petitioner has confirmed that it will be utilizing ZNShine, Item/Model Number: ZXM7-SHLDD144 Module Size: 540 for the Project. Please refer to the Petitioner's response to the Siting Council's Interrogatories issued to the Petitioner on April 18, 2024 for a copy of the TCLP test results from the manufacturer, verifying that the panels comply with TCLP requirements.

26. ***How is this Project consistent with the Connecticut Department of Agriculture's stated goal to preserve farmland in Connecticut?***

RESPONSE: Petitioner objects to this interrogatory as it requests information that is outside the scope of a petition for declaratory ruling under the PUESA. Specifically, it is not a requirement to comply with this goal for the issuance of an approval for a petition for declaratory ruling. Subject to this objection and without waiving the same, see response to interrogatory #22. As noted above, the majority of the underlying property was used as a stone gravel/quarry operation and has limited ability to support agricultural activities as a result of that historical use.

27. ***What discussions and inputs have you had and received from the local land trusts?***

RESPONSE: None.

28. ***Has Lodestar met with the DEEP Stormwater Division? If yes, when? Describe any recommendations, comments, or concerns about the project from the Stormwater Division.***

RESPONSE: Petitioner met with the DEEP Stormwater Division on September 14, 2023. Please refer to the section V. D. of the Petition. Petitioner has submitted its stormwater permit application to the CT DEEP, which application is still pending.

29. ***Has Lodestar contemplated using sound barriers to decrease the noise to be emitted from the project? If yes, explain. If not, why not?***

RESPONSE: See response to interrogatory #19.

30. ***What tax benefit, if any, will be generated on the site for the benefit of the Town?***

RESPONSE: Petitioner objects to this interrogatory as it requests information that is outside the scope of a petition for declaratory ruling under the Public Utility Environmental Standards Act, C.G.S. § 16-50g *et seq.* and is vague and unclear. Subject to this objection and without waiving the same, Petitioner will pay taxes to the Town of Enfield related to the Project.

31. ***What is the expected number of cubic yards of soil that will need to be excavated during construction? What will happen to that soil?***

RESPONSE: The earthwork at the Site will be associated with the construction of the access drives and water quality swale. This will involve cuts and fills. Overall, there will be a net cut of approximately 160 cubic yards of material. The majority, if not all of the material generated, will be topsoil. The soil will be re-spread on-Site and not removed from the Site.



32. *Why is it necessary to cut trees on the site?*

RESPONSE: Minimal tree clearing is necessary to reduce shading the panels.

33. *Will the construction or operation of the Project impact or interfere with any existing utilities or infrastructure within the surrounding area? If so, identify any measures that will be employed to protect existing utilities or infrastructure from impact or interference.*

RESPONSE: No.

34. *Will there be a licensed landscape architect on site supervising any plantings? What is the care and treatment plan for these plantings? Will trees be replaced?*

RESPONSE: There is no requirement to engage a licensed landscape architect at the Site. Plantings will be installed, maintained and replaced (if needed) by local landscaping professionals.

35. *What hazardous substances will be used or stored on the site during construction and then during operation? What damage may be caused should these not be properly handled or maintained?*

RESPONSE: Please refer to the Spill Prevention Plan in Exhibit 3 of the Petition. Envirotemp FR3 natural ester fluid is used within the transformers. It is readily biodegradable per OECD 301, non-toxic and non-hazardous in soil and water, contains no petroleum, halogens, silicones, or sulfurs, and is recyclable. Secondary containment and SCADA leak detection are not typically installed when using FR3 fluid.

36. *Who is responsible for the costs associated with training local emergency responders?*

RESPONSE: The Petitioner is responsible for associated costs.

37. *What outreach efforts were made to abutters? What assurances have you given to abutters?*

RESPONSE: Petitioner presented its proposed Project to the Town of Enfield in the fall of 2023. At the Town's request, Petitioner provided an informational presentation to the Town's planning and zoning commission on October 12, 2023, a meeting which was publicly noticed and open to the public. Petitioner sent notice to all abutting property owners as required by the Council's regulations, and as described in Exhibit 5 of the Petition. As a follow-up to with the abutting property owners who have intervened in this proceeding, representatives of Petitioner met with several abutters on March 3, 2024 and have been in correspondence with those abutters since that time.

38. *How will the land be restored to its use for agriculture following decommissioning?*

RESPONSE: Please refer to the Decommissioning Plan in Exhibit 4 of the Petition.

39. *The soils on this site are well-drained. How will construction of the Project affect the drainage of the soils?*

RESPONSE: The topography of the site is currently well-suited to solar construction. Large scale grading is not contemplated and therefore soil drainage will not be changed due to the installation of the Project.

### **REQUESTS FOR PRODUCTION**

1. All documents reviewed and relied upon in responding to the Interrogatories above.

**Objection and Response:** As noted on page 1, Petitioner objects to this request for production as it is outside of the Council's hearing procedure. Subject to this objection and without waiving the same, Petitioner refers the Town to all materials submitted to the record by Petitioner along with all referenced laws, regulations and ordinances.

Respectfully submitted,

Petitioner  
LSE Scutum LLC and LSE Bootes LLC

## CERTIFICATION OF SERVICE

I hereby certify that, on the date hereof, a complete copy of the foregoing was provided electronically and/or U.S. Mail, postage prepaid to all parties and intervenors of record:

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