

April 28, 2026

Via Electronic Mail and Federal Express

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

Re: **PETITION NO. 1696 – Terryville Solar One, LLC notice of election to waive exclusion from Connecticut Siting Council jurisdiction, pursuant to Connecticut General Statutes §16-50k(e), and petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 0.975-megawatt AC solar photovoltaic electric generating facility and associated equipment located at 270 Preston Road, Plymouth, Connecticut, and associated electrical interconnection.**

Letter in Lieu of Post Hearing Brief

Dear Attorney Bachman:

On behalf of Terryville Solar One, LLC (the “Petitioner” or “TSO”) please accept this letter in lieu of a Post-Hearing Brief, in support of the above-referenced Petition for Declaratory Ruling, for the construction, operation and maintenance of a, 0.975 megawatt (“MW”) alternating current (“AC”) solar-based electric generating facility (the “Facility” or “Project”) located on property at 270 Preston Road, Plymouth, Connecticut (the “Property”).

Introduction

On November 14, 2025, TSO filed a petition with the Connecticut Siting Council (the “Council”) for a declaratory ruling, that a Certificate of Environmental Compatibility and Public Need (“Certificate”) is not required for the development of a 0.975 megawatt (“MW”) alternating current (“AC”) solar-based electric generating facility (the “Petition”) located at the Property.

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Also on November 14, 2025, the Petitioner notified the Council, pursuant to Conn. Gen. Stat. Section 16-50k(e) that it was electing to waive exclusion of the proposed Project from the Council's jurisdiction.

Facility Description

The Facility will be located on a 5.25-acre portion (the "Project Site") of the 7.25-acre Property. The Property is owned by Peter Tonn and was previously used as an apple orchard that ceased operation several years ago. The Property now consists of the previously harvested orchard, with a mix of evergreen trees and overgrown brush, along the Property boundaries. The Property is bordered to the west and north by residential parcels along Old Farms Road. There are two residential parcels to the east, one heavily wooded parcel and a residential parcel, also owned by Peter Tonn fronting on Preston Road. To the south, across Preston Road, there exist industrial uses, fronting Lassy Court and Preston Road.

The Facility will consist of 2,424 First Solar Model FS-6465A-P-B, 465-Watt solar modules, 7 CPS 600V 125kW (SCH125KTL-DO/US-600) and 1 CPS 600V 100kW (SCH100KTL-DO/US-600 inverters, AC panel boards and/or switchgear, and a 1000 kVa transformer. The solar panels will be secured to a ground mounted fixed tilt steel racking structure. The steel racking structure will be anchored to the ground using pile driven posts. The array of panels and the equipment will be surrounded by a seven-foot-high agricultural style security fence with an access gate. An existing paved driveway apron along the Project Site's frontage will be used to access the Facility. The Facility will interconnect with utility service along Preston Road. The proposed utility interconnection service poles to be installed by Eversource will be located along the Project's new gravel access road. The Project's transformer and panel boards/switchgears will be located in the southeast portion of the Project Site, where the new gravel access road enters the Facility. The inverters will be secured to the racking structure at various locations within the array, as opposed to all being centrally located with other equipment.

Facility Benefits

The Project will support the State's energy policies as set forth in CGS § 16a-35k, including the goal to "develop and utilize renewable energy resources, such as solar and wind energy, to the maximum practicable extent." The Project will provide clean, renewable, solar-powered electricity and assist the State in meeting its legislatively mandated obligations under the Renewable Portfolio Standard. The Project will also assist the State of Connecticut in reducing greenhouse gas emissions and reducing criteria air emissions pollutants associated with the displacement of older, less efficient, fossil fuel generation.

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The Project was selected and awarded a 20-year contract to participate in the Non-Residential Renewable Energy Solutions (“NRES”) program. The Project will help Connecticut meet its emission reduction targets via the State of Connecticut’s Renewable Portfolio Standard and meet the Governor’s goal of being carbon neutral by 2040.

Local Outreach

The Petitioner’s local outreach effort commenced in the early part of 2023, more than two and a half years prior to the filing of the Petition with the Council. The Petitioner met with the Mayor of Plymouth on February 23, 2023, to discuss the Project and potential solar incentive contracts available to the Petitioner.

Prior to electing to waive exclusion of the proposed Project from the Council’s jurisdiction, the Petitioner filed a Special Permit Application (“SPA”) with the Plymouth Planning and Zoning Commission (the “Commission”). Prior to submission of the SPA and consistent with local custom, TSO was invited to attend a Town staff pre-application meeting. This meeting was attended by the Town’s Planner, Building Official, Fire Marshal, Director of Public Works and Police Department. At this meeting, the Petitioner received comments from Town staff and incorporated those comments into the plans ultimately included in the SPA materials.¹ The SPA for the Project was submitted on April 11, 2023.

The Town’s Planning and Zoning Commission (the “Commission”) held public hearings on the Project on May 29, 2025, and June 12, 2025.² During each of these hearings and during the site visit, the Petitioner received comments from the Commission and staff, prompting the submission of revised plans on June 24, 2025.

