



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

June 26, 2025

TO: Service List, dated January 8, 2025

FROM: Melanie Bachman, Executive Director *MAB*

RE: **PETITION NO. 1655** – Borrelli 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 1.99-megawatt AC solar photovoltaic electric generating facility and associated equipment to be located at 179 and 197 Borrelli Road, East Haven, Connecticut, and associated electrical interconnection.

After the Connecticut Siting Council (Council) issues its draft findings of fact, parties and intervenors may identify errors or inconsistencies between the Council's draft findings of fact and the record; however, no new information, evidence, argument, or reply briefs will be considered by the Council.

Parties and Intervenors may file written comments with the Council on the Draft Findings of Fact issued on this matter by the close of business on July 3, 2025.

MAB/MP/dll

Enclosure

PETITION NO. 1655 – Borrelli 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 1.99-megawatt AC solar photovoltaic electric generating facility and associated equipment to be located at 179 and 197 Borrelli Road, East Haven, Connecticut, and associated electrical interconnection.	}	Connecticut
	}	Siting
	}	Council

June 20, 2025

DRAFT Findings of Fact

Introduction

1. On January 7, 2025, Borrelli Solar LLC (BSL) submitted a petition to the Connecticut Siting Council (Council), pursuant to Connecticut General Statutes (CGS) §16-50k and §4-176, for a declaratory ruling for the construction, maintenance, and operation of a 1.99-megawatt AC solar photovoltaic electric generating facility and associated equipment located at 179 and 197 Borrelli Road and associated electrical interconnection (Petition or Project). (BSL 1, pp. 4-5)
2. Pursuant to CGS §16-50k(a), the Council shall, in the exercise of its jurisdiction over the siting of generating facilities, approve by declaratory ruling any distributed resources facility with a capacity of not more than 65 MW unless the Council finds a substantial adverse environmental effect. (CGS §16-50k (2025)).
3. The Council has exclusive jurisdiction over electric generating facility sites throughout the state. A facility site is defined as a contiguous parcel of property with specified boundaries, including, but not limited to, the leased area, right-of-way, access and easements on which a facility and associated equipment is located, shall be located or is proposed to be located. (CGS §16-50i(a)(3); CGS §16-50x (2025); Regulations of Connecticut State Agencies (RCSA) §16-50j-2a(29) (2025))
4. Pursuant to §16-50x, the Council has exclusive jurisdiction over the construction, maintenance and operation of the proposed solar photovoltaic electric generating facility. (CGS §16-50x (2025))
5. BSL is a limited liability company with its principal place of business in New Haven, Connecticut. BSL is affiliated with Ecos Energy LLC (Ecos), based in Minneapolis, Minnesota. Ecos and its affiliates have developed, constructed, and operated 19 solar facilities in Connecticut, totaling approximately 22 MW AC. (BSL 1, pp. 4-5)
6. The party to this proceeding is BSL. (Record)
7. Under RCSA §16-50j-16, the Council may add parties and intervenors at any time during the pendency of a proceeding. Any person granted status is responsible for obtaining and reviewing all materials for the proceeding. (RCSA §16-50j-16 (2025))
8. There are no Connecticut Environmental Protection Act (CEPA) Intervenor in this proceeding. (Record)

9. On or about January 8, 2025, pursuant to RCSA § 16-50j-40, BSL provided notice of the Petition to all abutting property owners by certified mail and to federal, state and local officials and agencies listed in CGS §16-50l (b). On January 13, 2025, BSL provided notice to the Office of Consumer Counsel (OCC). On January 15, 2025, BSL provided notice to the Town of North Branford and the Town of North Haven, which are located within 2,500 feet of the proposed site. (BSL 1, p. 11 and Attachment C; BSL 2; BSL 3)
10. BSL has a 25-year lease for the proposed site with options for up to two, five-year extensions. The proposed site consists of two abutting parcels owned by Vineyard Sky Farms Corp (VSFC): Parcel 610-7241-002 located at 179 Borrelli Road; and Parcel 610-7241-003 located at 197 Borrelli Road. VSFC is an affiliate of BSL. (BSL 1, pp. 5, 19; BSL 4, response 8, Lease Agreement – Section 4)
11. If BSL transfers the solar facility to another entity in the future, BSL would provide a written agreement as to the entity responsible for any outstanding conditions of the declaratory ruling and quarterly assessment charges under CGS §16-50v(b)(2) that may be associated with the facility, including contact information for the individual acting on behalf of the transferee. (BSL 4, response 6)
12. The proposed Project would be a “grid-side distributed resources” facility under CGS § 16-1(a)(37). (CGS § 16-1(a)(37)(2025); BSL 1, p. 25)
13. The proposed Project would generate renewable electrical energy from solar power. Solar power is considered a Class I renewable energy source. (CGS §16-1(a)(20)(2025); BSL 1, pp. 4, 11)
14. The State legislature established a renewable energy policy under CGS §16a-35k that encourages the development of renewable energy facilities to the maximum extent possible. (CGS §16a-35k; BSL 1, p. 4)
15. Pursuant to CGS §16-50x, the Council has exclusive jurisdiction over the construction, maintenance and operation of the proposed solar photovoltaic electric generating facility. (CGS §16-50x (2025))

Procedural Matters

16. Upon receipt of the Petition, on January 8, 2025, the Council sent a letter to the Town of East Haven (Town), the Town of North Haven, and the Town of North Branford (collectively, the municipalities), as notification that the Petition was received and is being processed, in accordance with CGS §16-50k(a), and invited the municipalities to contact the Council with any questions or comments by February 6, 2025. (Record)
17. Local zoning regulations do not apply to facilities under the exclusive jurisdiction of the Council. Pursuant to CGS §16-50x, the Council has exclusive jurisdiction over solar facilities with a generating capacity greater than 1 MW throughout the state. It shall consider any location preferences provided by the host municipality as the Council shall deem appropriate. (CGS §16-50x (2025))
18. On February 6, 2025, the deadline for public comment on the Petition, the Town submitted a request for a public hearing and a request for an extension of time to submit comments. (Record)
19. On February 6, 2025, the Council granted an extension of time for comments from any interested person to February 20, 2025. (Record)
20. During a public meeting held on February 20, 2025, the Council granted the Town’s request for a public hearing. (Record)

21. On March 6, 2025, during a public meeting, the Council approved a public hearing schedule. This extended the public comment period to 30 days following the close of the evidentiary record. (Record)
22. CGS §1-225a permits public agencies to hold remote meetings under the Freedom of Information Act (FOIA) and the Uniform Administrative Procedure Act. FOIA defines “meeting” in relevant part as “any hearing or other proceedings of a public agency.” (CGS §1-225a (2025); CGS §1-200, *et seq.* (2025))
23. CGS §1-225a allows public agencies to hold remote meetings provided that:
 - a) The public has the ability to view or listen to each meeting or proceeding in real-time, by telephone, video, or other technology;
 - b) Any such meeting or proceeding is recorded or transcribed and such recording or transcript shall be posted on the agency’s website within seven (7) days of the meeting or proceeding;
 - c) The required notice and agenda for each meeting or proceeding is posted on the agency’s website and shall include information on how the meeting will be conducted and how the public can access it any materials relevant to matters on the agenda shall be submitted to the agency and posted on the agency’s website for public inspection prior to, during and after the meeting; and
 - e) All speakers taking part in any such meeting shall clearly state their name and title before speaking on each occasion they speak.
(CGS §1-225a (2025))
24. Pursuant to CGS §16-50m, on March 7, 2025, the Council sent a letter to the municipalities to provide notification of the scheduled public hearing via Zoom remote conferencing. (Record)
25. Pursuant to CGS §16-50m, the Council published legal notice of the date and time of the public hearing via Zoom remote conferencing in the New Haven Register on March 10, 2025. (Record; Transcript 1 – April 10, 2025 – 2:00 p.m. [Tr. 1], p. 4; Transcript 2 – April 10, 2025 – 6:30 p.m. [Tr. 2], p. 4)
26. The Council’s Hearing Notice did not refer to a public field review of the proposed site. Field reviews are neither required by statute nor an integral part of the public hearing process. The purpose of a field review is an investigative tool to acquaint members of a reviewing commission with the subject property. (Council's Hearing Notice dated March 7, 2025; Council Administrative Notice Item No. 76 – *Manor Development Corp. v. Conservation Comm. of Simsbury*, 180 Conn. 692, 701 (1980); Council Administrative Notice Item No. 77 – *Grimes v. Conservation Comm. of Litchfield*, 243 Conn. 266, 278 (1997))
27. On March 18, 2025, in lieu of an in-person field review of the proposed site, the Council requested that BSL submit photographic documentation of site-specific features into the record intended to serve as a “virtual” field review of the proposed site. On April 4, 2025, BSL submitted such information in response to the Council’s interrogatories. (Record; BSL 4, response 51)
28. Pursuant to CGS §16-50p(g), the Council shall in no way be limited by BSL already having acquired land or an interest therein for the purpose of constructing the proposed facility. (CGS §16-50p(g) (2025); Council Administrative Notice Item No. 80 - *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007))
29. The Council’s evaluation criteria under CGS §16-50p does not include the consideration of property ownership or property values nor is the Council otherwise obligated to take into account the status of property ownership or property values. (CGS §16-50p (2025); *Woodbridge Newton Neighborhood*

Env't Trust, et al v. Conn. Siting Council, 2024 Conn. LEXIS 163 (2024); *Goldfisher v. Conn. Siting Council*, 95 Conn. App. 193 (2006))

