



STATE OF CONNECTICUT  
*CONNECTICUT SITING COUNCIL*

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**VIA ELECTRONIC MAIL**

May 7, 2024

TO: Service List, dated April 5, 2024

FROM: Melanie Bachman, Executive Director *MAB*

RE: **PETITION NO. 1626** – North Franklin Solar One, LLC and Verogy Holdings, LLC d/b/a Verogy, 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 4.975-megawatt AC solar photovoltaic electric generating facility and associated equipment located at 931 Route 32, Franklin, Connecticut, and associated electrical interconnection.

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Comments have been received from the Department of Energy and Environmental Protection on May 6, 2024. A copy of the comments is attached for your review.

MAB/MP/dll

c: Council Members



May 6, 2024

Connecticut Siting Council  
10 Franklin Square  
New Britain, Connecticut 06051

RE: 4.975-MW Solar Photovoltaic Solar Project  
North Franklin Solar One, LLC  
124 LaSalle Road, 2nd Floor  
West Hartford, CT 06107  
Petition No. 1626

Dear Members of the Connecticut Siting Council:

Staff of the Department of Energy and Environmental Protection (DEEP) Office of Environmental Review & Strategic Initiatives have reviewed the above-referenced petition by North Franklin Solar One, LLC (Petitioner) for a declaratory ruling that a Certificate of Environmental Compatibility and Public Need is not required for the construction, operation, and maintenance of its 4.975-megawatt solar photovoltaic project (Project). The Project will occupy approximately 19-acres (Project Site). The Project Site is part of a larger 188.18-acre parcel (Property) located at 931 Route 32 in North Franklin.

Background on this Comment Letter

Staff of DEEP's Environmental Review & Strategic Initiatives (ERSI) office typically conduct site visits as part of its analysis in preparing a comment letter on relevant projects. Site visits assist DEEP staff in observing the amount and types of vegetation, potential areas for erosion, potential wildlife habitats, sight lines from residential buildings to the Project Site, and other site characteristics that may not be captured at the scale of project planning maps.

ERSI comment letters typically discuss areas within DEEP's jurisdiction, such as stormwater management, forestry, and threatened wildlife species, as they relate to the proposed Project. DEEP also discusses potential community impacts, such as noise and visual, that can be mitigated or avoided through project planning. In addition to reviewing Projects that come before the Siting Council, ERSI staff participate in the STEPS (Sustainable, Transparent and Efficient Practices) process which includes guidance for solar development such as siting that avoids, minimizes, and/or mitigates adverse impacts on the environment, agricultural, and natural resources to the maximum extent practicable.

## Overview

The Project Site was previously mined as a quarry. DEEP staff visited the Project Site on April 16, 2024. Staff observed that the Project Site is currently an open field that is flat and consists of bare soil and cut corn plants. The Project Site is surrounded by tall berms on the northern, eastern, and southern sides. The Project Site is also surrounded by coniferous forests on all sides. In a letter to the Connecticut Siting Council dated April 1, 2024, the DEEP Bureau of Natural Resources stated that the Project will not materially affect the status of the Site as core forest. There are two state-listed wildlife species documented in the Natural Diversity Data Base (NDDB) near the Project Site. DEEP has recommended species protection strategies to the Petitioner for use during construction activities. DEEP has determined that noise impacts and visual impacts should not be a concern for this Project, as the Project is not in the vicinity of any residences or other buildings.

The North Franklin Solar One project was selected in year 4 of the Shared Clean Energy Facilities Program (SCEF) codified in C.G.S. Section 16-244z(a)(1)(C). Through SCEF, DEEP establishes siting preferences to encourage development of landfills, brownfields, and solar canopies. DEEP also sets a threshold through SCEF for slopes and evaluates sites for core forest. Projects selected through the SCEF program have met DEEP's requirements for the program.

DEEP notes that the construction of facilities as proposed in this petition would support Connecticut's vision for a more affordable, cleaner, and more reliable energy future for the ratepayers of Connecticut. Bringing more zero carbon energy projects online furthers this vision by diversifying the regional fuel mix, and aids in achieving a 100% zero-carbon electric sector by 2040 as required by Connecticut General Statutes Sec. 22a-200a(a)(3). Developing grid-scale renewables is also imperative to the state's success in achieving its statutory goal of reducing carbon emissions by 45% below 2001 levels by 2030 and by 80% below 2001 levels by 2050.

