



STATE OF CONNECTICUT  
*CONNECTICUT SITING COUNCIL*

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)

Web Site: [portal.ct.gov/csc](http://portal.ct.gov/csc)

**VIA ELECTRONIC MAIL**

September 16, 2024

TO: Service List, dated August 16, 2024

FROM: Melanie Bachman, Executive Director *MAB*

RE: **PETITION NO. 1638** – LSE Sextans LLC and LSE Sextans II 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 3.0-megawatt AC solar photovoltaic electric generating facility and associated equipment located at Parcel Nos. 221-3-1 and 222-4-26, Lovers Lane, Torrington, Connecticut, and associated electrical interconnection.

---

Comments have been received from the Department of Energy and Environmental Protection on September 15, 2024. A copy of the comments is attached for your review.

MAB/MP/dll

c: Council Members  
CGS §16-50j(g) State Agency Comment List (via electronic mail)



September 15, 2024

Connecticut Siting Council  
10 Franklin Square  
New Britain, Connecticut 06051

RE: 3.0 MW Solar Photovoltaic Solar Project  
LSE Sextans, LLC / Lodestar Energy, LLC  
40 Tower Lane, Suite 201  
Avon, CT 06001  
Petition No. 1638

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 Sextans, 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 3.0-megawatt solar photovoltaic project (Project). The Project will occupy approximately 17.19 acres (Project Site). The Project Site is part of two adjacent parcels totaling 54.08 acres (Property) located at 181 and 191 Lovers Lane in Torrington.

Staff are providing comments to discuss areas within DEEP's jurisdiction as they relate to the proposed project. DEEP may also include observations or discuss potential noise and visual impacts that can be avoided or mitigated through project planning. Staff may conduct site visits as part of the analysis to observe site characteristics that may not be captured in project plans.

In addition to reviewing projects for the Siting Council, ERSI staff participate in the [Sustainable Transparent and Efficient Practices](#) (STEPS) for Solar Development process, which includes guidance on siting solar facilities that avoids, minimizes, and/or mitigates adverse impacts to the local community and on the environment, agricultural, and natural resources to the maximum extent practicable.

### **Summary of Key Findings**

The following are the key findings presented in this letter. Key findings are discussed in further detail in the remainder of the letter.

- A large, forested wetland is located directly to the north and the east of the Project Site. The limit of disturbance of the Project and proposed tree clearing line of the northern and eastern portion of the Project Site are generally in line with the 50-foot wetland buffer.
- The Project proposes tree clearing of 11.83 acres of the 17.19-acre Project Site.
- The Project Site and surrounding area are located in a Natural Diversity Data Base (NDDDB) area. The State-listed species, the wood turtle (*Glyptemys insculpta*), has been documented near the Project Site.

- Although the Project Site is currently forested, there is no “core forest.” DEEP’s Bureau of Natural Resources has determined that the Project will not materially affect the status of the Site as core forest.
- One residence (the southernmost building of the Country Woods Condominium Association located at 187 Lovers Lane) may have a close view of the Project Site, especially in the winter due to deciduous trees and vegetation.
- There is no indication from the location of equipment pads that noise will be of concern to residences.
- The Project Site is located in an “environmental justice community,” as that term is defined by Connecticut General Statutes section 22a-20a to include the City of Torrington’s designation as a “Distressed Municipality”. The Project Site also falls within an environmental justice Census block group.
- The petition states that energy from this facility would be sold through net metering to the City of Hartford and there will be a tax benefit to the City of Torrington.
- A pre-application meeting was held with DEEP on July 23, 2023 at which various experts provided guidance to the Petitioner. Recommendations from this meeting summary are included in DEEP’s comments below.

## **Project Description**

The proposed Project will be a 3.0-MW ground-mounted solar photovoltaic facility, using a fixed tilt system. Two (2) arrays located on adjacent properties will be constructed together within one fenced area. The Project Site is 17.19 acres, and will consist of the proposed solar arrays, equipment pads, and access roadways. The Project Site interconnection access is off a paved driveway associated with the Country Woods condominium complex.

The Project Site currently consists of forest and agricultural land. To the north of the Site is forested land and the Country Woods condominium complex. To the east and south of the Site is forested land. To the west of the Site is Lovers Lane, immediately followed by Lovers Lane Brook, which runs adjacent to Lovers Lane and is classified by DEEP as a Class A surface waterbody. A large, forested wetland is located directly to the north and east of the Site. The Petitioner plans to maintain a 50-foot buffer between the wetland and limit of disturbance. The Project proposes tree clearing of 11.83 acres, which is the majority of the 17.19-acre Project Site.

DEEP staff did not conduct a site visit for this Project before submitting review comments. DEEP requested permission from the Petitioner for a site visit by email on August 19<sup>th</sup> and August 22<sup>nd</sup>, 2024, but did not receive a response.

## **DEEP Areas of Focus**

### **Stormwater Management**

Construction-related land disturbances are regulated under the Connecticut General Statutes Section 22a-430 and under Section 402 of the federal Clean Water Act and the National Pollutant Discharge Elimination System (NPDES). Construction projects involving

five (5) or more acres of land disturbance may 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 (Stormwater General Permit). The Petitioner recognizes the need to register for DEEP's General Permit for the Discharge of Stormwater and Dewatering Wastewater (Stormwater General Permit).

