

DRAFT

**Petition No. 1442
SR Litchfield, LLC
Solar Facility -Litchfield and Torrington
Partial Development & Management Plan II**

**Staff Report
June 2, 2023**

Introduction

On September 23, 2021, the Connecticut Siting Council (Council) issued a Declaratory Ruling to SR Litchfield, LLC (SRL) for the construction, maintenance, and operation of a 19.8-megawatt (MW) AC solar photovoltaic electric generating facility on approximately 322 acres comprised of six contiguous parcels in Litchfield and Torrington. The parcels are located generally south of Highland Avenue and east and west of Rossi Road in Torrington, and east and west of Wilson Road in Litchfield (collectively the Site). In its Declaratory Ruling, the Council required SRL to submit a Development and Management Plan (D&M Plan).

On November 24, 2021, SRL submitted Partial¹ D&M Plan I that included site plans and documentation specific to site clearing and grubbing to adhere to a Department of Energy and Environmental Protection (DEEP) clearing restriction from May 1 to August 14 associated with the red bat and hoary bat, special concern species listed on the Natural Diversity Database (NDDDB), which may occur in the forested areas of the site. On January 18, 2022, the Council approved Partial D&M Plan I.

On May 3, 2023, SRL submitted Partial D&M Plan II, for the Site specific to a landscape plan, livestock grazing plan, DEEP NDDDB correspondence and consultations with the Torrington and Litchfield Fire Marshals.

As required by the Council's Declaratory Ruling Condition 2, Partial D&M Plan II was served on the parties and intervenors listed on the service list. No comments regarding Partial D&M Plan II were received.

On May 10, 2023, the Council issued interrogatories to SRL. SRL submitted responses to the interrogatories on May 23, 2023.

Condition 2 of the Council's Declaratory Ruling required the following information to be included in the D&M Plan:

- a. A final site plan including, but not limited to, final facility layout, access roads, fence design, equipment pads, stormwater management control structures, electrical interconnection including riser pole locations and increased setbacks to the property at 1119 Highland Avenue, Torrington;**

Final site plans will be provided in a future Partial D&M Plan.

¹ Regulations of Connecticut State Agencies §16-50j-60(b) states, "A *partial* or full D&M plan shall be prepared in accordance with this regulation..." (Emphasis added).

- b. Erosion and sedimentation control plan consistent with the 2002 *Connecticut Guidelines for Erosion and Sedimentation Control* including, but not limited to, temporary sediment basin details, site stabilization measures during construction, inspection and reporting protocols, methods for periodic cleaning of temporary sediment traps and swales during construction, and final cleaning of stormwater basins upon site stabilization;**

SRL provided portions of the erosion and sedimentation control plan specific to tree clearing/grubbing in Partial D&M Plan I.

Additional detail regarding erosion and sedimentation controls will be provided in a future Partial D&M Plan.

- c. Site construction detail/phasing plan including, but not limited to, construction laydown area, site clearing/grubbing, site grading, soil stockpile locations, excess earth material disposal locations, wetland mitigation measures; and NDDDB species protective measures;**

SRL provided portions of the construction detail/phasing plan specific to tree clearing/grubbing, including DEEP recommended measures to protect species listed on the DEEP NDDDB, in Partial D&M Plan I.

Additional construction detail, including but not limited to excavation and grading to establish temporary/permanent stormwater controls, access drive construction, installation of site perimeter fencing, and establishment of additional erosion and sedimentation controls will be provided in a future Partial D&M Plan.

- d. A final DEEP NDDDB determination letter prior to commencement of construction;**

As part of Partial D&M Plan II, SRL submitted the final DEEP NDDDB letter for the Site, dated April 28, 2022. The letter details recommended construction and post-construction protective measures for state-listed bat (2), turtle (1), bird (3) and plant (1) species known to occur within or proximate to the Site.

Recommended protective measures include, but are not limited to, establishing wetland buffers, retaining a qualified herpetologist to conduct periodic inspections, exclusionary fencing, avoidance of the use of heavy machinery within 100-feet of watercourses, timeframe restrictions for work in grasslands and forests, use of native vegetation in the solar array areas, and post-construction mowing procedures.

