



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

January 8, 2026

TO: Service List, dated December 10, 2025

FROM: Melanie Bachman, Executive Director *MAB*

RE: **PETITION NO. 1701** – Shepaug LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 1.99-megawatt AC solar photovoltaic electric generating facility and associated equipment located adjacent to FirstLight Power, Inc.'s Shepaug Generating Station, 2225 River Road, Southbury, Connecticut, and associated electrical interconnection.

Comments have been received from the Connecticut Department of Energy & Environmental Protection on January 8, 2026. A copy of the comments is attached for your review.

MAB/RDM/dll

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



January 8, 2026

Connecticut Siting Council
10 Franklin Square
New Britain, Connecticut 06051

RE: 1.99 MW Solar Photovoltaic Solar Project – 2225 River Road, Southbury
Shepaug, LLC/ FirstLight Energy
100 District Avenue
Burlington, MA 01803
Petition No. 1701

Dear Members of the Connecticut Siting Council:

Staff of the Department of Energy and Environmental Protection (DEEP) Office of Environmental Review & Strategic Initiatives (ERSI) reviewed the above-referenced petition by Shepaug, LLC (petitioner) for a declaratory ruling that a Certificate of Environmental Compatibility and Public Need is not required for the construction, operation, and maintenance of its 1.99-megawatt solar photovoltaic project (project). The project will occupy approximately 11.78 acres (project site). The project site is located at 2225 River Road in Southbury on one parcel that is approximately 122.6 acres (property).

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

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

Summary of Key Findings

Following are the key findings:

- ERSI staff conducted a site visit for the project on December 23, 2025. Staff observed the project site which consisted of forested land. The project site generally slopes downhill from north to south. Staff were not able to view any other properties or residences from the project site.
- According to ERSI's review of the University of Connecticut Center for Land Use Education and Research (UConn CLEAR) CT Forest Fragmentation map, the project site contains core forest and edge forest. The project megawatt capacity is below two megawatts therefore a letter of no material affect from DEEP is not required.
- A Natural Diversity Data Base (NDDB) Determination letter to the petitioner, dated September 15, 2025, notes that the state threatened species, the bald eagle (*Haliaeetus leucocephalus*), is documented in the area.

- No wetlands or watercourses are located on the project site; however two wetlands and two vernal pools are located on the parcel.
- ERSI staff believe that visual impacts will not be a factor for this project. The project site is centrally located within a large parcel. During the site visit, staff could not view any other properties or residences from the project site area.
- ERSI staff believe that noise impacts should not be a factor for the project, as the boundary of the project site is located sufficiently far away (approximately 420 feet) from neighboring property lines.

Project Description

The project proposes one solar array that is a ground mounted fixed tilt steel racking structure, one pad mounted transformer, fifteen inverters, one stormwater basin, thirteen new utility poles, and one new gravel access road. The interconnection route will connect from the equipment pad to River Road, utilizing the new utility poles.

The property contains the FirstLight hydroelectric facility and dam (Shepaug Dam), Eversource owned overhead electrical transmission lines and substation, forested land, and the Shepaug Recreational Area. The Shepaug Recreational Area contains a Bald Eagle Observation Area, a trail, and both paved and gravel roads. The Shepaug Dam was constructed in 1955, and according to the petition, the property may have had agricultural activity occurring in the 1800s.

Areas surrounding the property include George C. Waldo State Park to the north, Comsat Telecommunications and Mitchell Farm to the east, and the Housatonic River to the south and to the west.

According to the Town of Southbury's Zoning Map the property is zoned as PUD – Public Utility District. ERSI could not locate a zoning description of the Public Utility District, however it appears that a solar generating facility would fit the description of a public utility.

The project site would occupy 11.78 acres of semi-mature forest. Of the 11.78-acre forested project site, approximately 11.5 acres is classified as prime farmland soils. However, according to the petition, the project site has not been actively farmed for over 100 years. According to the petition, the project plans to return portions of the wooded prime farmland soils to agricultural use by establishing a native pollinator habitat and the introduction of an on-site apiary.

