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May 7, 2026

**VIA ELECTRONIC MAIL AND FEDERAL EXPRESS**

Melanie Bachman, Esq.  
Executive Director  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

**Re: Petition 1694 – Greenskies Clean Energy LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 4.0-megawatt AC solar photovoltaic electric generating facility and associated equipment accessed from Old Maids Lane in Glastonbury and located on a parcel south of the Glastonbury town boundary (Parcel No. 119/0014) in Portland, Connecticut and associated electrical interconnection**

Dear Ms. Bachman:

On behalf of the Petitioner, Greenskies Clean Energy, LLC, please find an original and fifteen copies of the Petitioner’s post-hearing brief in connection with the above-referenced proceeding.

Should you have any questions concerning this submittal, please contact me or Lee Hoffman of this office at your convenience.

Best,

Kathryn E. Boucher

Enclosure

cc: Petition 1694 Service List

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

<b>Greenskies Clean Energy LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 4.0-megawatt AC solar photovoltaic electric generating facility and associated equipment accessed from Old Maids Lane in Glastonbury and located on a parcel south of the Glastonbury town boundary (Parcel No. 119/0014) in Portland, Connecticut and associated electrical interconnection</b>	<b>PETITION NO. 1694</b>
	<b>MAY 7, 2026</b>

**POST-HEARING BRIEF**

Greenskies Clean Energy LLC (“Greenskies” or the “Petitioner”) hereby submits this brief to the Connecticut Siting Council (the “Council”) in connection with its Petition for Declaratory Ruling (“Petition”) filed on October 27, 2025 that no Certificate of Environmental Compatibility and Public Need is required to construct, maintain and operate the proposed 4.0-megawatt solar photovoltaic electric generating facility and associated equipment (the “Project”) to be accessed from Old Maids Lane in Glastonbury and located on a parcel south of the Glastonbury town boundary (Parcel No. 119/0014) in Portland, Connecticut and associated electrical interconnection (the “Property”). The record in this matter demonstrates a public need for the Project, and its construction, maintenance and operation will not cause an adverse environmental effect.

Greenskies has received required approvals from relevant state agencies and completed best practice studies to support development of the Project. There is no record evidence to the contrary. Given the record before it, the Council must issue a declaratory ruling approving the Project.

## **I. INTRODUCTION**

The Project is located on one parcel within the Town of Portland, but the proposed access road that leads to the site is in the Town of Glastonbury.<sup>1</sup> The Property spans approximately 42 acres (inclusive of solar panels, transformers, electrical switchgear, monitoring equipment, and access roadways).<sup>2</sup> The Property has historically been used for two primary purposes: a gravel quarry on the western portion and an apple orchard on the eastern portion—both actively operated and maintained by the landowner.<sup>3</sup> Instead of expanding the gravel quarry across the entire site, the landowner has opted to pursue solar development.

## **II. PROCEDURAL HISTORY**

Greenskies initially contacted the Town of Portland regarding its preliminary Project plans in late 2024, while outreach to the Town of Glastonbury began in the spring of 2025.<sup>4</sup> The Petitioner has met with project abutters and the DEEP Concierge Team prior to filing the instant Petition on October 27, 2025. The Town of Glastonbury (the “Town”) requested a public hearing be held, and the Town was granted party status on December 11, 2025. The Council granted intervenor status to Charles Walsh on the same date. Greenskies responded to interrogatories from the Council, the Town and Intervenor Walsh all on March 5, 2026. The Council held the requested evidentiary hearing on March 12, 2026 and continued the hearing to April 7, 2026. On April 7<sup>th</sup>, at the conclusion of the continued evidentiary hearing, the Council closed the evidentiary record and issued a schedule regarding the submission of post-hearing briefs through May 7, 2026.

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<sup>1</sup> See Petition, Figure 4 – Tax Parcel Map and Figure 5 – Existing Conditions Map.

<sup>2</sup> Petition at 13.

<sup>3</sup> Petition at 3.

<sup>4</sup> See Petition at 12-13; *see also* Petition, Appendix I – Public Outreach.

### **III. LEGAL STANDARD**

Pursuant to Connecticut General Statutes (“Conn. Gen. Stat.”) § 16-50k(a), the Council must approve by declaratory ruling

any customer-side distributed resources project or facility or grid-side distributed resources project or facility with a capacity of not more than sixty-five megawatts, as long as: (i) Such project meets air and water quality standards of the Department of Energy and Environmental Protection, (ii) the council does not find a substantial adverse environmental effect, and (iii) 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 the Department of Energy and Environmental Protection in any solicitation issued prior to July 1, 2017, pursuant to section 16a-3f, 16a-3g or 16a-3j, the Department of Agriculture represents, in writing, to the council that such project will not materially affect the status of such land as prime farmland or the Department of Energy and Environmental Protection represents, in writing, to the council that such project will not materially affect the status of such land as core forest.