30. On March 19, 2025, the Council held a pre-hearing conference on procedural matters for parties and intervenors to discuss the requirements for pre-filed testimony, exhibit lists, administrative notice lists, expected witness lists, and filing of pre-hearing interrogatories, as well as the order of party and intervenor appearances and cross examination during the hearing. BSL participated in the pre-hearing conference. Procedures for the public hearing via Zoom remote conferencing were also discussed. (Council Pre-Remote Hearing Conference Memorandum, dated March 13, 2025)
31. In compliance with RCSA §16-50j-21, on March 31, 2025, BSL installed a four-foot by six-foot sign in the vicinity of the proposed site access drive off of Borrelli Road. The sign presented information about the proposed solar facility, the public hearing date and contact information for the Council. (Council Pre-Remote Hearing Conference Memorandum, dated March 13, 2025; Tr 1. pp. 11-12)
32. Pursuant to CGS §16-50m, the Council gave due notice of a public hearing on April 10, 2025, beginning with the evidentiary session at 2:00 p.m. and continuing with the public comment session at 6:30 p.m. via Zoom remote conferencing. The Council provided information for video/computer access or audio only telephone access. (Council's Hearing Notice dated March 7, 2025; Tr. 1, p. 1)
33. The 6:30 p.m. public comment session afforded interested persons the opportunity to provide oral limited appearance statements. Interested persons were also afforded an opportunity to provide written limited appearance statements at any time up to 30 days after the close of the evidentiary record. Limited appearance statements in this proceeding, whether oral or written, were not provided under oath nor subject to cross examination. (Tr. 2, pp. 4-5; CGS §16-50n(f) (2025))
34. During the public comment session of the Council's hearing held on April 10, 2025, no persons made an oral limited appearance statement about the proposed facility. (Tr. 2, pp. 4-5)
35. In compliance with CGS §1-225a:
 - a) The public had the ability to view and listen to the remote public hearing(s) in real-time, by computer, smartphone, tablet or telephone;
 - b) The remote public hearings were recorded and transcribed, and such recordings and transcripts were posted on the Council's website on April 10, and April 24, 2025, respectively;
 - c) The Hearing Notice, Hearing Program, Citizens Guide for Siting Council Procedures and Instructions for Public Access to the Remote Hearing were posted on the agency's website;
 - d) Prior to, during and after the remote public hearing, the record of the proceeding has been, and remains, available on the Council's website for public inspection; and
 - e) The Council, parties and intervenors provided their information for identification purposes during the remote public hearing.(Hearing Notice dated March 7, 2025; Tr. 1; Tr. 2; Record)
36. The purpose of discovery is to provide the Council, parties and intervenors access to all relevant information in an efficient and timely manner to ensure that a complete and accurate record is compiled. (RCSA §16-50j-22a (2025))
37. In an administrative proceeding, irrelevant, immaterial or under repetitious evidence shall be excluded, and an agency has the right to believe or disbelieve the evidence presented by any witness, even an expert, in whole or in part. (CGS §4-178 (2025); *Dore v. Commissioner of Motor Vehicles*, 62 Conn. App. 604 (2001); R.C.S.A. §16-50j-25 (2025))

38. The Council's experience, technical competence, and specialized knowledge may be used in the evaluation of evidence. In accordance with the Council's March 6, 2025 completeness review, the Council determined this Project would not require an outside consultant. (Record; CGS §4-178 (2025))
39. During the public hearing held on April 10, 2025, the Council requested BSL to submit supporting documentation for the Wetland Delineation Report that is attached to the Petition as Exhibit E, including, but not limited to, wetland functions and values, and any potential wetland impacts associated with the proposed 50-foot buffer as a late-filed exhibit. (Council Late Filed Exhibit Memo, dated April 11, 2025)
40. BSL submitted the late-filed exhibit requested by the Council on April 24, 2025. (Record)
41. Pursuant to CGS §16-50n(f), at a public meeting held on May 15, 2025, the Council closed the evidentiary record for Petition 1655 and established June 14, 2025 as the deadline for the submission of briefs and proposed findings of fact. (Council Close of Evidentiary Record Memorandum dated May 16, 2025)
42. BSL submitted a post-hearing brief with proposed findings of fact on June 16, 2025. (Record)
43. Constitutional principles permit an administrative agency to organize its hearing schedule so as to balance its interest in reasonable, orderly and non-repetitive proceedings against the risk of erroneous deprivation of a private interest. It is not unconstitutional for the Council, in good faith, to balance its statutory time constraints against the desire of a party, intervenor or CEPA intervenor for more time to present their objections to a proposal. (*Concerned Citizens of Sterling v. Conn. Siting Council*, 215 Conn. 474 (1990); *Pet v. Dept. of Public Health*, 228 Conn. 651 (1994); *FairwindCT, Inc. v. Conn. Siting Council*, 313 Conn. 669 (2014))

Municipal Consultation

44. BSL submitted the site plan for the proposed facility along with notice of the Petition to the Town on or about January 8, 2025. BSL did not receive comments from the Town since the filing of the Petition. (BSL 1, p. 11 and Attachment C; BSL 4, response 1)
45. On February 20, 2025, the Council received comments from the Town Deputy Fire Marshal¹ related to fire safety, which are addressed in the Public Health and Safety section of this document pursuant to CGS §16-50p. (Town Deputy Fire Marshal Comments received February 20, 2025)
46. On February 20, 2025, the Council received comments from the Town Planning and Zoning Department² related to setbacks, landscape plantings, noise control measures, traffic control, and soil management, which are addressed in the Public Health and Safety and Environmental Effects and Mitigation Measures sections of this document pursuant to CGS §16-50p. (Town of East Haven Planning and Zoning Comments received February 20, 2025)

¹https://portal.ct.gov/-/media/csc/3_petitions-medialibrary/petitions_medialibrary/mediapetitionnos1601-1700/pe1655/sac_municipal_determinations/pe1655_easthaven_commentsrcd_22025_a.pdf?rev=8a8d19b79f76419382bcd10a69e6d2c6&hash=151E8E422C2CAED3DE6C9F7250A07102

²https://portal.ct.gov/-/media/csc/3_petitions-medialibrary/petitions_medialibrary/mediapetitionnos1601-1700/pe1655/sac_municipal_determinations/pe1655_easthaven_commentsrcd_22025_a.pdf?rev=8a8d19b79f76419382bcd10a69e6d2c6&hash=151E8E422C2CAED3DE6C9F7250A07102

State Agency Comments

47. Pursuant to RCSA §16-50j-40, on January 8, 2025 and March 7, 2025, the following state agencies were requested to submit written comments regarding the proposed facility: DEEP; Department of Agriculture (DOAg); Department of Public Health (DPH); Council on Environmental Quality (CEQ); Public Utilities Regulatory Authority (PURA); Office of Policy and Management (OPM); Department of Economic and Community Development (DECD); Department of Emergency Services and Public Protection (DESPP); Department of Labor (DOL); Department of Administrative Services (DAS); Department of Transportation (DOT); the Office of Consumer Counsel (OCC); the Connecticut Airport Authority (CAA); and the State Historic Preservation Office (SHPO). (Record)
48. On January 23, 2025, the Council received comments from CEQ³ related to public water supply and spill prevention, wildlife, stormwater, erosion and sediment control, wetlands, soils, noise, visibility, and vegetation. These concerns, among other environmental concerns, are addressed in the Environmental Effects and Mitigation Measures section of this document pursuant to CGS §16-50p. (Record; CGS §16-50p (2025))
49. On February 5, 2025, the Council received comments from DPH⁴ related to drinking water, which is addressed in the Environmental Effects and Mitigation Measures section of this document pursuant to CGS §16-50p. (Record; CGS §16-50p (2025))
50. On February 7, 2025, the Council received comments from DEEP⁵ related to stormwater, core forest, wildlife, wetlands and vernal pools, air emissions, visibility, noise, and decommissioning. These concerns, among other environmental concerns, are addressed in the Environmental Effects and Mitigation Measures section of this document pursuant to CGS §16-50p. (Record; CGS §16-50p (2025))
51. On April 24, 2025, the Council received additional comments from CEQ⁶ related to wildlife, which is addressed in the Environmental Effects and Mitigation Measures section of this document pursuant to CGS §16-50p. (Record; CGS §16-50p (2025))
52. While the Council is obligated to consult with and solicit comments from state agencies by statute, the Council is not required to abide by the comments from state agencies. (Council Administrative Notice Item No. 80, *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007))

³https://portal.ct.gov/-/media/csc/3_petitions-medialibrary/petitions_medialibrary/mediapetitionnos1601-1700/pe1655/sac_municipal_determinations/pe1655_statememo-ceq_commentsrecd_a.pdf?rev=2997202a1c5b42648400f2bdeac04ef6&hash=15A7028B1718F6FAEAE37249D85E7C79

⁴https://portal.ct.gov/-/media/csc/3_petitions-medialibrary/petitions_medialibrary/mediapetitionnos1601-1700/pe1655/sac_municipal_determinations/pe1655_statememo-dph_commentsrecd_a.pdf?rev=f153fc266ce744579632b29646dcf37b&hash=2210AF3862EB958CEB431E8AAA39F517

⁵https://portal.ct.gov/-/media/csc/3_petitions-medialibrary/petitions_medialibrary/mediapetitionnos1601-1700/pe1655/sac_municipal_determinations/pe1655_statememo-deep_commentsrecd_a.pdf?rev=e5dfb3156c0c40dba2b07f6d8c812295&hash=1E3918C96D6B7932ED8FFE4568D85AE0

⁶https://portal.ct.gov/-/media/csc/3_petitions-medialibrary/petitions_medialibrary/mediapetitionnos1601-1700/pe1655/sac_municipal_determinations/pe1655_ceq-additlcommentsrecd_042425_a.pdf?rev=f532ded9bde74783806ad14e6262991b&hash=929D4051324CDDFECBB449FE3A233AEB