## Project Description

The proposed Project will be a ground-mounted solar photovoltaic system using a fixed tilt steel racking structure. The array of panels and the equipment will be surrounded by a 7' high chain link security fence. There is an existing access road that will be used to access the array, and the existing utility poles on the road will be used for service connection. The Project Site is an open field that was previously mined as a materials quarry. The three existing onsite stormwater management basins will act as temporary sediment basins during construction activities. Upon final site stabilization, the basins will be restored and reutilized as permanent stormwater management basins.

## Site Visit Report

At the site visit on April 16, 2024, the weather was 60 degrees and sunny. Staff viewed the entire Project Site, as well as surrounding areas of the Property. Staff observed that the Project Site is currently an open field that is flat and consists of

bare soil and cut corn plants. The Project Site is surrounded by tall berms on the northern, eastern, and southern sides. The Project Site is also surrounded by coniferous forests on all sides. While standing atop of the berms on the southern and eastern edges of the Project Site, staff observed Cold Brook in the far distance, which is at the bottom of a steep hill. The area between the Project Site and Cold Brook is forested and vegetated. Staff viewed two of the three existing stormwater basins on the Project Site. The location of the third (southwestern) basin was not confirmed as there was no water in this area. The northern basin is large and filled with water, with a water level that is flush with the ground level. The southeastern basin is small and contains minimal water. The southeastern basin is located far from Cold Brook. The northern basin is in closer proximity to Cold Brook, however there is a tall berm separating the two.

### Stormwater Management

Construction-related land disturbances of one (1) acre or larger are regulated under CGS Section 22a-430 and under Section 402(p) of the federal Clean Water Act and the National Pollutant Discharge Elimination System (NPDES) program. Construction projects involving five (5) or more acres of land disturbance require an individual NPDES discharge permit from DEEP or may be eligible to register for coverage under DEEP's NPDES General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (general permit). This Project would involve five (5) or more acres of land disturbance, therefore it would require either a general or an individual NPDES permit. DEEP's Stormwater Division has not yet received a registration for an individual or general permit from the Petitioner as of April 18, 2024.

During a pre-application meeting with DEEP, the Stormwater Division stated that establishing vegetative stabilization on former gravel quarry sites is often challenging due to a potential lack of topsoil. The Petitioner indicated that some topsoil exists on the Site, and that they plan to test the soil and add any necessary soil amendments to ensure vegetation will grow.

According to the petition, pre-development drainage patterns are proposed to be maintained, to the greatest extent feasible, to maintain and/or reduce peak post-development flows to offsite areas. Additionally, the existing stormwater management basins will be maintained for permanent use.

### Core Forest

Connecticut General Statutes Chapter 277a Sec. 16-50k states that for a solar photovoltaic facility with a capacity of two or more megawatts, to be located on forestland, the DEEP must represent in writing, to the siting council that such project will not materially affect the status of such land as core forest.

In a letter to the Connecticut Siting Council dated April 1, 2024, the DEEP Bureau of Natural Resources stated that staff conducted a core forest material impact review

for the Project and have determined that the Project will not materially affect the status of the Site as core forest.

#### Natural Diversity Data Base

An NDDB Determination, dated October 31, 2023, was provided by DEEP's Wildlife Division. The letter states that there are State-listed species documented nearby the Project Site. These species include the wood turtle (*Glyptemys insculpta*) and the eastern pearlshell (*Margaritifera margaritifera*). DEEP has recommended protection strategies to the Petitioner for use during construction activities.

#### Miscellaneous Petition Commentary

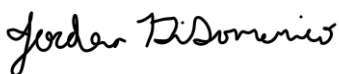
**Visual:** DEEP staff believe that visual impacts will not be a factor for the Project, as no buildings or residences are within view of the Project Site.

**Fencing:** DEEP staff recommend that the planned 7' chain link perimeter fence have a 6" gap below it, in order for wildlife to be able to pass to and from the Project Site.

**Noise:** The inverters at a solar facility create noise which can be intrusive to homes located in close proximity. DEEP staff believe that noise impacts will not be a factor for the Project, as the two equipment pads, which will host the inverters and transformers, will not be located in proximity to residential buildings.

Thank you for the opportunity to review this application and to submit these comments to the Connecticut Siting Council. Should Connecticut Siting Council staff have any questions, please feel free to contact me at 860-424-3708 or via [jordan.didomenico@ct.gov](mailto:jordan.didomenico@ct.gov).

Respectfully yours,



Jordan DiDomenico  
Environmental Analyst 1

CC: Katie Dykes, DEEP Commissioner