



Lee D. Hoffman
90 State House Square
Hartford, CT 06103-3702
p 860 424 4315
f 860 424 4370
lhoffman@pullcom.com
www.pullcom.com

February 13, 2025

VIA ELECTRONIC MAIL AND OVERNIGHT MAIL

Melanie Bachman
Executive Director/Staff Attorney
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: PETITION NO. 1643 – C-Tec Solar, 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 2.95-megawatt AC solar photovoltaic electric generating facility and associated equipment to be located at 77 Pompeo Road, Thompson, Connecticut, and associated electrical interconnection

Dear Ms. Bachman:

I am writing on behalf of my client, C-Tec Solar, LLC, in connection with the above-referenced Petition. With this letter, I am enclosing C-Tec's Post-Hearing Brief.

Should you have any questions concerning this submittal, please contact me at your convenience. I certify that all parties on the service list for this docket have received a copy of the Brief.

Sincerely,

A handwritten signature in black ink that reads "Lee D. Hoffman". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Lee D. Hoffman

Enclosure

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

PETITION NO. 1643 – C-Tec Solar, 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 2.95-megawatt AC solar photovoltaic electric generating facility and associated equipment to be located at 77 Pompeo Road, Thompson, Connecticut, and associated electrical interconnection	PETITION NO. 1643
	February 13, 2025

POST-HEARING BRIEF

C-Tec Solar, LLC (“C-TEC”) hereby submits this post-hearing brief to the Connecticut Siting Council (“Council”) in connection with C-TEC’s Petition for a Declaratory Ruling for the Council’s approval of a 2.95-megawatt AC solar photovoltaic electric generating facility (“Project”) to be located on a 16 acre portion (“Site”) of the 164 acre parcel located at 77 Pompeo Road, Thompson, Connecticut (“Property”). For the following reasons, C-TEC requests that the Council approve the Petition.

C-TEC, a Connecticut-based developer, has constructed and is now operating over 310 MW of solar projects nationally. Petition, at p. 4. As such, C-TEC fully understands and appreciates the concerns brought forward in this proceeding by the Council and the citizens of the Town of Thompson (“Town”) regarding the Project’s potential visual impacts. *See generally*, Hearing Transcript 2 p.m., 01/16/25, (hereinafter, “Tr.”) and Public Session Transcript 6:30 p.m., 01/16/25 (hereinafter, “Pub. S. Tr.”). However, C-TEC believes it has provided significant evidence that such impacts will be mitigated and that overall, the Project meets the standards for approval of a Petition pursuant to Conn. Gen. Stat. § 16-50k.

As the Council is well aware, the statutory standards for Petitions for solar facilities with more than 2 MW of capacity require that the facility: (i) meets air and water quality standards of the Department of Energy and Environmental Protection (“DEEP”), (ii) does not have a substantial adverse environmental effect, and (iii) receives certification from the Department of Agriculture (“DoAg”) that the facility will not adversely impact prime farmland, and that the facility receives certification from DEEP that the facility will not materially affect the site as core forest. Conn. Gen. Stat. § 16-50k(a). C-TEC has provided ample evidence that it has met requirements (i)-(iii) of Conn. Gen. Stat. § 16-50k(a).

As for Subsection (i) of Conn. Gen. Stat. § 16-50k(a), the Project will not generate any air emissions and any temporary air impacts resulting from construction vehicles will be *de minimis*. Petition, at p. 16. The Site was specifically selected to avoid impacts to wetlands located elsewhere on the Property. Tr., at 50. The Site is adequately set back from wetlands and wetlands will be further protected by incorporation of permanent stormwater retention basins and vegetation at the Site. Petition, at p. 18. C-TEC advised the Council that it was also amenable to moving a portion of the solar panels on the Site. Tr., at p. 52. The movement of these panels could obviate the need for the stormwater basin closest to Pompeo Road. *Id.*

In terms of Subsection (iii) of Conn. Gen. Stat. § 16-50k(a), DEEP has determined that the Project will not materially affect the status of the Site as core forest. *See*, Petition, Appendix K. Although the Site requires clearing of approximately 19 acres of trees which are not considered core forest, it was brought to the attention of the Council that the Property owner has been timbering on this land since at least 2019, thus C-TEC needs to grub the already-cleared Site. Tr., at p. 48; 76-7. It does not need to clear trees. *Id.* DoAg determined that the Project will not affect prime farmland on the Site is located outside of areas of the Property which contain prime farmland. *See*, Petition, Appendix L.