ERSI staff conducted a site visit for the project on December 23, 2025, and was accompanied by the land manager for FirstLight. Staff observed the project site which consisted of forested land. The project site generally slopes downhill from north to south. Staff were not able to view any other properties or residences from the project site. Staff observed that the forest consisted of a mix of eastern hemlock (*Tsuga canadensis*) and deciduous trees. There were several eastern hemlock saplings. Adult trees ranged between one- and two-foot diameter breast height. No understory was observed.

DEEP Areas of Focus

Stormwater Management

Construction-related land disturbances are regulated under C.G.S. Sec. 22a-430 and under the federal Clean Water Act's National Pollutant Discharge Elimination System (NPDES).

DEEP offers pre-application meetings for developers to have the opportunity to discuss the unique aspects of their site and determine the level of permitting required, water management design options, and alternatives that may minimize land disturbance. The Stormwater Division has not received an application from the petitioner at the time of publication of this letter.

The petitioner plans to install one temporary sediment basin prior to the start of construction, as well as utilize perimeter erosion controls such as silt fence. Upon final site stabilization the temporary sediment basin will be converted to a permanent stormwater management basin.

Core Forest and Tree Clearing

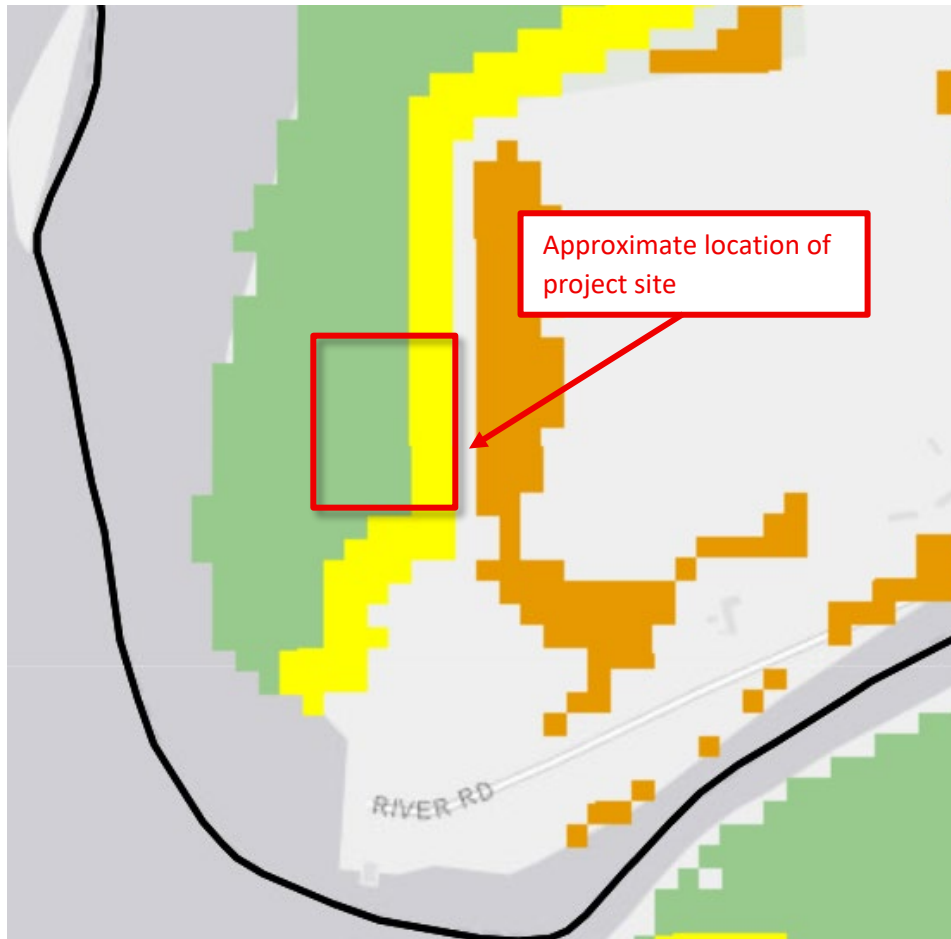
C.G.S. Sec. 16-50k states that petitions for a solar photovoltaic facility proposed on forestland with a capacity of two or more megawatts, the DEEP must represent in writing to the Siting Council that such project will not materially affect the status of such land as core forest. Core forest refers to forested areas that are 300 feet or more from non-forested areas such as roads, buildings, or agricultural fields. The term "materially affect" refers to a significant or substantial impact on the core forest's ecological function, integrity, or extent.