State of Connecticut Planning and Energy Policy

53. Section 51 of Public Act (PA) 11-80 requires that DEEP prepare a Comprehensive Energy Strategy (CES) every three years that reflects the legislative findings and policy stated in CGS §16a-35k. As such, this statute consolidated Connecticut's energy planning for the first time. The state's inaugural CES was published on February 19, 2013 (2013 CES). It advocated smaller, more diversified generation projects using renewable fuels, as well as smaller, more innovative transmission projects emphasizing reliability. (CGS §16a-3d (2025))
54. The CES examines future energy needs and identifies opportunities to reduce ratepayer costs, ensure reliable energy availability, and mitigate public health and environmental impacts. CES Strategy No. 3 is "Grow and sustain renewable and zero-carbon generation in the state and region." The state Integrated Resource Plan assesses the state's future electric needs and a plan to meet those future needs, including, but not limited to, pathways to achieve a 100 percent zero carbon electric supply by 2040. (Council Administrative Notice Item Nos. 50 and 51)
55. The proposed facility will contribute to fulfilling the State's Renewable Portfolio Standard and Global Warming Solutions Act as a zero emission Class I renewable energy source. (Council Administrative Notice Item No. 50)
56. CGS §16-245a establishes Connecticut's *Renewable Portfolio Standards (RPS)*. RPS requires that 40 percent of Connecticut's electricity usage be obtained from Class I renewable resources by 2030. (CGS §16-245a (2025))
57. The Global Warming Solutions Act (GWSA) sets a goal of reducing greenhouse gas (GHG) emissions by 80 percent by 2050. (CGS §22a-200 (2025))
58. The proposed facility will contribute to fulfilling the State's RPS and GWSA as a zero emission Class I renewable energy source. (Council Administrative Notice Item No. 50)

Competitive Energy Procurement

59. The Project bid into the statewide Non-Residential Renewable Energy Solutions (NRES) Program, which is a competitive procurement process established by PURA in June 2021, administered by the state's electric distribution companies to develop the state's Class I renewable energy objectives and to encourage participation by customers in underserved and environmental justice communities. The NRES Program is a successor program to the Low Emission Renewable Energy Credit and Zero Emission Renewable Energy Credit (LREC/ZREC) and Virtual Net Metering (VNM) programs. (Council Administrative Notice Item No. 72; BSL 1, p. 20)
60. New or incremental Class I renewable generation projects ranging in size from 100 to 5,000 kW (AC) are eligible to bid into the NRES Program for a Tariff Terms Agreement (TTA) with a 20-year term. The electricity, capacity, and renewable energy credits (RECs) produced by the facility would be sold to The United Illuminating Company (UI) in accordance with the TTA. (Council Administrative Notice Item No. 72; BSL 1, p. 20; BSL 4, responses 2 and 3)
61. The proposed facility consists of a single solar array separated into two array areas. The northern array area (located in the northwestern corner of the site) would have an output rating of 0.50 MW AC. The southern array area (i.e. the main array area) would have an output rating of 1.49 MW AC. (Tr. 1, pp. 12-13)

62. Under the TTA, UI would own capacity output of the facility. Thus, BSL would not participate in an ISO-New England, Inc. (ISO-NE) Forward Capacity Auction during the term of the TTA. (Council Administrative Notice Item No. 72; BSL 1, p. 20; BSL 4, responses 3 and 17)

Public Benefit

63. A public benefit exists when a facility is necessary for the reliability of the electric power supply of the state or for the development of a competitive market for electricity. (CGS §16-50p (2025))
64. The Project would be a distributed energy resource facility as defined in CGS §16-1(a)(49). CGS §16a-35k establishes the State's energy policy, including the goal to "develop and utilize renewable energy resources, such as solar and wind energy, to the maximum practicable extent." (CGS §16-1(a)(49) (2025); CGS §16a-35k (2025))
65. PA 05-1, An Act Concerning Energy Independence, established a rebuttable presumption that there is a public benefit for electric generating facilities selected by the Department of Public Utility Control (DPUC, now known as PURA) in a Request for Proposals. (PA 05-1; CGS§16-50k (2025))

Public Act 17-218

66. Public Act (PA) 17-218 requires, "for a solar photovoltaic facility with a capacity of two or more megawatts, to be located on prime farmland or forestland, excluding any such facility that was selected by DEEP in any solicitation issued prior to July 1, 2017, pursuant to section 16a-3f, 16a-3g or 16a-3j, the DOAg represents, in writing, to the Council that such project will not materially affect the status of such land as prime farmland or DEEP represents, in writing, to the Council that such project will not materially affect the status of such land as core forest." (Record; CGS §16-50k(a) and §16a-3k (2025))
67. The proposed solar facility has a generating capacity of 1.99 MW; therefore, it is exempt from the provisions of PA 17-218. (BSL 1, pp. 4, 18-19)
68. PA 17-218 does not confer the Council's exclusive jurisdiction upon DOAg or DEEP nor does it permit DOAg or DEEP to impose any enforceable conditions on the construction, maintenance and operation of solar photovoltaic electric generating facilities under the exclusive jurisdiction of the Council. (CGS §16-50k and 16-50x (2025))
69. PA 17-218 also requires that the Council not find a substantial adverse environmental effect in its exercise of jurisdiction over facilities eligible to be approved by declaratory ruling under CGS §16-50k. There are no exemptions from this provision of PA 17-218. (CGS §16-50k (2025))
70. PA 23-163 relating to a decommissioning bond and agricultural site restoration requirement does not apply to the proposed solar facility as it was submitted to the Council as a Petition for a Declaratory Ruling rather than an Application for a Certificate. (CGS §16-50k (2025))
71. BSL developed a Decommissioning Plan for restoration of the site at the end of the Project's useful life, in accordance with terms of the lease. Most project components would be removed, except for the fencing, access and electrical interconnection, which may remain if requested by the property owner. Disturbed areas would be seeded to match existing ground cover. (BSL 1, Attachment H; BSL 4, response 8)

Site Selection

72. BSL selected the host parcel for the solar facility site based on availability, cost, topography, existing clearing, lack of prime farmland soils, and proximity to electrical utilities for interconnection. (BSL 1, p. 19; BSL 4, response 9)
73. BSL examined alternative locations within UI's service area. None of them met all of BSL's requirements necessary for the installation of a solar array. Such sites were rejected due to cost, wetland issues, topography issues, or location in a highly developed area. (BSL 1, p. 19; BSL 4, response 9)
74. Pursuant to CGS §16-50p(g), the Council has no authority to compel a parcel owner to sell or lease property, or portions thereof, for the purpose of siting a facility. (Council Administrative Notice Item No. 75 - *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007))

Proposed Site

75. Pursuant to RCSA §16-50j-2a(29), "Site" means a contiguous parcel of property with specified boundaries, including, but not limited to, the leased area, right-of-way, access and easements on which a facility and associated equipment is located, shall be located or is proposed to be located. (RCSA §16-50j-2a(29)(2025))
76. The Council does not have jurisdiction or authority over any portion of the host parcel beyond the boundaries of the facility "site." This includes portions of the host parcel retained by the property owner and portions of the host parcel the property owner may lease to third parties. Once a facility is decommissioned, the Council no longer has jurisdiction or authority over the facility "site." (CGS §16-50p(g) (2025))
77. Under CGS §16-50p, the Council's evaluation criteria does not include the evaluation and/or determination of rights under any lease with the property owner of the proposed site nor does it include the evaluation of property values. (CGS §16-50p (2025); *Woodbridge Newton Neighborhood Env't Trust, et al v. Conn. Siting Council*, 2024 Conn. LEXIS 163 (2024))
78. Pursuant to a lease agreement with the property owner, BSL proposes to construct the solar facility on an approximate 8.1-acre site comprised of two abutting parcels totaling 12.95 acres. (BSL 1, p. 5; BSL 4, responses 8 and 40)
79. The host parcels are zoned Residential Vacant Land (R-3) and are currently vacant with no existing structures. (BSL 1, p. 5)
80. The majority of the site consists of a cleared field, and the northern portion of the site is wooded. (BSL 1, p. 5)
81. The site was formerly used as a gravel pit and for a construction business to store equipment, materials and non-hazardous construction debris. Construction debris was buried and capped with approximately 10 feet of clean soil. (BSL 1, p. 5)
82. Collectively, the host property has frontage on Borrelli Road to the south. (BSL 1, p. 6)

83. Land use surrounding the site includes agricultural fields and undeveloped land to the north and east, single-family residential and undeveloped land on the opposite side of Borrelli Road to the south, and single-family residential to the west. (BSL 1, pp. 5-6 and Attachment A – Key Observation Point Plan)
84. The site slopes from west to east. Ground elevations range from approximately 100 feet to 202 feet above mean sea level (amsl). (BSL 1, Attachment A, Sheet 2)

Proposed Facility

Solar Array

85. The proposed Project consists of approximately 4,316 photovoltaic panels rated at 690 Watts. The final panel wattage may change due to final equipment selection. (BSL 1, p. 6; Tr. 1, p. 71-72)
86. The panels would be installed at a 25-degree angle on a fixed-mount racking system supported by a ballast foundation. The panels would be approximately 10 feet above grade at the highest point and approximately 3 feet at the lowest point. (BSL 1, p. 7 and Attachment A – Sheet 13)
87. The panels would be arranged in linear rows in an east-west direction, separated by 8-foot wide vegetated aisles. (BSL 1, Attachment A – Sheets 2 and 13)
88. Two equipment pads with dimensions of approximately 14-foot by 12-foot and 12-foot by 9-foot would support a transformer, inverters, metering equipment, disconnect switches, data acquisition (i.e. monitoring) equipment, and communications and video security equipment. The pads would be installed in the east-central portion of the site. (BSL 1, pp. 7, 17; BSL 4, response 24; Tr. 1, pp. 17-19)
89. Panel row wiring would generally extend above ground along the racking system supported by cable hangers. Additionally, the wiring would be UV rated to protect against sunlight. (BSL 4, response 16)
90. The Project would be enclosed by an 8-foot tall fixed-knot game style perimeter fence. (BSL 1, p. 8)
91. The nearest property line to the solar facility perimeter fence is 26 feet to the southeast at the Borrelli Road Town right-of-way. (BSL 4, response 11)
92. The nearest residence to the solar facility perimeter fence is approximately 59 feet to the west at 207 Borrelli Road. (BSL 4, response 11 – Attachment D)

Site Access

93. The Project would be accessed by a new 12-foot wide, 1,122-foot long gravel access drive extending north from Borrelli Road along the western side of the site. (BSL 1, p. 6; BSL 4, responses 15 and 27)

