

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 2, 2024

**FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

The Town of Enfield (“Enfield”), hereby propounds the following Interrogatories and Requests for Production upon the Petitioner, LSE Scutum LLC and LSE Bootes LLC (Lodestar Energy) (hereinafter “Lodestar”).

INSTRUCTIONS

1. Where an interrogatory can be answered in whole or in part by reference to the response of a preceding or subsequent interrogatory or document request, it is sufficient to indicate such by specifying the response to the preceding or subsequent interrogatory or document request by number, and by specifying whether it is claimed that the response to the preceding or subsequent interrogatory or document request is a full or partial response. If the latter, the response to the balance of the interrogatory or document request shall be completed.

2. As to interrogatories consisting of a number of separate subdivisions, or related parts or portions, a complete response is required to each such part or portion with the same effect as if it were propounded as a separate interrogatory or document request. Should an objection to an interrogatory be interposed, it should clearly indicate to which part or portion of the interrogatory request it is directed.

3. If you refuse to disclose any information requested herein on the grounds of privilege, work-product immunity, or otherwise, provide a privilege log and specify the exact basis for your claim that such information need not be disclosed; if claimed as to information, identify each person who has knowledge of such information or to whom such information was communicated; and if claimed as to a document, identify such

document and identify each person in possession of such document.

4. If, in answering the interrogatories, you claim any ambiguity in interpreting an interrogatory, document request, definition or instruction applicable thereto, such claim shall not be utilized by you as a basis for refusing to respond, but there shall be set forth as part of the response the language deemed to be ambiguous and the interpretation chosen or used in responding to an interrogatory or document request.

5. The words “and” and “or” shall be used in their inclusive sense; *i.e.*, “and/or.”

6. The singular form of a word shall be interpreted as plural and the plural form of a word shall be interpreted as singular whenever appropriate in order to bring within the scope of an interrogatory or document request any information, which might otherwise be considered to be beyond their scope.

INTERROGATORIES

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

Response:

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:

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

Response:

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

Response:

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:

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:

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

Response:

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

Response:

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

Response:

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

Response:

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

Response:

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:

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

Response:

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:

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:

16. Who will be responsible for ensuring that erosion and sediment controls will be installed and maintained in accordance with the 2002 Guidelines 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 maintenance and management?

Response:

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:

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:

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

Response:

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:

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:

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:

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:

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

Response:

25. In March of this year solar farm in southeastern Texas was destroyed by a hailstorm. How can we be sure that this will not happen here, and why should 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:

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

Response:

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

Response:

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:

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:

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

Response:

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:

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

Response:

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:

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:

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:

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

Response:

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

Response:

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

Response:

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

Response:

REQUESTS FOR PRODUCTION

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

Response:

VERIFICATION

I, _____, upon oath depose and say that the responses set forth in the Interrogatories are true to the best of my knowledge, except as to those matters alleged on information and belief, and as to those matters, I believe them to be true.

Signed under the penalties of perjury this ____ day of _____, 2024.

Name
Title
Duly Authorized

Subscribed and sworn to before me
this ____ day of _____, 2024.

Notary Public
My Commission Expires _____

INTERVENOR,
TOWN OF ENFIELD

By /s/ Jeffrey J. Mirman
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CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing document was electronically mailed to all parties on the attached 4/30/2024 service list on this 2nd day of May, 2024.

/s/ Jeffrey J. Mirman
Jeffrey J. Mirman

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Petitioner	<input checked="" type="checkbox"/> E-mail	Lodestar Energy LLC	<p>Carrie Larson Ortolano, Esq. General Counsel LSE Scutum LLC and LSE Bootes LLC c/o Lodestar Energy LLC 40 Tower Lane, Suite 201 Avon, CT 06001 cortolano@lodestarenergy.com</p> <p>Jeffrey J. Macel LSE Scutum LLC and LSE Bootes LLC c/o Lodestar Energy LLC 40 Tower Lane, Suite 201 Avon, CT 06001 jmacel@lodestarenergy.com</p> <p>Lee Hoffman, Esq. Liana Feinn, Esq. Pullman & Comley, LLC 90 State House Square Hartford, CT 06103 (860) 424-4300 lhoffman@pullcom.com lfeinn@pullcom.com</p>
Party (granted 3/28/24)	<input checked="" type="checkbox"/> E-mail	Town of Enfield	<p>Mark Cerrato, Esq. Office of the Town Attorney Town of Enfield 820 Enfield Street Enfield, CT 06082 (860) 253-6405 townattorney@enfield.org</p> <p>Jeffrey J. Mirman, Esq. Hinckley, Allen, & Snyder, LLP 20 Church Street 18th Floor Hartford, CT 06103 (860) 331-2762 jmirman@hinckleyallen.com</p>

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<p>Grouped Resident Intervenor (granted 3/28/24)</p>	<p><input checked="" type="checkbox"/> E-mail</p>	<p>Barbara Audet 211 Abbe Road Enfield, CT 06082 (860) 962-0251 Baudet4850@yahoo.com</p> <p>Jennifer Krasinkiewicz 209 Abbe Road Enfield, CT 06082 (860) 614-6002 Jenniferkras@aol.com</p> <p>John Cox 215 Abbe Road Enfield, CT 06082 (706) 676-4936 Jalexcox21@gmail.com</p>	