- e. A final Landscaping Plan including, but not limited to, landscape plantings, pollinator plantings, and final seed mix;**

As part of Partial D&M Plan II, SRL submitted the final Landscaping Plan. The plan includes the installation of 312, 15-foot tall American Holly shrubs in areas where the Site abuts residential parcels located on Wimbledon Gate and Highland Avenue in Torrington and on Town Farm Road in Litchfield. Additional plantings will occur near the intersection with Town Farm Road and Rossi Road to screen open views and to provide some cover vegetation for wildlife that may use nearby wetland areas.

Final stabilization will utilize various seed mixes for different areas of the site. The solar field areas will be seeded using a mix that includes a variety of grasses and forbs, including native species that support pollinator wildlife species. Areas outside of the solar array limits will be seeded with a conservation mix that contains a larger component of wildflowers than areas within the solar array limits. The stormwater basins and swales will be seeded with an erosion control/restoration seed mix that include species tolerant of moist areas.

f. A final structural design for the racking system, stamped by a Professional Engineer duly licensed in the State of Connecticut prior to commencement of construction;

This information will be provided in a future Partial D&M Plan.

g. Specification sheet for the Project solar modules;

This information will be provided in a future Partial D&M Plan.

h. Consult with the DEEP Dam Safety Division regarding permitting requirements, if any, for the proposed stormwater basins prior to site construction;

This information will be provided in a future Partial D&M Plan.

i. A Spill Prevention and Response Plan;

This information was provided in Partial D&M Plan I. The Council's decision on Partial D&M Plan I included the following conditions pertaining to the Spill Prevention and Response Plan.

- 1) An updated Spill Prevention and Response Plan, which includes contact information for the SRL Field Operations personnel. SRL has provided this information.
- 2) Provide procedures for Fuel/Hazardous Materials Storage and Equipment Refueling during construction. SRL has provided this information.

In addition, transformers at the Site will have leak detection alarms. The transformer fluid (FR3) is a natural ester fluid derived from vegetable oils and is nonhazardous. However, if it reaches open water, it can create an impermeable layer that could negatively affect wildlife values, and therefore, would require mitigation/cleanup. The Site is designed with a minimum 105-foot buffer from a transformer to a wetland/watercourse.

j. A livestock co-use plan for the site, including, but not limited to, provisions for rotational grazing, water access and emergency evacuation;

As part of Partial D&M Plan II, SRL indicated it does not intend to host livestock grazing at the Site. Should SRL decide to allow livestock grazing, SRL will notify the Council and submit a co-use plan for Council approval.

k. Consult with the state and local fire marshals regarding compliance with the CT State Fire Prevention Code, Section 11.12.3 - Ground Mounted Photovoltaic System Installations prior to commencement of construction; and

The distance between the perimeter fence and solar array is 4.5 feet in some areas, less than the 10-foot minimum width required by the CT State Fire Prevention Code (Section 11.12.3 - Ground Mounted Photovoltaic System Installations).

As part of Partial D&M Plan II, SRL consulted with the Litchfield and Torrington Fire Marshals. The fire marshals for both municipalities did not comment on the clearance provision. The fire marshals both recommend that vegetation be cut to a height no greater than six inches within the array area.

I. Project construction hours/days of the week.

SRL provided construction hours/days for site clearing activities in Partial D&M Plan I. Additional hours for construction will be provided in a future Partial D&M Plan.

Recommendations

If approved, staff recommends the following conditions:

1. Confirmation that facility site plans showing the perimeter fence/solar array alignments were provided to the Fire Marshals of Litchfield and Torrington for comment in regards to locations where the Site perimeter fence will be less than the 10-foot minimum clearance requirement from the end of the solar arrays, as set forth in 2018 CT State Fire Prevention Code, Section 11.12.3.1 (superseded by 2022 CT State Fire Prevention Code, Section 11.12 1.4 Clearances); and
2. Implementation of the recommended species protection measures listed in the DEEP NDDDB Determination letter dated April 28, 2022.