In considering whether such effect exists, pursuant to Conn. Gen. Stat. § 16-50p, the Council must find and determine (1) the basis of public need for the facility, and (2) the nature of the probable impact of the facility alone and cumulatively with other existing facilities, including but not limited to (i) electromagnetic fields that, whether alone or cumulatively with other effects, impact on, and conflict with the policies of the state concerning the natural environment, (ii) ecological balance, (iii) public health and safety, (iv) scenic, historic and recreational values, (v) agriculture, (vi) forests and parks, (vii) air and water purity, and (viii) fish, aquaculture and wildlife. For the reasons discussed below, the Petitioner respectfully submits that there is an uncontroverted public need for the Project, and the Project will not create a substantial adverse environment effect.

### **IV. ARGUMENT**

#### **A. Public Need**

Pursuant to Conn. Gen. Stat. § 16-50p, 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. Special Session Public Act 05-1, *An Act Concerning Energy Independence*, portions of which were codified in the Public Utility Environmental Standards Act (“PUESA”), established a rebuttable presumption that there is a public benefit for electric generating facilities selected by the Public Utilities Regulatory Authority in Requests for Proposals (“RFPs”). As the Project was selected in a competitive Non-residential Renewable Energy Solutions Program RFP and subsequently approved by PURA, it is thus presumed to have a public benefit.<sup>5</sup> There was no evidence placed in the record to rebut this presumption.

In addition, the Project will also help foster Connecticut’s goal to develop “renewable energy resources, such as solar and wind energy, to the maximum practicable extent” pursuant to Conn. Gen. Stat. § 16a-35k. ISO New England recently shared that distributed solar reduced the amount of electricity consumed by New Englanders in 2024 by about 5%.<sup>6</sup> If approved, the Project will support Connecticut’s growing competitive renewable energy market by adding critical energy infrastructure, aid in efforts to forecast generating capacity requirements on both a state and regional level, reduce dependence on imported and nonrenewable energy sources, increase the State’s energy supply, and enhance grid reliability. In light of all of these considerations, the public need for the facility is not in dispute.

#### **B. The Project Will Not Result in Adverse Impacts on Air or Water Quality**

The Project meets the air and water quality standards of the Department of Energy and Environmental Protection (“DEEP”). The Project will not result in any emissions during its twenty-plus year operation and will result in very minor air emissions during construction, which will be mitigated with appropriate controls.

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<sup>5</sup> Petition at 1.

<sup>6</sup> See <https://isonewswire.com/2025/07/09/solar-power-reduced-new-england-power-grid-demand-by-5-in-2024/>; see also Petition at 12.

Moreover, construction, operation and maintenance of the Project produces no adverse impacts to water quality. Stormwater controls have been designed in full compliance with Appendix I of the DEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities – Stormwater Management for Solar Array Construction Project as well as the 2024 Connecticut Stormwater Quality Manual.<sup>7</sup> As noted in the November 19, 2025 comments from DEEP, “[s]tormwater management infrastructure will be constructed consisting of grassed swales, a closed drainage system, gravel infiltration trenches, and infiltration basins to maintain existing drainage patterns and water quality.” Further, DEEP has affirmed that the Project will not impact wetlands.<sup>8</sup> Finally, consistent with the December 2, 2025 comments from the Department of Public Health, the Petitioner is preparing a Spill Prevention Plan alongside its Stormwater General Permit Application and such plan will be submitted in tandem with that application.<sup>9</sup> There can thus be no doubt that the project meets DEEP’s air and water quality standards.

**C. The Project Will Not Result in Adverse Auditory, Visual, Health or Safety Impacts or Adverse Impacts to Historic Resources**

The Project has been designed to comply with applicable state and local noise regulations at the Property boundaries.<sup>10</sup> DEEP noted in its comments that it believes that noise impacts will not be a factor for the Project.<sup>11</sup> Temporary noise impacts will occur during construction, but are exempt from state and local rules so long as they are conducted during daylight hours.<sup>12</sup> The

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<sup>7</sup> Petition at 26.

<sup>8</sup> DEEP Comments dated November 19, 2025 at Page 4 (noting that the closest abutting property line to a noise-generating equipment pad and inverter is located ~800 feet to the east of the proposed solar facility at 18 Old Country Way in Portland which exceeds the typical recommendation from ERSI of at least 200 feet).

<sup>9</sup> Response to Council Interrogatory 50.

<sup>10</sup> Petition at 14.

<sup>11</sup> DEEP Comments at 2.

<sup>12</sup> See Conn. Gen. Stat. § 22a-69 and § 22a-73(b)(5); see also Town of Portland Ordinances, Section 12-43(2) (indicating that noise generated by construction equipment operated during daytime hours is exempt).