The project's capacity in this petition is below two megawatts therefore a letter of no material affect from DEEP is not required.

The Council on Environmental Quality (CEQ) submitted a review letter to the Siting Council regarding the project on December 18, 2025, which stated that CT Forest Fragmentation map identifies the proposed site as "edge forest" and "core forest (small)." ERSI reviewed the CT Forest Fragmentation map and according to ERSI's review the project site appears to contain core forest (small core forest that is less than 250 acres in size), as well as edge forest (forest along the exterior perimeter of a forest). It should be noted that any final determination of core forest presence or absence (if it were required) would be determined by DEEP's forestry division.

The CT Forest Fragmentation map is published by UConn CLEAR. UConn CLEAR classified land cover input into three categories: fragmenting features (developed, turf & grass, other grasses, agricultural fields, barren land, utility corridors), forest features (deciduous forest, coniferous forest, forested wetland), and non-fragmenting features (water, non-forested wetland, tidal wetland all of which will not affect the fragmentation analysis). UConn CLEAR's Landscape Fragmentation Tool was used to identify four forest fragmentation categories (patch forest, perforated forest, edge forest, and core forest) using a 300-foot edge width applied to the classified land cover. The analysis is based on the following research: "*Vogt, P., K. Riitters, C. Estrenguil, J. Kozak, T. Wade, J. Wickham. 2007. Mapping spatial patterns with morphological image processing. Landscape Ecology 22: 171-177.*"

ERSI has marked the general location of the project site on the CT Forest Fragmentation map below:



Categories

The forest fragmentation tool classifies forests in four general categories:

Class	Class Name	Class Description
1	Patch Forest	small isolated fragments of forest that are surrounded by non-forest features and completely degraded by "edge effects"
2	Edge Forest	forest pixels along the exterior perimeter of a forest that are degraded by "edge effects" (for example the forest immediately along a major highway or large agricultural field)
3	Perforated Forest	forest pixels along the edge of an interior gap in a forest that are degraded by "edge effects" (for example the forest immediately surrounding a small house lot in the middle of the forest)
	Core Forest	forest pixels that are not degraded by "edge effects" and are relatively far from the forest-nonforest boundary. The Landscape Fragmentation Tool further divides these by size.
4	Small core	smaller than 250 acres
5	Medium core	between 250 and 500 acres
6	Large core	larger than 500 acres

Natural Diversity Data Base

NDDB maps show approximate locations of endangered, threatened, and special concern species as well as important natural communities in Connecticut. These maps are intended to be a tool to show potential impacts to state-listed species. The locations shown on the maps are based on information collected over the years by DEEP staff, scientists, and others.

An NDDB Determination letter to the petitioner, dated September 15, 2025, states that the state list species, the bald eagle (*Haliaeetus leucocephalus*), is documented in the area. The project area serves as an important winter feeding and roosting site for bald eagles. The turbulence below the Shepaug Dam prevents the water from freezing and provides bald eagles with critical access to food during winters. The bald eagles will roost in adjacent trees at night and during inclement weather. Bald eagles are currently listed as a state threatened species as well as protected under both the Federal Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

The NDDB Determination letter recommends the following:

- Do not conduct tree removal or use heavy equipment between December 15 and March 10
- Minimize cutting of large trees. No known bald eagle nest trees, critical perch trees, or critical roost trees will be felled or modified.

Wetlands and Vernal Pools

The petitioner had a registered soil scientist conduct a wetland survey on September 19, 2023 and on July 28, 2025. The scientist determined that there are no wetlands or watercourses located on the project site.

The scientist did delineate wetlands within the property, outside of the project site. This included two wetlands and two vernal pools. Wetland 1 consists of manmade south flowing open water features associated with the Housatonic River along the western and southern property boundaries. According to the petition the solar array area is approximately 480 feet away from the nearest Wetland 1 area. Wetland 2/Vernal Pool 1 is an isolated vernal pool wetland complex, and according to the petition it is located approximately 370 feet north of the project site. Vernal Pool 2 is located at the northern boundary of the property, approximately 940 feet north of the project site.

