



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

May 16, 2024

TO: Service List, dated April 12, 2024

FROM: Melanie Bachman, Executive Director *MAB*

RE: **PETITION NO. 1627** – LSE Libra 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 1.5-megawatt AC solar photovoltaic electric generating facility and associated equipment located at 410 Denslow Hill Road, Hamden, Connecticut, and associated electrical interconnection.

Comments have been received from the Department of Energy and Environmental Protection on May 13, 2024. A copy of the comments is attached for your review.

MAB/RDM/dll

c: Council Members



May 13, 2024

Connecticut Siting Council
10 Franklin Square
New Britain, Connecticut 06051

RE: 1.5-MW Solar Photovoltaic Solar Project
LSE Libra, LLC
40 Tower Lane, Suite 201
Avon, CT 06001
Petition No. 1627

Dear Members of the Connecticut Siting Council:

Staff of the Department of Energy and Environmental Protection (DEEP) Office of Environmental Review & Strategic Initiatives (ERSI) have reviewed the above-referenced petition by LSE Libra, 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 1.5-megawatt solar photovoltaic project (Project). The Project will occupy approximately 8.02-acres (Project Site). The Project Site is part of a larger 11.05-acre parcel (Property) located at 410 Denslow Hill Road in Hamden.

Staff of the ERSI office typically conduct site visits as part of its analysis. 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. DEEP staff were not able to conduct a site visit for this Project prior to submitting review comments due to time constraints.

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 proposed Project Site is completely forested, a small portion of which is core forest. The Site slopes downhill from east to west, with steep slopes in the northern

half of the Site. Wilmot Brook and its associated riparian wetlands are located offsite, to the west of the Site. The Project proposes tree clearing of 7.9 acres, which is the majority of the 8.02-acre Site. Due to the steep slopes and current forest on the Site, DEEP believes that phasing and vegetative cover are important for this Project. Additionally, as the Site is in close proximity to residences, additional steps may need to be taken to mitigate noise nuisance.

DEEP notes that the construction of solar facilities 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. majority

Project Description

The Site is fully forested, a small portion of which is core forest, and contains steep slopes in its northern portion. The Site slopes downhill from east to west, toward Wilmot Brook, which is classified by DEEP as a Class A surface waterbody. Wilmot Brook and its associated riparian wetlands are located offsite, to the west of the Site. The Petitioner plans to maintain a 125-foot buffer between the wetlands and the limit of disturbance. The Site is located in an R-1 Residential Zone, which the Town of Hamden defines as a low-density residential zone with an emphasis on preserving rural open space and environmental amenities.

The proposed Project will be a ground-mounted solar photovoltaic system using a fixed tilt steel racking structure, with one service interconnection connecting to Denslow Hill Road. The Project will also include new utility poles and one equipment pad. The Project proposes tree clearing of 7.9 acres, which is the majority of the 8.02-acre Site. A portion of the cleared trees will include core forest. The array of panels and the equipment will be surrounded by a 7' high chain link security fence. There will be two stormwater management basins, one in the northwest portion of the Site, and one in the southeast portion of the Site.

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 requires either a general or an individual NDPES permit. DEEP's Stormwater Division has not yet received a registration for an individual or general permit from the Petitioner as of April 29, 2024.

During a pre-application meeting with DEEP on February 26, 2024, the Stormwater Division stated that this project will require phasing, and seed should be installed and established as quickly as possible. It is recommended that clearing, grubbing, and seeding on the steeper northern portion of the Site is completed first with adequate time for stabilization before moving to the southern portion of the site. Drip lines should also be monitored and controls such as gravel trenches should be installed along these channels as necessary.

According to the petition, the Petitioner has added woody debris berms along the contour lines of the steeper northern portion of the Site to address the comments from the Stormwater Division about this area.

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. The Project will be less than two megawatts, therefore this statute does not apply. Although a core forest impact determination is not required, it's worth noting that according to the definition of core forest, and DEEP's forestland maps, a small portion of the forest on the Site is classified as core forest.

Natural Diversity Data Base

The Project Site is not located within an NDDB area.

Miscellaneous Petition Commentary

Visual: DEEP believes that some residences (64, 74, and 80 Brook Hill Road) may have a close view of the Project Site, especially in the winter due to deciduous trees and vegetation. DEEP recommends the addition of visual screening for these properties, either in the form of coniferous vegetation or opaque fencing, to be maintained by the Petitioner.

Fencing: During the pre-application meeting, DEEP staff recommended 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. The Petitioner has incorporated this into their design.

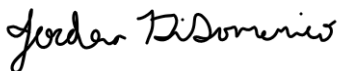
Noise: The inverters at a solar facility create noise which can be intrusive to homes located in close proximity. The Petitioner has planned for the equipment pad to be located in the northeast corner of the Project Site, which is approximately 130-feet south of the property boundaries of the residences at 64 and 74 Brook Hill Road. Tree clearing on the Property is planned in the space between the planned equipment pad and the property boundaries of these two residences.

The Petitioner has completed a noise study and stated that the proposed Project complies with applicable noise regulations. However, DEEP suggests the equipment pad inverters have potential to be a noise nuisance to the residences at 64 and 74 Brook Hill Road, especially due to the tree clearing that is planned in the area abutting the property lines of these residences. DEEP recommends moving the equipment pad further south from the currently planned location, or, if this is not possible, to have an enclosure for the equipment pads, to reduce the likelihood of noise pollution.

It shall be noted that although the planned equipment pad is also in close proximity to the property boundary of the residence at 420 Denslow Hill Road, this residential parcel contains a large stretch of forested land between the property boundary and the residence itself, therefore noise impacts are less likely for the 420 Denslow Hill Road property.

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.

Respectfully yours,



Jordan DiDomenico
Environmental Analyst 1

CC: Katie Dykes, DEEP Commissioner