Petitioner's Noise Study indicates that maximum operational daytime and nighttime noise levels are anticipated to be 52 dBA and 26 dBA respectively, both below state and Town of Portland requirements. In addition, Greenskies has agreed to start construction no earlier than 7:00am.<sup>13</sup> The Project has been designed to meet to exceed all applicable local, state, and federal health and safety standards, and its construction, maintenance and operation will not overburden Old Maids Lane, as after a brief construction period, the facility will be managed remotely except for routine maintenance.<sup>14</sup>

In January 2025, Greenskies mailed letters to project site neighbors in Portland and Glastonbury and has responded to concerns about visual impacts.<sup>15</sup> The site is well screened and naturally buffered from surrounding properties, and the existing tree line that will remain provides significant visual screening for nearby residences and the adjacent school.<sup>16</sup>

Finally, the Petitioner prepared a comprehensive investigation of historical resources on the Property that examined historic maps and aerial imagery as well as previously identified cultural resources located in proximity. This investigation failed to identify any properties listed on the National Register of Historic Places in the vicinity and concluded that there will be no impact to cultural resources by the proposed Project.<sup>17</sup> The State Historic Office of Preservation has agreed with the investigation's findings and concluded no historic properties will be affected by the proposed solar facility and no additional archaeological investigation is warranted.<sup>18</sup> In

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<sup>13</sup> See Response to Council Interrogatory 1; see also Exhibit A – Comments Received; see also March 12 Hearing Transcript at 20.

<sup>14</sup> Petition at 8.

<sup>15</sup> Petition at 13 (noting that there would be no visual impact to the neighbor at 17 Old County Way).

<sup>16</sup> Petition at 14.

<sup>17</sup> Petition at 21.

<sup>18</sup> Petition at Appendix F.

sum, the Project will not create adverse auditory, visual, health or safety impacts, or any adverse impacts to historic resources.

**D. The Project Will Not Adversely Impact Wildlife, Forestry, or Ecological Balance**

Regarding wildlife, a final DEEP Wildlife Division determination letter identified the Eastern Box Turtle as a state-listed species of special concern, as potentially present at or near the host parcel(s). The Petitioner will implement the best management practices for turtle protection consistent with DEEP’s recommendations.<sup>19</sup> The existing core forest on the parcel will not be impacted by the Project, which proposes the removal of 5.2 acres of non-core forest and 4.8 acres of the agricultural apple orchard.<sup>20</sup> On March 6, 2025, GCE received a letter of no adverse impact from the CT DEEP Forestry Division.

**V. CONCERNS PROPOSED BY OTHER PARTIES AND INTERVENORS**

**A. Town of Glastonbury**

The Town’s concerns centered around potential impacts to the Nayaug Elementary School and area residents.<sup>21</sup> As discussed at the March 12, 2026 evidentiary hearing, Greenskies anticipates that all pile driving would occur during the summer months when school is not in session, and will make all reasonable efforts to ensure that pile driving takes place during this time.<sup>22</sup> The Petitioner has also agreed to avoid facility construction and maintenance equipment and vehicular traffic on Old Maids Lane during student drop-off and pick-up times at the

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<sup>19</sup> Petition at 24.

<sup>20</sup> Petition at 27.

<sup>21</sup> Town Pre-Filed testimony at 1.

<sup>22</sup> March 12, 2026 Evidentiary Hearing Transcript at 44.

elementary school.<sup>23</sup> Greenskies also has committed to conducting a post-construction noise study.<sup>24</sup> Moreover, the Project will not visually impact the elementary school.<sup>25</sup>

## **B. Intervenor Walsh**

Mr. Walsh's concerns have focused on noise, glare, and project decommissioning. As discussed above, the temporary construction-related noise impacts from the Project will comply with town and state standards. The Federal Highway Administration Noise Handbook dated August 2006 is not relevant to the development of the Project,<sup>26</sup> as it contemplates use of pile driving equipment typically used to install bridges as opposed to a solar array.<sup>27</sup> Additionally, the glare analysis submitted with the Petition indicates that no glare will result from the Project.<sup>28</sup> This result was confirmed at heights of six feet (typically used when analyzing impacts observable to an average human) and twenty feet (typically used when analyzing impacts observable to the second floor of a building).<sup>29</sup>

The Project lease allows construction of approximately five megawatt solar project that must "be maintained by Tenant at its own expense. Tenant shall maintain, protect and preserve the Solar Farm in a safe, neat and attractive condition and in good and serviceable repair."<sup>30</sup> The Lease requires the Petitioner to "obtain any necessary governmental licenses or authorizations

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<sup>23</sup> Response to Town Interrogatory 1.

<sup>24</sup> See Response to Council Interrogatory 1; see also Exhibit A – Comments Received.