A vernal pool analysis was conducted by the petitioner, which included studies of the vernal pool envelope (VPE) (a 100-foot buffer surrounding a vernal pool), and the critical terrestrial habitat (CTH) (area that is 100 to 750 feet from the vernal pool's edge). The petition states the project has been designed to avoid impacts to the 100-foot VPE with development activities occurring approximately 370 feet from Vernal Pool 1 boundary. The petition states that the project site will encroach into the outer, southern portion of the CTH of Vernal Pool 1, however the development activities will not degrade the quality or tier rating of the vernal pool because 70% of the suitable non-breeding habitat associated with the CTH of the vernal pool will remain intact. The petitioner has determined that it is likely that the principal migratory corridor is located between Vernal Pool 1 and Vernal Pool 2.

The petitioner states that although the principal migratory corridor will not be intercepted, the potential does exist for short term impact during construction of the facility to dispersing herpetofauna associated with Vernal Pool 1. The petitioner states that any such short-term impacts, to both obligate vernal pool species and herpetofauna that may be associated with

the nearby wetland and riparian habitats, would be minimized by the proper installation and maintenance of erosion and sedimentation controls. The petition also proposes to implement a resource protection plan to prevent injury to potential migrating vernal pool species.

The distance between the limits of disturbance and wetlands, and distance between the solar panels and wetlands meet DEEP's Stormwater General Permit's minimum suggested setbacks of 50 feet and 100 feet, respectively.

Reducing Carbon Emissions and Ozone Forming Pollutants

DEEP notes that the construction of solar facilities would support Connecticut's vision for a more affordable, cleaner, and more reliable energy future for the ratepayers of Connecticut. Bringing more zero-carbon energy projects online furthers this vision by diversifying the regional fuel mix, and aids in achieving a 100% zero-carbon electric sector by 2040 as required by C.G.S. Sec. 22a-200a(a)(3). Developing grid-scale renewables is also imperative to the state's success in achieving its statutory goal of reducing carbon emissions by 45% below 2001 levels by 2030 and by 80% below 2001 levels by 2050. Displacing emissions from fossil combustion also can reduce emissions of nitrogen oxides (NOx) that contribute to the formation of ozone or smog. Displacing NOx emissions especially on peak ozone days in the summer can help reduce the number of days Connecticut's air quality is designated as "unhealthy."

Additional Comments

Visual: ERSI staff believe that visual impacts will not be a factor for this project. The project site is centrally located within a large parcel. During the site visit, staff could not view any other properties or residences from the project site area.

Noise: The inverters at a solar facility create noise which can be intrusive to homes located in close proximity without mitigation measures. ERSI staff believe that noise impacts should not be a factor for the project, as the boundary of the project site is located sufficiently far away (approximately 420 feet) from neighboring property lines.

Requirements regarding noise were incorporated into CGS Sec.16-50p stating that the Connecticut Siting Council shall not grant a certificate for a facility with a distance of less than 200 feet between any inverters/transformers of such facility and the property line.

While the petitioner is exempt from this requirement as they are not applying for a certificate, they appropriately sited their solar array approximately 420 feet from the closest property line (51 Purchase Brook Road to the east, which is Mitchell Farm).

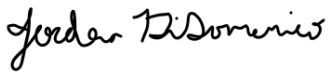
Decommissioning Plan: According to the petition, decommissioning activities will include the removal of all Project components and the restoration of the Project Site as close to its pre-construction condition as possible. Decommissioning will begin with the de-energization of the project, followed by the removal of major components such as photovoltaic modules, racking systems, steel foundation posts, concrete pads, conduit, conductors, inverters, and transformers. Following equipment removal, the perimeter security fencing will be taken down, and the project site will be graded and revegetated as necessary to restore the project site to pre-construction conditions.

Consideration in DEEP Procurement Process: The project was selected in the Year 6 solicitation for the Shared Clean Energy Facility ("SCEF") program and awarded a SCEF

contract by Eversource, which was approved by the Connecticut Public Utilities Regulatory Authority (“PURA”) on July 7, 2025.

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

Respectfully yours,

A handwritten signature in cursive script that reads "Jordan DiDomenico".

Jordan DiDomenico
Environmental Analyst 2

CC: Katie Dykes, DEEP Commissioner