Electrical Interconnection

94. The Project is comprised of one metered system with a total design capacity of approximately 1.99 MW AC that would connect to an existing distribution circuit on Borrelli Road. The existing distribution feeder connects to UI's Quinnipiac Substation. (BSL 1, p. 8; BSL 4, response 22)
95. The facility would interconnect to a UI distribution circuit on Borrelli Road. From the electrical pad, the line would extend underground to the southwest to a customer-owned riser pole. From the riser pole, the interconnection would be overhead supported on two on-site UI-owned utility poles before

extending over Borrelli Road to the interconnection point, supported by an additional (off-site) utility pole. The two on-site UI-owned poles would support a recloser and a disconnect. (BSL 4, response 23 and 24)

96. The height of the poles would be approximately 40 to 45 feet tall, and such poles would be spaced approximately 40 to 50 feet apart. (BSL 4, response 23)
97. BSL's equipment would be pad-mounted. (BSL 4, response 23)
98. BSL does not believe the number of utility poles could be reduced based on previous experience and electrical code requirements. (BSL 4, response 25)
99. A system impact study was prepared by UI on December 28, 2023, and a facility study was prepared in June 2024. A review by ISO-NE was not required. (BSL 4, responses 20 and 22)
100. BSL has an interconnection agreement with UI. (BSL 1, p. 24 and Attachment O)
101. The existing distribution line on Borrelli Road is single-phase and would require an approximately 800-foot long off-site upgrade to three-phase to the east on Thompson Street. (BSL 1, p. 8)
102. The projected capacity factor of the proposed solar panels is 22 to 23 percent. The power output would decline by approximately 0.5 percent on an annual basis. (BSL 1, pp. 21)
103. BSL has no plans to incorporate a battery energy storage system at the site at this time. Notwithstanding, if this plan changes due to available incentives or energy policies, BSL would submit a petition to the Council for such battery energy storage facility. (BSL 1, pp. 20-21)

Cost

104. The estimated construction cost of the Project is approximately \$5.5 million. (BSL 4, response 4)

Public Health and Safety

105. The proposed facility would be designed to comply with the current Connecticut State Building Code, National Electrical Code, the National Electrical Safety Code (NESC), and the National Fire Protection Association code. (BSL 1, p. 21; BSL 4, response 26)
106. A main shutoff switch to disconnect the facility from the grid in the event of an emergency would be installed and identified with signage. (BSL 1, p. 22)
107. BSL would work with local emergency responders to ensure they have the appropriate training in the event of an emergency at the site. (BSL 1, pp. 14-15)
108. A Knox padlock could be installed at the facility entrance gate to provide 24-hour access to the Town Fire Department. (BSL 4, response 32a)
109. The proposed access drive is 12 feet wide for its entire length as recommended by Town Fire Department. The access drive could also be designed to include a large hammerhead turnaround. (BSL 4, response 32b and 32c; Town Deputy Fire Marshal Comments received February 20, 2025)

110. The following specialized equipment are effective at controlling fires at solar facilities:
- a) Dry Chemical (Class C) fire extinguishers for small-scale electrical fires such as at junction boxes, inverters or isolated panel components;
 - b) Clean agent system non-conducting gases such as carbon dioxide or heptafluoropropane for enclosed electrical components;
 - c) Water could be applied as a mist with caution but not used directly on electrical components;
 - d) Insulated firefighter tools such as non-conductive fiberglass poles, hooks and cutting tools to manipulate solar panels and disconnect components without risk of electrocution;
 - e) Infrared thermal cameras to identify hotspots, assess electrical panel temperatures, and determine lingering heat or re-ignition risks; and
 - f) High-voltage rated protective gloves and PPE such as rubber gloves and arc-rated protective gear.

(BSL 4, response 28)

111. The nearest fire hydrants are south of the site on Mill Pond Heights Road; and west of the site near the intersection of Borrelli Road and Thompson Street. These hydrants are located approximately 330 feet and approximately 700 feet from the facility, respectively. (BSL 4, response 29)
112. The facility would be remotely monitored by a data acquisition system. (BSL 1, p. 7)
113. Exterior lighting of the facility is not proposed. (BSL 1, p. 8)
114. The site is located within the Federal Emergency Management Agency (FEMA)-designated unshaded Zone X, an area outside of the 100-year or 500-year flood zones. (BSL 4, response 44; Tr.1, p. 20)
115. The Federal Aviation Administration (FAA) requires a glare analysis for on-airport solar development at federally-obligated airports. Federally obligated airports are airports that receive federal funding. (Council Administrative Notice Item Nos. 17 & 18)
116. The nearest airport, Tweed New Haven Airport, is located approximately 5.8 miles to the south/southwest. (BSL 1, p. 22).
117. A crane would be required for transformer installation. The projected maximum boom height of 80 feet would not require notice to the FAA. (BSL 4, response 33)
118. The proposed transformer would utilize a biodegradable insulating fluid such as FR3. Due to its non-toxic and non-hazardous qualities, a secondary containment system is not proposed. The transformer would have a low oil detection system. (BSL 1, p. 22)

Noise

119. Noise emissions from the solar facility would be from the daytime operation of the inverters and transformer. Inverters would make negligible noise at night. The transformer was conservatively modeled for full noise output at night. (BSL 1, Attachment Q)
120. The northern inverter bank is located approximately 170 feet from the nearest property line to the southwest (off of Thompson Street), and the southern inverter bank is located approximately 55 feet from the nearest property line to the west (207 Borrelli Road). (BSL 1, Attachment Q)

121. A noise analysis determined the operation of the facility would produce sound levels of 36.6 dBA* at the nearest residential property line (207 Borrelli Road). BSL is amenable to shifting the inverters farther to the west** (i.e. farther within the facility), if necessary, to comply DEEP Noise Control Regulations.

*This is a daytime projected noise level and a conservative noise level at night.

**It would be difficult to shift the inverters to the north due to the topography.

(BSL 1, pp. 15-16 and Attachment Q; Tr. 1, pp. 24, 81-82)

122. Construction noise is exempt from DEEP Noise Control Standards. (RCSA §22a-69-108(g))

Environmental Effects and Mitigation Measures

Air and Water Quality

123. The proposed Project would meet DEEP air quality standards and would not produce air emissions of regulated air pollutants or GHG. (BSL 1, pp. 4, 16)
124. During construction of the proposed Project, air emissions from the operation of machinery would be temporary in nature. Dust resulting from construction activities would be controlled through the use of water. Equipment air emissions effects can be reduced by avoiding mass early morning vehicle startups. (BSL 1, p. 16)
125. As applicable to any proposed jurisdictional facility site, the Council's Filing Guide for a Petition for a Declaratory Ruling for a Renewable Energy Facility requires the submission of plans for erosion and sedimentation control consistent with the *Connecticut Guidelines for Erosion and Sediment Control* (E&S Guidelines); Water consumption and discharge rate; FEMA Flood Zone information and associated flood mitigation plans; Proximity to DEEP Aquifer Protection Areas; DEEP groundwater classification underlying the site; Wetland and Watercourse Analysis Report and map, and associated Wetland and Watercourse Impact Mitigation Plan; Vernal Pool Analysis Report and Map, and associated Vernal Pool Impact Mitigation Plan. (Record)
126. Water would not be used during operation of the facility. Water for dust control during construction would be brought in by truck. (BSL 1, pp. 14, 25)
127. The site is not located within a DEEP-designated Aquifer Protection Area. (Council Administrative Notice Item No. 98)
128. Groundwater at the site is classified as GAA defined as, "...public supplies of water suitable for drinking without treatment; in an area that contributes to a public drinking water supply well; and in areas that have been designated as a future water supply." The proposed ballast mounts would avoid the use of racking posts that extend below grade. (BSL 1, Attachment D - Peer Review of Phase II ESA, p. 2; BSL 1, p. 7)
129. The proposed facility is located within the Saltonstall Reservoir System. BSL would implement the following best management practices to be protective of the water supply system:
- a) Utilize erosion and sediment control measures including, but not limited to, silt fencing, use of stormwater basins as temporary sediment traps;

- b) Utilize a Stormwater Pollution Control Plan;
- c) Comply with the *2024 Connecticut Stormwater Quality Manual*;
- d) Maintain a vegetative buffer zone between the facility and wetlands;
- e) Clearly define construction area and construction phasing to minimize erosion risk or prevent encroachment into sensitive areas;
- f) Utilize a Spill Prevention Plan;
- g) Maintain ongoing monitoring and compliance until final stabilization is achieved; and
- h) Utilize stormwater basins as temporary sediment traps during construction.

(BSL 4, response 38; Tr. 1, p. 23)

- 130. BSL would minimize soil disturbance to the extent possible during construction (e.g. utilize ballast mounts). The deepest excavation would be for the stormwater basins, approximately 6 feet deep, but it would not reach the buried construction debris that is 10 feet deep. (BSL 1, p. 5; Tr. 1, p. 15, 27)
- 131. DEEP remediation at the site has not been necessary. Soil testing at the site did not exceed any critical regulatory thresholds requiring special management for the Project. (Tr. 1, pp. 74-76, 89)
- 132. BSL has prepared a Soil and Materials Management Plan (SMMP) for the Project as recommended by the Phase II Environmental Site Assessment results. BSL would implement the SMMP for appropriate management of the soil and fill material during construction of the proposed facility. (BSL 1, p. 13)
- 133. A Spill Prevention and Response Plan (SPRP) has been developed for the Project to protect water resources. It includes, but is not limited to, measures for prevention, containment, cleanup and reporting. BSL is amenable to including the Regional Water Authority as a contact in the SPRP as well as the final Emergency Response Plan. (BSL 4, response 50 – Attachment K; Tr. 1, pp. 87-88)

Stormwater

- 134. Pursuant to CGS Section 22a-430b, DEEP retains final jurisdiction over stormwater management and administers permit programs to regulate stormwater discharges. DEEP regulations and guidelines set forth standards for erosion and sedimentation control, stormwater pollution control and best engineering practices. (CGS §22a-430b; DEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities. (DEEP-WPED-GP-015)
- 135. The DEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (General Permit) requires implementation of a Stormwater Pollution Control Plan (SWPCP) to prevent the movement of sediments off construction sites into nearby water bodies and to address the impacts of stormwater discharges from a proposed project after construction is complete. In its discretion, DEEP could require an Individual Permit for discharges and hold a public hearing prior to approving or denying any General or Individual Permit (Stormwater Permit) application. (CGS Section 22a-430(b))
- 136. The SWPCP incorporates project designs consistent with the E&S Guidelines and the *Connecticut Stormwater Quality Manual* (Stormwater Manual). Both of these documents were updated, effective March 30, 2024. (DEEP-WPED-GP-015)
- 137. DEEP has the authority to enforce proposed project compliance with its Individual or General Permit and the SWPCP, including, but not limited to, the installation of site-specific water quality protection measures in accordance with the E&S Guidelines and Stormwater Manual. (CGS Section 22a-430b (2025))