The majority of the time at the hearings centered on potential visual impacts, and how those could be successfully mitigated. However, when considering Subsection (ii) of Conn. Gen. Stat. § 16-50k(a), when evaluating whether a project is likely to result in an adverse environmental impact, visual impacts are but one of the many environmental factors considered, including, air and water quality, potential impacts to stormwater and/or wetlands; forests and parks; agriculture, scenic, historic, and recreational values; fish, aquaculture and wildlife; visibility; and noise. During the hearing, the Council questioned C-TEC thoroughly regarding visibility of the Project from Pompeo Road. Pompeo Road is not a state-designated scenic road, but the Town voted to designate it as a municipal scenic road pursuant to the Thompson Conservation Commission standards for scenic roads. Tr., at p. 61.

As such, C-TEC made clear to the Council that the Project will be set back over 150 feet from the nearest residence on Pompeo Road with an existing natural buffer running along the Road. In addition, C-Tec stated that it would provide evergreen plantings where needed, including arborvitaes seven feet high and potentially a green agricultural fence to blend with the scenery of the road. Tr., at 44; 50. The total length of screening surrounding the Project would exceed three hundred feet. Tr., at 44. In fact, the Council has recognized that the closest abutter located at 35 Pompeo Road will not be able to view the solar panels or associated equipment, and while that abutter will view the access road, that road is now in existence, and the abutter can view it today. *Id.* Moreover, the road will be slightly improved with gravel for the Project. *Id.* When asked by the Council if C-TEC would be amenable to moving the Project's access road to the north to eliminate the proposed gravel road from view, C-TEC responded that it would be willing to discuss that option with the landowner.

However, even if the existing access road is improved with gravel for Site access, given the fact that those traveling along Pompeo Road will only view an existing access road to the

Project, the Town's standards for scenic roads are not affected.¹ Thus, approval of the Project would not likely result in a change in Pompeo Road's status as a municipal scenic road. Tr., at 62-3.

As for the other environmental factors the Council considers, the Project will not result in any substantial environmental impacts. As stated above, no adverse impacts are expected to air and water quality and stormwater retention has been designed to meet DEEP's standards. The Project does not adversely impact wildlife or aquaculture, forests, parks, agriculture, recreational or historic values. *See generally*, Petition; Petitioner Responses to Council Interrogatories ("Interrogatory Responses"), 01/09/25, Exhibits F and G. The noise levels associated with operation of the Project are far below the state's standards. Tr., at p. 42-3; Interrogatory Responses, Exhibit C. The maximum noise level from operation of the facility to the nearest property line located at 35 Pompeo Road is 35 dBA during daytime operation and will produce no noise at night, as compared to the state's standards of 56 dBA for daytime and 46 dBA for nighttime. *Id.*

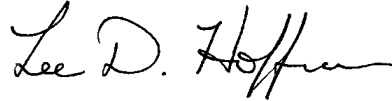
Finally, C-TEC would like to bring to the Council's attention that there has been no notice issue within this proceeding. During the 6:30 PM Public Comment Session, Rene Miller, alleged that Stasia Menard, who owns 35 Pompeo Road, was not notified of the Petition. Pub. S. Tr., at p. 22-3. This is incorrect. Ms. Menard was notified on September 26, 2024 and again on January 9, 2025 of the Petition. Please see Appendix M of the Petition and C-TEC's Response to Interrogatory Number 2.

¹ The Town's Code § 223-29 provides the following criteria for designation as a scenic road: (A) It is unpaved; (B) It is bordered by mature trees or stone walls; (C) The travel portion is no more than 20 feet in width; (D) It offers scenic views; (E) It blends naturally into the surrounding terrain; or (F) It parallels or crosses over brooks, streams, lakes, or ponds. Note that this list includes the disjunctive "or" and thus, any number of criteria may be found sufficient to designate the road as scenic. The current road is paved already, and it will still be bordered by natural vegetation and will still offer scenic views while blending into the surrounding terrain. The only difference in the viewshed from Pompeo Road is that the existing access road to the Site will be gravel.

WHEREFORE, C-TEC respectfully requests that the Council grant its Petition, for the reasons set forth above.

Respectfully submitted,

C-TEC SOLAR, LLC

A handwritten signature in black ink that reads "Lee D. Hoffman". The signature is written in a cursive style with a horizontal line underneath it.

By: _____
Lee D. Hoffman
Liana A. Feinn
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103
(860) 424-4315 (phone)
(860) 424-4370 (fax)
lhoffman@pullcom.com
Its Attorneys