<sup>25</sup> See Response to Walsh Interrogatory 49; see also Responses to Council Interrogatories, Exhibit B – Glare Study Report ("Exhibit B" or the "Lease").

<sup>26</sup> The second page of the handbook explains that "[t]his report does not constitute a standard, specification, or regulation."

<sup>27</sup> March 12 Evidentiary Hearing Transcript at 97.

<sup>28</sup> Exhibit B indicates there will be no green or yellow glare. See Exhibit B at 1 (no glare predicted) and 3 (no glare found). As discussed at the March 12 Hearing, red glare is not possible, unless using convex panels, which are not proposed as part of this project. See March 12 Evidentiary Hearing Transcript at 87.

<sup>29</sup> See Exhibit B; see also March 12 Evidentiary Hearing Transcript at 86-88.

<sup>30</sup> See Responses to Council Interrogatories, Exhibit C – Redacted Lease Agreement ("Exhibit C") at Section 7a.

required for the construction and use” of the Project site, and that such use “comply with government laws and regulations applicable thereto.”<sup>31</sup>

Most importantly, the lease requires that, at the end of its term that either a) the Petitioner and the private Landowner agree to and execute a new lease for the site, or b) the Petitioner must remove the solar array, related equipment and all site improvements within six months following the expiration of the full term of the lease.<sup>32</sup> All lease provisions are binding on heirs, successors, executors, administrators, and assigns of the parties that originally signed the lease.<sup>33</sup> The Petitioner has also prepared a draft Decommissioning Plan that outlines steps that will be undertaken at the time of decommissioning and using best available information, estimates the costs of personnel and equipment that may be required for such activities.<sup>34</sup>

Council rules also require that any certificate be transferred, subject to approval of the Council, to a person who agrees to comply with the terms, limitations and conditions contained therein.<sup>35</sup> The Council has also required that transfers of declaratory rulings abide by the same requirement.<sup>36</sup> The Council also can enforce the provisions of Title 16a and compliance with any condition or requirement issued by the Council with civil penalties not less than one thousand dollars per day, and civil proceedings may be brought by the Attorney General in the superior court for any judicial district affected by the violation.<sup>37</sup> Should the Council view the existing lease provisions and requirements to comply with the terms, limitations, and any conditions contained

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<sup>31</sup> Exhibit C at Section 13.

<sup>32</sup> Exhibit C at Section 24.

<sup>33</sup> Exhibit C at Section 25.

<sup>34</sup> Petition, Appendix D – Draft Decommissioning Plan.

<sup>35</sup> Conn. Gen. Stat. § 16-50k(b).

<sup>36</sup> *See, e.g.*, Petition 1466, Transfer of Ownership Notification, available at [https://portal.ct.gov/-/media/csc/3\\_petitions-medialibrary/petitions\\_medialibrary/mediapetitionnos1461-1470/pe1466/proceduralcorrespondence/pe1466-20220603-transferownership.pdf](https://portal.ct.gov/-/media/csc/3_petitions-medialibrary/petitions_medialibrary/mediapetitionnos1461-1470/pe1466/proceduralcorrespondence/pe1466-20220603-transferownership.pdf).

<sup>37</sup> Conn. Gen. Stat. § 16-50u(b).

in their declaratory ruling as less than adequate, the Petitioner will also post a bond consistent with the requirements of Conn. Gen. Stat. § 16-50k(a).

## **VI. CONCLUSION**

The Council must consider all of the foregoing in rendering its decision on this Petition. The State's statutory goals and the underlying purpose of PUESA recognize the public need for renewable energy facilities. The solar arrays are temporary, lasting for twenty to thirty years before they are decommissioned and the land is returned to its former use. In this case, at the conclusion of the lease, the Property will revert to the landowner, and Greenskies is committed to – and legally required to – decommission and return the property to the original state or work with the landowner to reach an agreement or to return the private parcel to the original conditions.<sup>38</sup> In order to reach Connecticut's ambitious zero carbon goal by 2040, renewable energy projects such as the instant one before the Council must be considered necessary components of our grid. This Project will help achieve this goal.

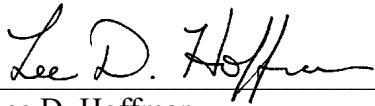
Greenskies has worked diligently and cooperatively with its host communities by mitigating potential project impacts with environmentally beneficial solutions and will continue to do so throughout the construction of the Project. No record evidence was submitted to the contrary. As the Project is in compliance with PUESA's standards and consistent with prior precedent, Greenskies respectfully submits that the Council should issue a Declaratory Ruling approving this Project.

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<sup>38</sup> See Exhibit C at Section 24; see also Petition, Appendix D – Draft Decommissioning Plan.

Respectfully submitted,

**GREENSKIES CLEAN ENERGY**

By: \_\_\_\_\_

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