138. The Council may impose a condition that requires subsequent compliance with DEEP standards and regulations. (Council Administrative Notice Item No. 78 – *FairwindCT, Inc. v. Conn. Siting Council*)
139. The Project would require a DEEP-issued Stormwater Permit prior to commencement of construction activities as defined in the General Permit. (CGS Section 22a-430b)
140. The General Permit requires the designing qualified professional to conduct the SWPCP Implementation Inspection that confirms compliance with the General Permit and the initial implementation of all SWPCP control measures for the initial phase of construction. The SWPCP also requires a qualified inspector to inspect the work areas at least once per week and within 24-hours after a rain event that meets certain permit criteria. BSL would have a third-party inspector perform such inspections and report to BSL. Such recommended repairs or changes would be implemented by BSL's contractors as necessary. (DEEP-WPED-GP-015; Tr. 1, p. 98)
141. On February 3, 2025, BSL met with the DEEP Stormwater Division prior to submitting its Stormwater Permit application. A riprap outlet is proposed to be located within the 50-foot wetland buffer, and DEEP requested a level spreader in this area instead of only the riprap outfall. DEEP did not raise any concerns regarding the wetland buffer. (Tr. 1, p. 19, 45, 73)
142. The proposed facility's stormwater management design would result in sheet flow across the site that would be similar to existing conditions. The stormwater basins have been designed to reduce post-construction peak flow rates and volume exiting the site relative to pre-construction conditions. (Tr. 1, pp. 23-24)
143. Under DEEP General Permit Appendix I, solar panels generally must be located at least 100 feet from a wetland. However, there is an exception that allows for a 50-foot buffer between solar panels and wetlands when there is "existing dense herbaceous vegetative groundcover." The proposed facility has a 50-foot buffer of existing dense herbaceous vegetative groundcover. Thus, the Project has been designed to comply with DEEP General Permit Appendix I. (DEEP-WPED-GP-015; BSL 4, response 47)
144. BSL filed its Stormwater Permit application including its stormwater management report. As of April 10, 2025, the Stormwater Permit application was under review by DEEP. (Tr. 1, p. 19; BSL 4, response 48)
145. The Project would be constructed in one phase. BSL intends to install E&S controls, perform tree clearing where necessary, then grading, racking system installation, and solar panel installation followed by utility interconnection and final access road development. (BSL 1, pp. 9-10)
146. BSL would utilize a seed mix that is low/slow growing, drought-tolerant, suitable for sheep grazing, and pollinator-friendly. (BSL 1, p. 9; Tr. 1, p. 20)
147. The Inland Wetlands and Watercourses Act (IWWA), CGS §22a-36, *et seq.*, contains a specific legislative finding that the inland wetlands and watercourses of the state are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed, and the preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. (CGS §22a-36, *et seq.* (2025))

148. The IWWA grants regulatory agencies with the authority to regulate upland review areas in its discretion if it finds such regulations necessary to protect wetlands or watercourses from activity that will likely affect those areas. (CGS §22a-42a (2025))
149. The IWWA forbids regulatory agencies from issuing a permit for a regulated activity unless it finds on the basis of the record that a feasible and prudent alternative does not exist. (CGS §22a-41 (2025))
150. Under the IWWA:
- a) “Wetlands” means land, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture;
 - b) “Watercourses” means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border the state; and
 - c) Intermittent watercourses are delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (A) Evidence of scour or deposits of recent alluvium or detritus, (B) the presence of standing or flowing water for a duration longer than a particular storm incident, and (C) the presence of hydrophytic vegetation. (CGS §22a-36, *et seq.* (2025))
151. A wetland inspection of the site and adjacent areas was performed in Spring 2022. A large palustrine forested wetland and watercourse was identified in the eastern portion of the host parcel. Two smaller isolated wetlands were also identified: one emergent wetland adjacent to Borrelli Road and one scrub-shrub wetland in the northeastern portion of the host parcel. (BSL 1, p. 18 and Attachment E; BSL Late Filed Exhibit dated April 24, 2025)
152. No vernal pools were observed at the site during the wetland delineation. (BSL 1, p. 18; Tr. 1, p. 47)
153. The Project limit of disturbance is approximately 50 feet from the wetland at its closest point. (BSL 1, p. 18 and Attachment A – Sheets 2 through 7)
154. Procedures for petroleum and hazardous materials storage and refueling are included in the SPRP. (BSL 4, response 50 – Attachment K)

Forests and Parks

155. Development of the Project would require approximately 1.71 acres of tree clearing. This consists of approximately 1.48 acres of clearing in the northernmost portion of the site and approximately 0.23-acre of clearing along the eastern limits of the site. (BSL 4, response 41)
156. There is no core forest at the site. (BSL 1, p. 18; Exhibit J)
157. There are no state parks or forests within one mile of the site. (Council Administrative Notice Item No. 106)

Scenic, Historic and Recreational Values

158. SHPO submitted correspondence to BSL on April 28, 2023, stating that the proposed Project would not affect historic properties. (BSL 1, Attachment G)

159. The proposed facility would be expected to have minimal visibility from adjacent properties and from Borrelli Road. There are no residences located east of the site. The majority of the residences southwest of the site are generally located at a higher ground elevation than that of the proposed facility. (BSL 1, p. 17 and Attachment A – Key Observation Point Plan)
160. To reduce visual impacts from the nearest residences to the southwest of the proposed facility, BSL developed a landscaping plan that includes approximately 22 arborvitae spaced approximately 10 feet center-to-center in the southwestern portion of the facility site. The arborvitae would be initially approximately 12 to 14 feet tall. (BSL 1, p. 17 and Attachment A – Sheet 6)
161. BSL is amenable to planting a different landscape species such as a native, deer resistant species, if requested by the Council. (BSL 4, response 43)
162. BSL is amenable to adding additional landscape plantings adjacent to the 207 Borrelli Road property, which has the closest residence to the proposed solar facility fence. (Tr. 1, p. 55; BSL 4, response 11 – Attachment D)
163. BSL is amenable to adding privacy screening on the portion of the fence that has frontage along Borrelli Road. (Tr. 1, p. 55)
164. There are no “blue-blazed” hiking trails maintained by the Connecticut Forest and Park Association within one mile of site. (Council Administrative Notice No. 101)
165. No state or local designated scenic roads or scenic areas are located proximate to the Site. (BSL 1, p. 17)
166. No comments were received from OPM, DEEP, or the Town regarding impact to scenic quality or resources. (Record)
167. The Project would be consistent with the State Plan of Conservation and Development as it would be a Class I renewable zero emissions electric generation facility that is compatible with state goals for environmental protection and minimization of potential impacts to historic, agricultural and scenic resources. (Council Administrative Notice No. 63, p. 15)

Fish, Aquaculture and Wildlife

168. The site is not within a DEEP-designated cold-water habitat area. (Council Administrative Notice Item No. 58)
169. DEEP Natural Diversity Database (NDDDB) maps show approximate locations of state-listed endangered, threatened, and special concern species and are used to find areas of potential conservation concern. (Council Administrative Notice Item No. 97)
170. By letter dated July 21, 2023, DEEP indicated that the sand blackberry, a state-listed Species of Special Concern, may occur at the site and requested that BSL conduct a field survey by a botanist. (BSL 1, Attachment F – DEEP NDDDB Letter dated July 21, 2023)

171. BSL had a sand blackberry survey performed by a botanist. By report dated July 3, 2024, the sand blackberry was not found at the site. This report was subsequently submitted to DEEP NDDDB for review. By email dated February 19, 2025, DEEP acknowledged that sand blackberry was not found at the site. (BSL 1, Attachment N – Sand blackberry Survey Report; BSL 4, response 4 – DEEP NDDDB Email dated February 19, 2025)
172. By email dated February 19, 2025, DEEP NDDDB indicated that there is a moderately large population of *Lysimachia quadifolia* (whorled loosestrife)* on the perimeter of the cliff-top meadow in the eastern-central portion of the northern array area. This species is the host plant for the oil-bee (*Macropis ciliata*, a state-listed Species of Special Concern) which, in turn, is a host for the kleptoparasitic bee (*Epeoloides pilosula*), a state-listed Endangered Species. DEEP NDDDB records indicate that both bee species occur in the general area of the proposed Project.
- *The plant species itself is not a state-listed threatened, endangered or special concern species.
- (BSL 4, response 4 – DEEP NDDDB Email dated February 19, 2025; Council Administrative Notice Item No. 52)
173. BSL contacted the botanist that performed the sand blackberry survey regarding the specific location of the whorled loosestrife on the host property, but the exact location of the whorled loosestrife was not available. However, the whorled loosestrife is believed to be located in roughly the cliff top meadow in the east-central portion of the northern array area. BSL is unaware of the size of the whorled loosestrife population in this area or whether or not it specifically falls within the disturbance area. (Tr. 1, pp. 13-14)
174. Relocation of the whorled loosestrife could be used to avoid impacts due to the need to place concrete ballasts at the site. If relocated, BSL’s contractors would be required to maintain the health of the transplanted whorled loosestrife for at least one year. (Tr. 1, p. 15, 94)
175. During construction, BSL could utilize orange construction fencing to protect adjacent whorled loosestrife areas. (Tr. 1, p. 96)
176. BSL is willing to consider vegetative plantings outside of the fenced array areas that support the state-listed bee species. (Tr. 1, pp. 21-22)
177. BSL has not re-surveyed the site to determine the exact location/limits of the whorled loosestrife occurrence, and BSL does not plan to modify its Project design. BSL would prefer relocation of the whorled loosestrife if it necessary rather than modify the Project design due to topography challenges at the site. A specific location for the whorled loosestrife relocation has not been determined. (Tr. 1, pp. 25-26)
178. BSL submitted a report with its Late Filed Exhibit regarding the whorled loosestrife and associated bee species prepared by its environmental consultant. In the report, it indicates the following:
- a) There are few previous occurrences of either bee species;
 - b) Past literature indicated the two state-listed bee species occurred in Bozrah, more than 35 miles from the site;
 - c) Publicly available DEEP records do not show the *Epeoloides pilosula* near the proposed site;
 - d) It is possible that the State-listed Endangered bee may have become extinct due to the absence of recent reports;

- e) The host plant is very common and occurs in every county in Connecticut, Massachusetts and Rhode Island;
- f) *Macropis ciliata* is known to be associated with the *Lysimachia quadifolia*, but is more often associated with other species in the *Lysimachia* genus; and
- g) Thus, the state-listed bee species are unlikely to occur on-site. Even if such bee species did occur on-site, they would find suitable host plants and habitats nearby. Removal of all of the host plant from the site would not be expected to significantly affect such state-listed bee species.