According to the petition, to manage the increase in post-development runoff, two (2) grass-lined stormwater management basins with associated outlet structure and riprap-lined overflow are proposed. The stormwater management basins will collect surface runoff from the array and the approximately 450-foot gravel access road.

At a pre-application meeting on July 23, 2023, where DEEP suggested stormwater management practices for the Project. DEEP suggested that all perimeter controls (e.g., swales and basins) will need to be installed and stabilized before work begins on the panel field, and that the machinery used to set post and rack the panels be low-impact to avoid impacts to the existing vegetation. DEEP also stated that the Stormwater Manuals look for a slope bench every 15 vertical feet, so areas such as the slope leading down to the basins from the array may need a slope bench in the middle of the slope, which can then direct stormwater flow to the perimeter diversion channel. Additionally, if a permanent stormwater basin is proposed to have 3 acre-feet of storage above ground level, then a DEEP Dam Safety construction permit is required, as well as registration with the Dam Safety program.

DEEP's Stormwater Division received and has not yet reviewed a stormwater application from the Petitioner on July 16, 2024.

### **Core Forest**

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

Although the Project Site is currently forested, it does not contain core forest. In a letter to the Connecticut Siting Council dated February 16, 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 (NDDB)**

The Project Site and surrounding area are located in an NDDB area. DEEP's Wildlife Division provided an NDDB Determination letter, dated March 1, 2024. The letter states that the State-listed species, the wood turtle (*Glyptemys insculpta*), has been documented near the Project Site. Individuals of this species are riverine and riparian obligates, overwintering and mating in clear, cold, primarily sand-gravel and rock bottomed streams and foraging in riparian zones, fields and upland forests during the late spring and summer. Their habitat in Connecticut is already severely threatened by fragmentation of riverine, instream, riparian,

and upland habitats, but is exacerbated by heavy adult mortality from machinery, cars, and collection.

DEEP's Wildlife Division has recommended protection strategies, as well as providing general design recommendations, to the Petitioner for use during construction activities, post construction, and after decommissioning.

The Petitioner has incorporated a 6" gap below the planned chain link perimeter fence to allow small wildlife to pass to and from the Project Site.

### **Wetlands and Vernal Pools**

A large, forested wetland is located directly to the north and the east of the Project Site. The limit of disturbance of the Project and proposed tree clearing line of the northern and eastern portion of the Project Site are generally in line with the 50-foot buffer line of the wetland. No construction is proposed within 50 feet of the wetland. The two (2) proposed stormwater basins are located within the 100-foot buffer of the wetland. The Project Site slopes downhill, from south to north, towards the northern portion of the wetland. During the DEEP pre-application meeting, it was determined that the proposed directional boring to avoid wetland impacts for the point of interconnection will not require DEEP permitting due to no impacts to the wetland.

### **Reducing Carbon Emissions and Ozone Forming Pollutants**

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. Displacing emissions from fossil combustion also can reduce emissions of nitrogen oxides (NOx) that contribute to the formation of ozone or smog. Displacing NOx emissions especially on peak ozone days in the summer can help reduce the number of days Connecticut's air quality is designated as "unhealthy."

### **Environmental Justice and Equity Considerations**

The Project Site is located in an "environmental justice community" as defined in CGA Sec. 22a-20a, which includes the City of Torrington's designation as a "Distressed Municipality." The Project Site also falls within an environmental justice Census block group. Residents of environmental justice communities often carry disproportionately high pollution burdens, health sensitivities, and/or social stressors, which can be exacerbated by siting that doesn't take into consideration historical and current land use decisions.

The petition states that energy from this facility would be sold through net metering to the City of Hartford and there will be a tax benefit to the City of Torrington.

## Additional Comments


**Visual:** DEEP staff note that one residence (the southernmost building of the Country Woods Condominium Association located at 187 Lovers Lane) is located approximately 100 feet from the Project Site and may have a close view of the solar array, especially in the winter due to deciduous trees and vegetation. If that estimate is accurate, 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.

**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, because equipment pads will be located far enough away (over 400 feet) from the nearest residence.

**Decommissioning Plan:** The petition states that the anticipated operational life of the Project is twenty (20) years or more. At the end of the operational life of the Project, as represented in the petition, restoration of the Project Site will include the removal of the solar array, concrete pads, buried conduit and conductors, equipment, security fencing, and the access road. Any compacted areas that will inhibit the growth of new vegetation will be aerated to encourage new vegetative cover. Aeration, de-compaction, disking and seeding processes will be utilized as needed to encourage full vegetative coverage.

Thank you for the opportunity to review this application and to submit these comments to the Connecticut Siting Council. DEEP's comments are based on information available for review as of the date of this letter, which may not fully apply if elements of this petition are modified through the Siting Council's administrative review process. Since this petition may be modified, these comments should not be considered to be a final endorsement or rejection for the public record.

Respectfully yours,



Jordan DiDomenico  
Environmental Analyst 1

CC: Katie Dykes, DEEP Commissioner