The Commission held a third public hearing on June 26, 2025. At that meeting, the Petitioner was informed that the Commission hired an outside engineering consultant to review the Project. The SPA hearing was continued to July 10, 2025. The Petitioner received comments from the Town’s engineering consultant on July 9, 2025, less than 24 hours before the July 10, 2025 continued hearing. In order to review and address the Town engineer’s comments the local hearing was continued. The fourth public hearing was held on July 24, 2025. Again, on the eve of this hearing, the Petitioner received additional comments and information from the Town’s engineer, which prompted the Petitioner to request yet another continuation of the local hearing so that these comments could be addressed. This request for continuance, although supported by

¹ Of particular note were comments the Petitioner received from the Town’s Fire Marshal which called for the installation of a gravel access road along the western perimeter of the solar arrays.

² The Commission also conducted a site visit, June 19, 2025 to inspect the Property.

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the Town Planner, was rejected by the Commission, who closed the public hearing, never giving the Petitioner an opportunity to fully address the Town engineer's comments.

At the end of this lengthy process, the Petitioner presented the Commission with five different plan iterations, each addressing comments it received from the Commission, its staff and its outside Engineering consultant. Notwithstanding the Petitioner's efforts, the statutory time clock on the local hearing process expired and was not extended. The Petitioner had no choice but to withdraw the SPA. The Petitioner was not, in its view, being treated fairly by the Commission and decided to proceed with the filing of the Petition with the Council.

The Facility Will Meet Air and Water Quality

Air Quality

The unrefuted evidence in the record would support a finding by the Council that the Project will comply with the air quality standards of the Connecticut Department of Energy and Environmental Protection ("CTDEEP"). The Project, consisting of a 0.975-megawatt renewable energy solar facility, will not produce air emissions of any regulated air pollutants or greenhouse gases (e.g., PM10, PM2.5, VOCs, GHG or Ozone). No adverse effect on air quality is anticipated and no air permit will be required.

Water Quality Standards

The Project will not have an adverse impact on the State's water resources and will comply with the CTDEEP water quality standards. The Facility will be unstaffed, no potable water uses or sanitary discharges are planned, and no liquid fuels are proposed or necessary for the operation of the Facility. The Project will result in a de minimis increase in impervious surface within the Project Site.³ The Facility's stormwater management plan has been developed in accordance with the State's Stormwater Quality Manual and the recently update Stormwater General Permit requirements, including Appendix I. The Project, therefore, satisfies the water quality standards of DEEP CT.

³ Contrary to comments received by the Town's engineering consultant, when designing a stormwater management system for solar facilities like the Project, CTDEEP does not recognized solar panels as impervious. The only impervious surfaces included in the project design are the concrete pads supporting Facility transformers and related equipment.

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The Facility Will Not Have A Substantial Adverse Environmental Effect

The record contains ample evidence that demonstrates that the Project will not result in a substantial adverse environmental effect to the Property or the surrounding area. The Project has been designed to meet or exceed all applicable health and safety standards and requirements related to solar photovoltaic electric power generation, including the National Electrical Safety Code (“NESC”), and those codes and standards promulgated by the National Fire Protection Association (“NFPA”)

During the course of the Council’s evidentiary hearing, Council-member Hall referenced comments made by a member of the Commission about another Verogy Project in East Windsor CT and comments he may have received from the Town’s Fire Chief. The comments referred to by Council-member Hall implied that the Plymouth Fire Department may not be adequately equipped to respond to and fight fires at the proposed Facility if a need existed.⁴ In response to these concerns, Bryan Fitzgerald, the Director of Development for VCP Verogy, stated that, while TSO had not consulted directly with the fire department or Fire Chief, it was committed to providing the local fire department with all necessary assistance and training prior to commencement of Facility operations, and provide them with access to the project site and protect the greater, if a fire occurs at the Project. Verogy has, in prior proceedings, made and lived up to similar commitments to ensure that fire and public safety remain a high priority for all Verogy projects.

According to the CTDEEP there is no Core Forest or inland wetlands and watercourses located on the Property. CTDEEP has also determined that there are no endangered, threatened or special concern species known to occur within the Project Site or the surrounding area. The entirety of the Property is in Flood Zone X, an area of minimal flooding, requiring no special design considerations or precautions. The Project will also have no impact on historic resources listed on the National Register or State Register of Historic Places.

The Facility, once operational, will have limited noise-producing equipment onsite, consisting of inverters and transformers. The loudest piece of equipment onsite will be the inverters. According to the manufacturer’s specifications, the inverters will generate a maximum sound level of approximately 65 dBA at a distance of one meter. This noise level would drop to approximately 42.3 dBA at the nearest Property boundary, 45 feet away.

⁴ At the evening Public Hearing session on March 31, 2026, Commission member Klaneski referenced a letter from the Plymouth Fire Department expressing these concerns. It is important to note however, that TSO was never given a copy of that letter and was never given an opportunity to respond to the Fire Chief’s concerns during the local SPA process.

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Finally, to soften or eliminate views into the Project Site from the homes along the west side of the Property, the Petitioner has committed to relocating mature evergreen trees from the northeast portion of the Property to the area along the western Property boundary. The Petitioner submits that the relocation of these mature trees, together with the existing vegetation in the area will help reduce, or in some cases eliminate views from the west into the Project Site.

Conclusion

For all of the reasons set forth above, the Petitioner respectfully requests that the Council approve the TSO Petition.

Sincerely,



Kenneth C. Baldwin

CERTIFICATION OF SERVICE

I hereby certify that a copy of the forgoing was sent electronically to the following:

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The Honorable David Sekorski
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Date



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