(BSL Late Filed Exhibit)

- 179. The northern long-eared bat (NLEB), a federally-listed and state-listed Endangered Species occurs in Connecticut. However, there are no known occurrences of NLEB in East Haven. (Council Administrative Notice Item No. 99; BSL 4, response 42)
- 180. The proposed perimeter fence would not have a wildlife gap at the bottom of the fence to minimize the risk of predation of sheep. (BSL 1, p. 24)

Agriculture

- 181. There are no prime farmland soils at the site. (Tr. 1, pp. 16-17)
- 182. The statutory mission of the Governor's Council for Agricultural Development (GCAD) is to develop a statewide plan for Connecticut agriculture. In 2012, GCAD recommended DOAg create an agriculture-friendly energy policy that includes, but is not limited to, on-farm energy production to reduce costs and supplement farm income, agricultural net metering for power production and transmission, and qualification of agricultural anaerobic digestion projects for zero-emissions renewable energy credits. (Public Act 11-189; GCAD First Annual Report December 2012)
- 183. Agriculture in Connecticut is likely to be adversely impacted by climate change. It is most affected by changes in temperature and both the abundance and lack of precipitation. The top five most imperiled agricultural products are maple syrup, dairy, warm weather produce, shellfish and apple and pear production, but there are opportunities for production expansion with the future climate, including, but not limited to, biofuel crops, witch hazel and grapes. (Council Administrative Notice Item No. 67 – Climate Change Preparedness Plan)
- 184. Adaptation strategies for climate change impacts to agriculture include promotion of policies to reduce energy use, conserve water and encourage sustainability. (Council Administrative Notice Item No. 67 – Climate Change Preparedness Plan)
- 185. Pursuant to CGS §22-26aa, *et seq.*, DOAG administers the Statewide Program for the Preservation of Agricultural Land, a voluntary program to establish a land resource base consisting mainly of prime and important farmland soils. A permanent restriction on non-agricultural uses is placed on the deed of participating properties, but the farms remain in private ownership and continue to pay local property taxes. The host parcel is not enrolled in this program. (CGS §22-26aa, *et seq.*; BSL 3, response 12)
- 186. Public Act 490 is Connecticut's Land Use Value Assessment Law for Farm Land, Forest Land and Open Space Land that allows land to be assessed at its use value rather than its fair market or highest and best use value for purposes of local property taxation. (CGS §12-107a through 107-f (2025))

187. The host parcels are not currently enrolled in the Public Act 490 Program for agricultural land tax abatement. (BSL 1, p. 23)
188. As a former gravel pit and construction business site, the proposed site is not in use for agricultural purposes. (BSL 1, p. 5)
189. Prime farmland soils are defined by the United States Department of Agriculture (USDA) National Resources Conservation Service as the most suitable land for producing food, feed, fiber, forage, and oilseed crops. (Council Administrative Notice Item No. 14)
190. BSL would implement a grazing program for vegetation maintenance within the fenced perimeter of the proposed facility. A flock of sheep would be brought to the site and maintained under the care of a sheep farmer annually during the growing season. (BSL 1, p. 23; BSL 4, response 35 – Attachment G – Sheep Grazing Plan)
191. The paddock areas within the fenced solar facility would likely be separated by a temporary electric fence to maintain the sheep within the paddock. (BSL 4, response 35 – Attachment G – Sheep Grazing Plan; Tr. 1, p. 54)
192. VSFC,* an affiliate of BSL, will host the sheep on site and ensure the sheep have necessary water. BSL’s seeding plan would provide suitable forage for the sheep.
- *In the even that a sheep flock is unavailable from VSFC, BSL may opt to utilize mowing for vegetative maintenance instead.
- (BSL 1, p. 9; Tr. 1, p. 20; BSL 4, response 35 – Attachment G – Sheep Grazing Plan)
193. Based on the Phase II results, BSL does not believe that the soil would be unsuitable for grazing sheep. (BSL 4, response 36)
194. The sheep manager would implement a plan to relocate the sheep on site or evacuate the sheep, as necessary, during an emergency situation. (BSL 4, response 35 – Attachment G – Sheep Grazing Plan)
195. BSL would provide signage stating that live animals are present within the array area. (BSL 4, response 35 – Attachment G – Sheep Grazing Plan)

Facility Construction

196. If the Project is approved by the Council, the following permits would be required for construction and operation:
- a) DEEP Stormwater Permit;
 - b) Town Building Permit; and
 - c) Town Electrical Permit.
- (BSL 1, p. 20)
197. Construction of the site would generally maintain existing grades for the solar racking and access due to site topography. (BSL 1, pp. 6, 8)
198. Site construction would disturb an approximate 8.1-acre area. (BSL 4, response 40)
199. The ballasted foundation for the racking system would rest on the surface of grade. (BSL 1, p. 7)

- 200. Construction of the facility is expected to occur over a 4-to-6-month period. (BSL 1, pp. 9 and 20)
- 201. A construction staging area would be located in the southern portion of the site. (BSL 1, p. 9)
- 202. Construction hours would be Monday through Friday from 7:00 AM to 6:00 PM and Saturday from 8:00 AM to 5:00 PM (BSL 1, p. 10)

Traffic

- 203. Construction vehicles would access the site from Borrelli Road. (BSL 1, Attachment A, Sheet 2)
- 204. Traffic to and from the proposed site during construction would be limited to equipment deliveries and passenger vehicles. During peak construction, approximately 10 to 15 construction vehicles would make daily trips to and from the site. (BSL 1, p. 14; BSL 4, response 52)
- 205. BSL plans to deliver and unload materials within the proposed site and not from Borrelli Road if feasible. However, if deliveries of solar panels, racking or other equipment require parking a semi-trailer on Borrelli Road, BSL would utilize dedicated flag persons to direct traffic accordingly. (BSL 4, response 52)
- 206. Once operational, the site would be accessed by maintenance personnel at least monthly. (BSL 1, Attachment M – Operations and Maintenance Plan)

Facility Operations and Maintenance

- 207. BSL provided a post-construction O&M Plan that includes, but is not limited to, provisions for remote monitoring, equipment maintenance, and site safety and security. (BSL 1, Attachment M – O&M Plan)
- 208. Sheep grazing would provide vegetation management. Notwithstanding, vegetation growth would be inspected monthly. Mowing would be performed as necessary to supplement the sheep grazing and keep the vegetation height between 6 and 18 inches high. (Tr. 1, p. 2)
- 209. Solar panel cleaning is not normally expected to be necessary because rainwater would typically keep the panels clean. However, in the event of a drought or other event (e.g wildlife soot), BSL would utilize off-site water and a biodegradable solvent to clean the panels. (BSL 1, p. 22)
- 210. The inverters would typically have a 10-year warranty and would be repaired or replaced as necessary. The solar panels would typically have a 25-year warranty. (BSL 1, pp. 22-23)
- 211. Spare panels would not be stored on site. (BSL 3, p. 23)
- 212. Generally, BSL does not plan to remove snow from the solar panels. (Tr. 1, p. 20)

Decommissioning

- 213. The facility has an anticipated life of 35 years. (BSL 4, response 18)
- 214. At the end of the Project's lifespan, it will be decommissioned and removed from the parcels. The site would be restored to its pre-construction condition. (BSL 1, p. 10 and Attachment H)

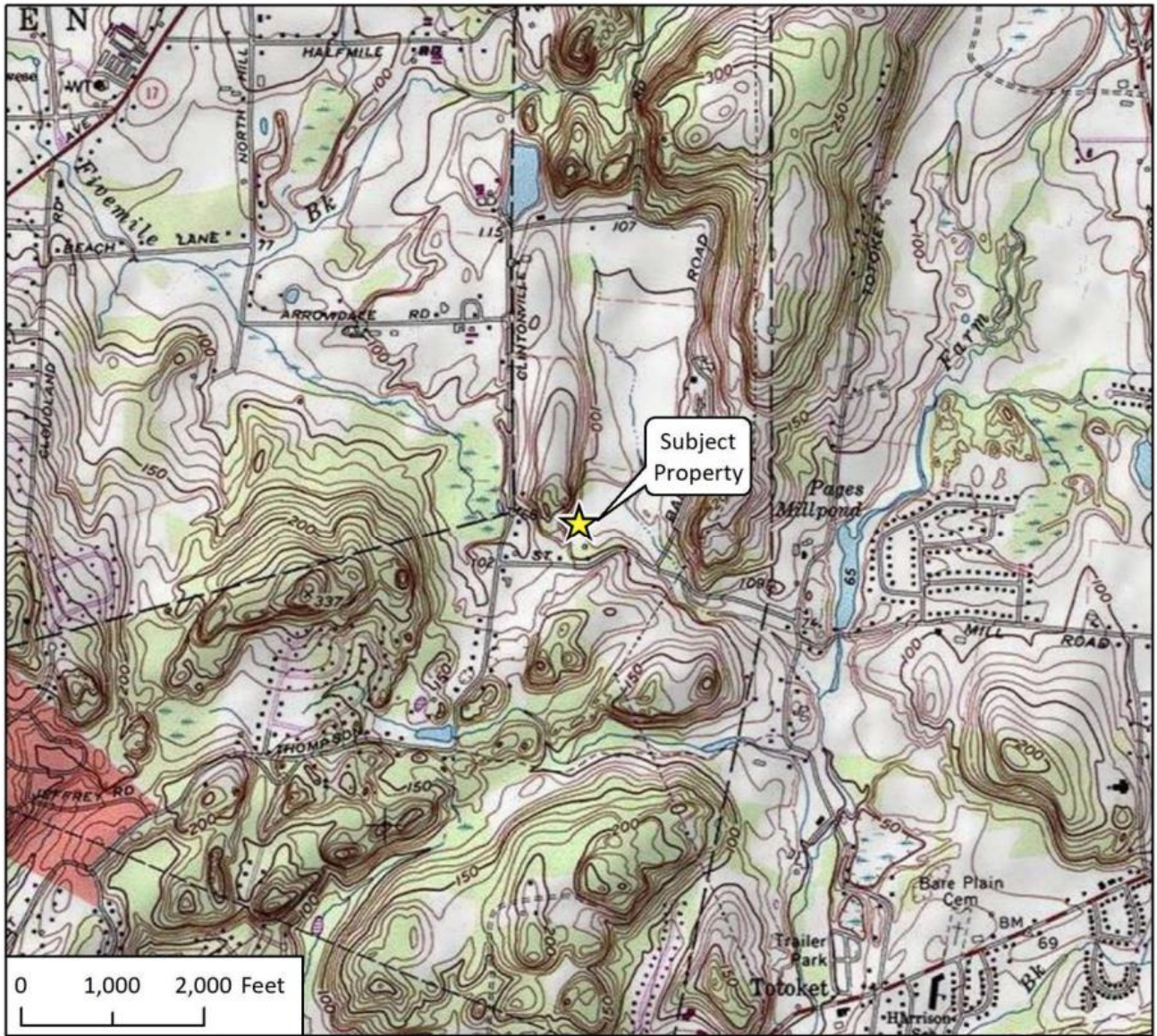
215. BSL intends to recycle Project materials to the maximum extent practicable. Project materials that cannot be recycled would be removed from the site and disposed of at a licensed disposal facility. (BSL 1 – Attachment H)
216. Equipment pads would be removed. Underground conduits and conductors would be abandoned in place approximately 12 inches below grade. The gravel access and perimeter fence may remain in place if requested by the property owner. (BSL 1 – Attachment H)
217. Pursuant to CGS §16-50p(g), the Council has no authority to evaluate, amend and/or determine rights under any lease with the property owner of the proposed site, including, but limited to, the restoration of the soils to prime farmland status. (CGS §16-50p(g) (2025))
218. The lease agreement with the property owner includes provisions related to decommissioning and site restoration at the end of the Project’s useful life. (BSL 4, response 8, Lease Agreement – Section 28)
219. BSL would use its best reasonable efforts to procure solar panels that meet current Toxicity Characteristic Leaching Procedure (TCLP) criteria⁷ for characterization as nonhazardous waste in the event the solar panels are not recycled at the end of the Project’s life, to the extent that such solar panels do not have a cost that exceeds the market value of similar solar panels available at the time of purchase. (BSL 4, response 55)
220. BSL has consulted with Canadian Solar (CS) that provided TCLP results for a previous project for a different developer, yet BSL has been unable to secure TCLP test results from CS or other solar panel manufacturers at this time. (Tr. 1, pp. 64-67)
221. BSL prefers to acquire domestically manufactured solar panels and believes that if the Council required TCLP results as a condition, it would be difficult to source domestically manufactured solar panels. The Project qualifies for additional incentives via the Inflation Reduction Act, but domestically sourced panels, irrespective of TCLP status, are approximately 20 percent more expensive than imported panels. (Tr. 1, pp. 67-70)
222. BSL may be able to acquire panels from First Solar, which is a domestic manufacturer, and First Solar may be willing to provide TCLP results for its panels. (Tr. 1, pp. 70-71)

Neighborhood Concerns

223. Pursuant to CGS § 16-50m, the Council, after giving due notice thereof, held a public comment session on April 10, 2025 at 6:30 p.m. via Zoom remote conferencing. (Record; Tr. 2, p. 1)
224. During the public comment session, no members of the public made oral limited appearance statements about the proposed facility. (Tr. 2, p. 5)
225. The Council received 1 written limited appearance statement regarding the proposed facility. (Record)

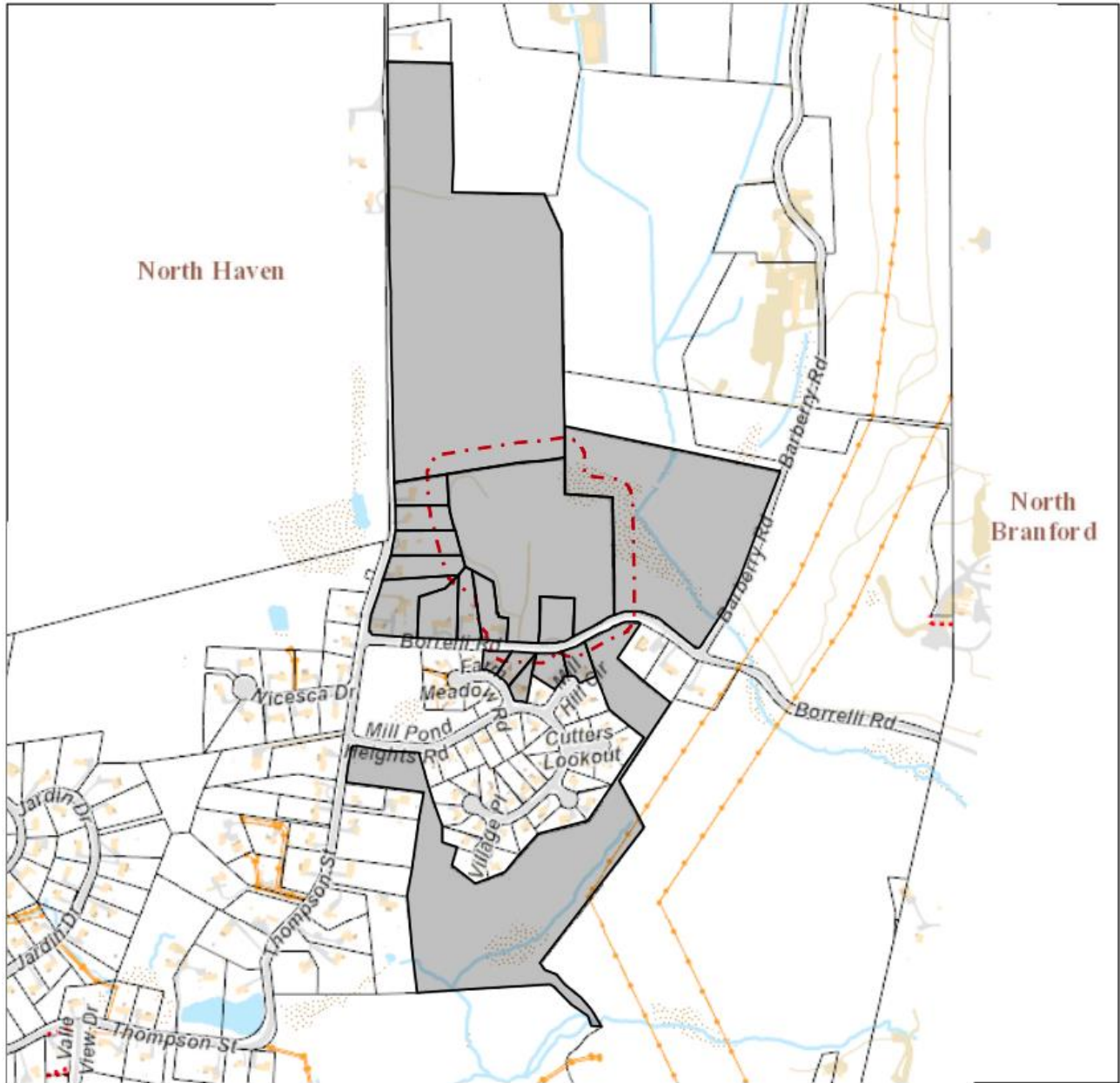
⁷ <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-261/subpart-C/section-261.24>

Figure 1 – Site Location



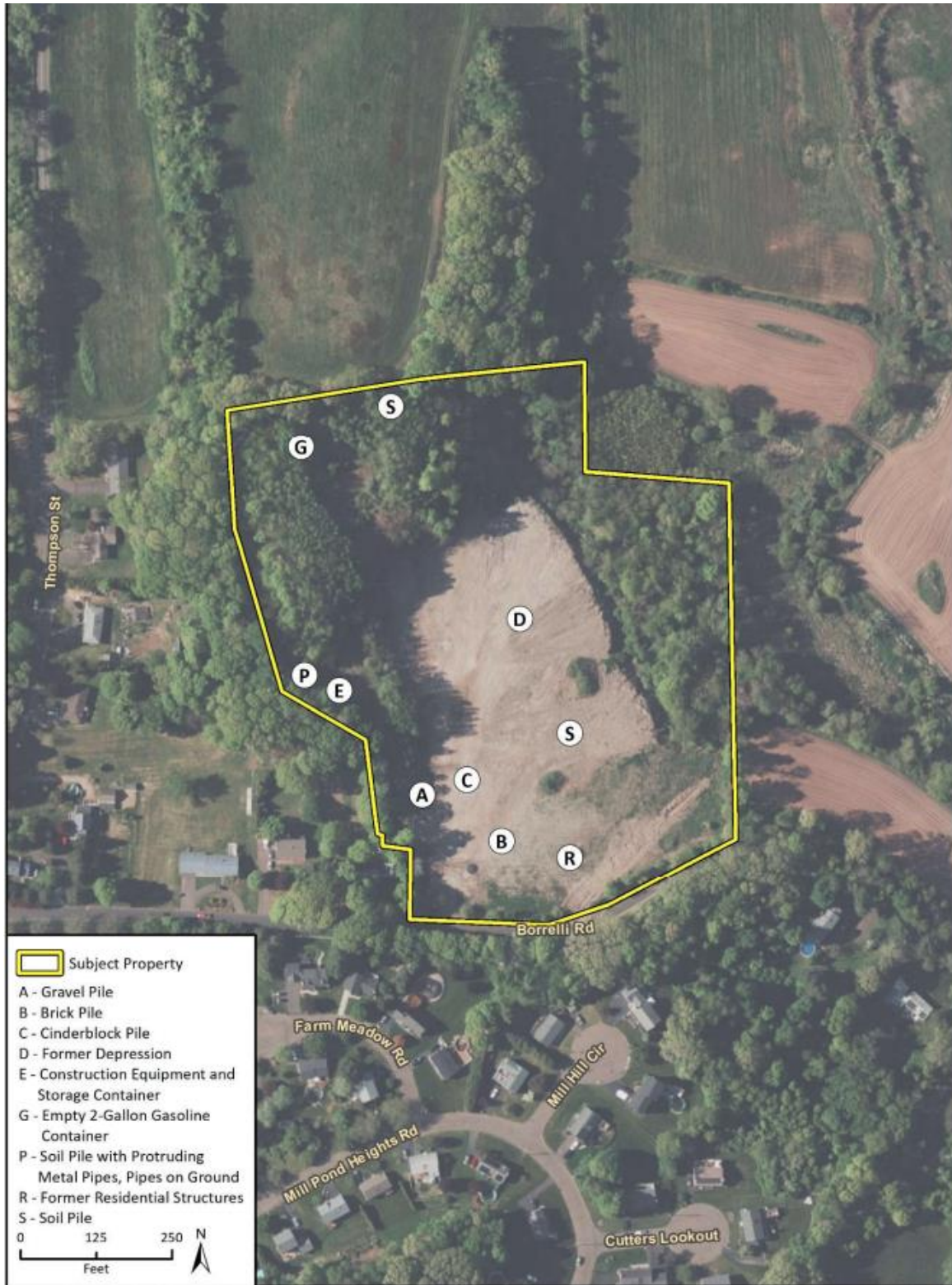
(BSL 1, Attachment D – Phase I, Figure 1)

Figure 2- Site Parcel Map



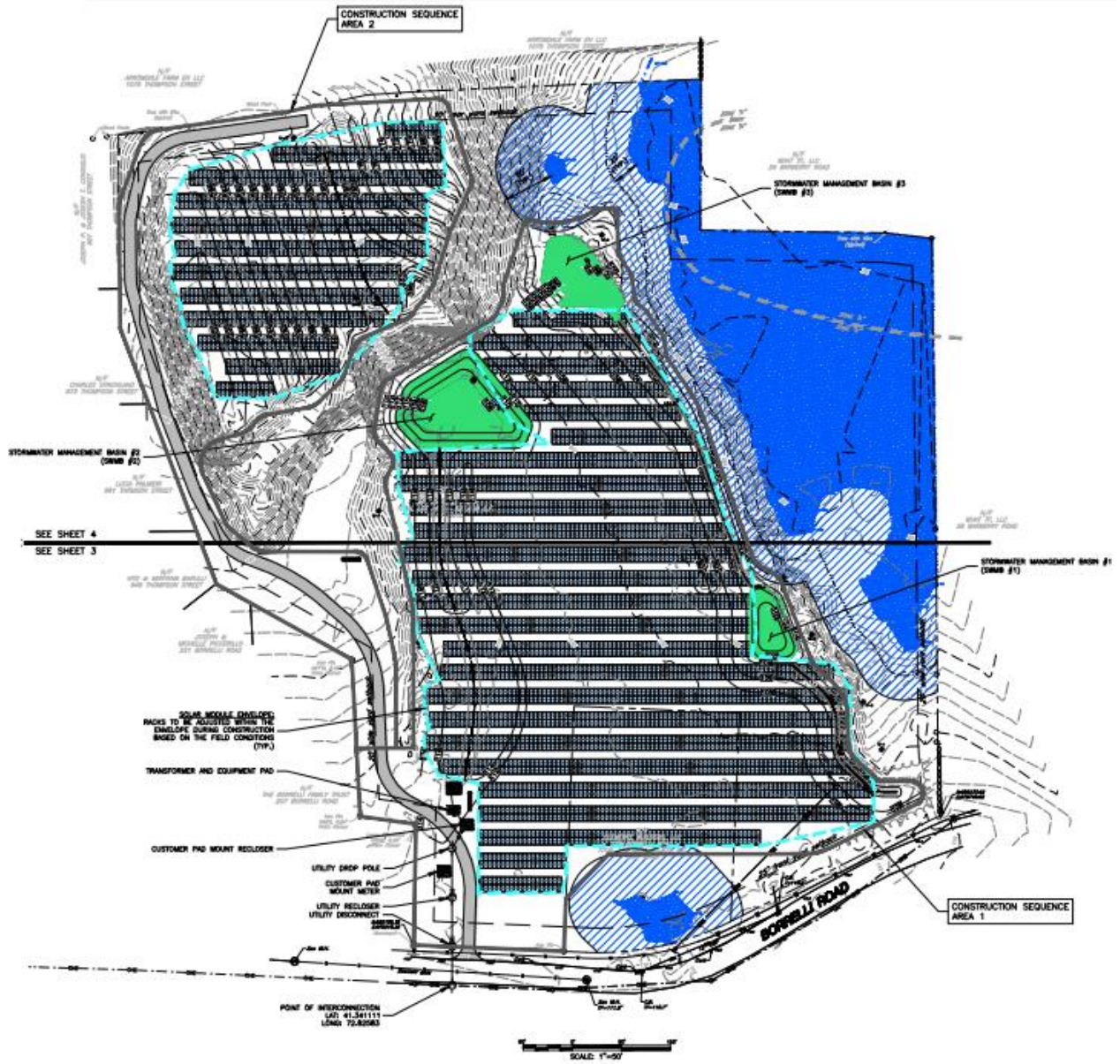
(BSL 1, Attachment C, Town GIS Map)

Figure 3- Existing Site Conditions



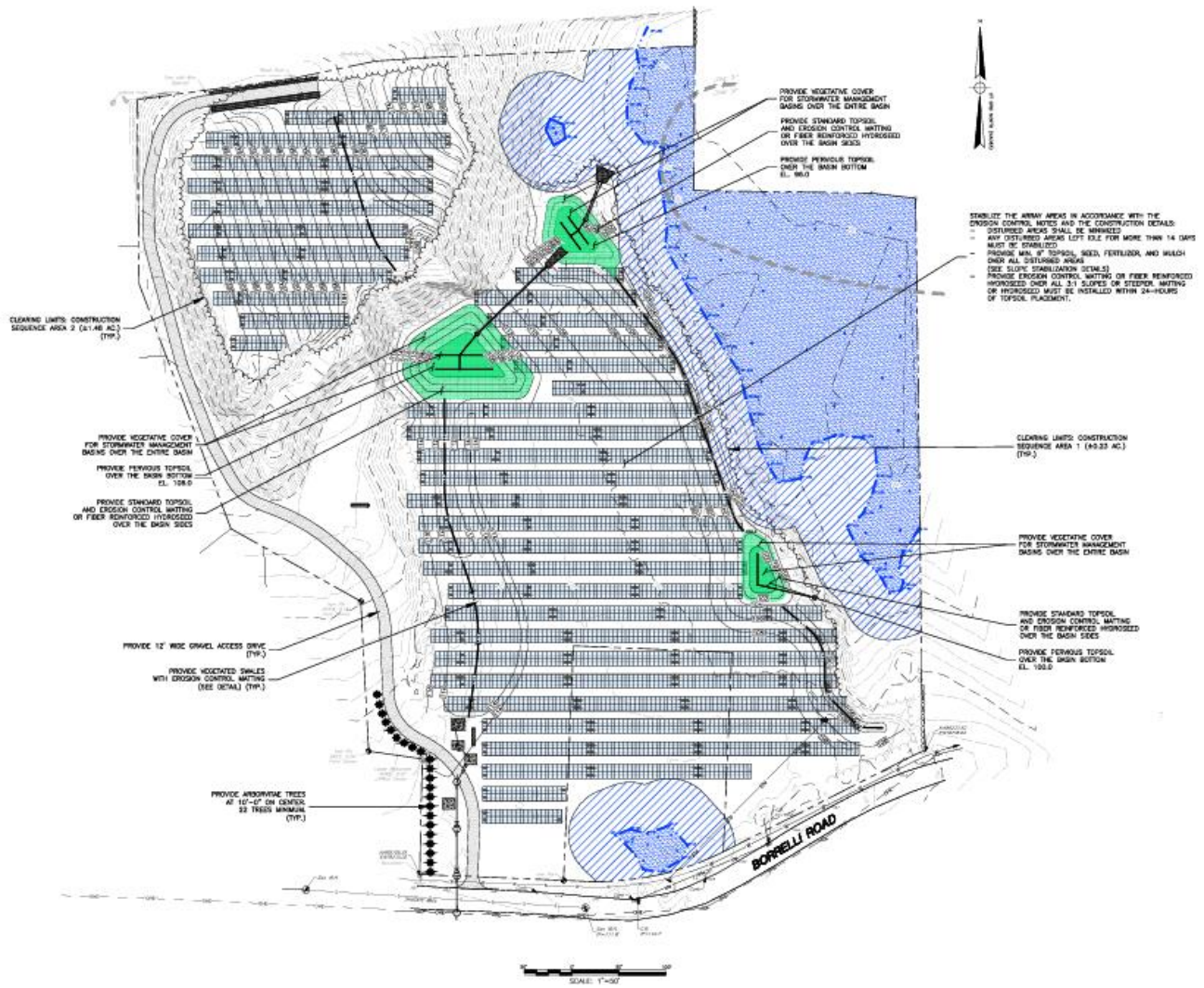
(BSL 1, Attachment D – Phase I, Figure 2)

Figure 4 – Proposed Facility Layout



(BSL 1, Attachment A, Sheet 2)

Figure 5 – Proposed Landscape Plan



(BSL 1, Attachment A, Sheet 6)