

DRAFT

**Petition No. 1638
LSE Sextans LLC and LSE Sextans II LLC
3-MW AC Solar Photovoltaic Electric Generating Facility
Parcel Nos. 221-3-1 and 222-4-26, Lovers Lane, Torrington**

**Staff Report
January 17, 2025**

Notice

On August 16, 2024, the Connecticut Siting Council (Council) received a petition from LSE Sextans LLC and LSE Sextans II, LLC (Lodestar) for a declaratory ruling pursuant to Connecticut General Statutes (CGS) §4-176 and §16-50k for the construction, operation and maintenance of a 1-megawatt (MW) and a 2-MW alternating current (AC) solar photovoltaic electric generating facilities and associated equipment located at Parcel Nos. 221-3-1 and 222-4-26, Lovers Lane, Torrington, Connecticut and associated electrical interconnection (Petition or Projects).

Pursuant to Regulations of Connecticut State Agencies (RCSA) §16-50j-40 on or about August 14, 2024, Lodestar provided notice of the Projects to abutting property owners, City of Torrington (City) officials and state officials and agencies of the proposed Projects.

On August 16, 2024, the Council sent correspondence to the City stating that the Council has received the Petition and invited the City to contact the Council with any questions or comments by September 15, 2024.

Pursuant to CGS §4-176(e) of the Uniform Administrative Procedure Act, an administrative agency is required to take action on a petition for a declaratory ruling within 60 days of receipt. During a regular meeting held on October 10, 2024, pursuant to CGS §4-176(e), the Council voted to set the date by which to render a decision on the Petition as no later than February 12, 2025, which is the 180-day statutory deadline for a final decision under CGS §4-176(i).

The Council issued interrogatories to Lodestar on November 12, 2024. Lodestar submitted responses to the Council's interrogatories on December 3, 2024, one of which included photographic documentation of site-specific features intended to serve as a "virtual" field review of the Projects site.

Community Outreach

On April 25, June 5, and September 6, 2023, Lodestar attended three meetings with City officials. The City's primary concern was the addition of a potential access road for the City on the southern portion of the site to access the western side of Major Besse Park and line of sight issues associated with the proposed Projects' access road for traffic.

On July 1 and 22, 2024, Lodestar held two community outreach meetings at Country Woods Condominiums (CWC). At the meetings, residents at CWC expressed concerns that include, but are not limited to, health concerns, visibility, noise and stormwater.

On September 4, 2024, CWC requested an extension of the public comment period deadline. On September 9, 2024, the Council granted an extension of the public comment period deadline to October 3, 2024.

On September 23, 2024, State Representative Jay Case submitted comments in opposition to the Projects based on their proximity to the Country Woods Condominium (CWC) located off Lover's Lane.¹

On September 26, 2024, the City Mayor submitted correspondence to the Council in opposition to the Projects due to concerns regarding construction related traffic and sight lines, three other solar facilities already in the City, and lack of tax benefits.² On September 30, 2024, the City Public Works Department submitted correspondence to the Council in opposition to the Projects due to concerns regarding the proposed tree clearing and loss of carbon sequestration.³

Also on September 30, 2024, the City Planning and Zoning (P&Z) Commission submitted correspondence to the Council with comments and recommendations related to the Projects including, but not limited to, the following: visual screening along the CWC boundary, restricting construction hours to no earlier than 8 am to no later than 6 pm; ensuring that the City's access easement along the southern boundary of the host parcel remains unobstructed; and increasing the construction entrance tracking pad length from 50 to 100 feet.⁴

On October 23, 2024, State Representative Jonathan Steinberg submitted comments in support of the Projects based on its contribution toward state renewable energy goals.⁵

State Agency Comments

On August 16, 2024, pursuant to RCSA §16-50j-40, the Council sent correspondence requesting comments on the proposed Projects from the following state agencies by September 15, 2024: Department of Energy and Environmental Protection (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 Connecticut Airport Authority (CAA); the State Historic Preservation Office (SHPO); and the Office of Consumer Counsel (OCC).

¹ https://portal.ct.gov/-/media/csc/3_petitions-medialibrary/petitions_medialibrary/mediapetitionnos1601-1700/pe1638/comments_determinations/pe1638_staterepcase_092324_a.pdf?rev=1e833c46d1ff4bdba2d9ac02972a88db&hash=7CDC500893A4BAF1D451BB6E4454A472

² https://portal.ct.gov/-/media/csc/3_petitions-medialibrary/petitions_medialibrary/mediapetitionnos1601-1700/pe1638/comments_determinations/pe1638_pubform_cityoftorington_a.pdf?rev=08a7d899faa24c82ac96ebd086bfa08&hash=0075418921CACC7528050EF1484C4485

³ https://portal.ct.gov/-/media/csc/3_petitions-medialibrary/petitions_medialibrary/mediapetitionnos1601-1700/pe1638/comments_determinations/pe1638_pubform_publicworksdppt_a.pdf?rev=df541711b9da44c28fe980a856ed1f40&hash=A851B1B5831276040E1B7E064E3E79F7

⁴ https://portal.ct.gov/-/media/csc/3_petitions-medialibrary/petitions_medialibrary/mediapetitionnos1601-1700/pe1638/comments_determinations/pe1638_pubform_planningzoningcomm_a.pdf?rev=66c0aaec71784816a375c4282fa4f807&hash=3AEACF39DE56C7732E0B30083A03A7D8

⁵ https://portal.ct.gov/-/media/csc/3_petitions-medialibrary/petitions_medialibrary/mediapetitionnos1601-1700/pe1638/comments_determinations/pe1638_staterepsteinberg_102524_a.pdf?rev=ee5c133f1f974098a512ce05d3d2b11c&hash=EF92F7B905BEC2DE4DA6734A8A361B2E

In response to the Council's solicitation, CEQ submitted comments on August 29, 2024 regarding farmland, wildlife, wetlands and vernal pools, and vegetation management.⁶ DEEP submitted comments on September 15, 2024 regarding visibility, noise and decommissioning.⁷

No other state agencies provided written comments on the Projects.

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.⁸

Public Act 17-218

Public Act (PA) 17-218⁹ 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." Lodestar has secured written confirmations from both DOAg and DEEP.

Pursuant to CGS §16-50x, the Council has exclusive jurisdiction over the construction, maintenance and operation of solar photovoltaic electric generating facilities throughout the state. PA 17-218 requires developers of solar facilities with a generating capacity of more than 2 MW to obtain a written determination from DOAg or DEEP that the project would not materially affect the status of land as prime farmland or core forest prior to submission of a petition for a declaratory ruling to the Council. PA 17-218 does not confer the Council's exclusive jurisdiction over the construction, maintenance and operation of solar photovoltaic electric generating facilities throughout the state upon DOAg or DEEP. PA 17-218 also does not 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.

Public Benefit

The Projects would be distributed energy resource facilities 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." The state Comprehensive Energy Strategy (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. Furthermore, the Governor's Executive Orders and Council on Climate Change examine existing policies and identify new strategies to combat climate change. The proposed facilities will contribute to fulfilling

⁶ https://portal.ct.gov/-/media/csc/3_petitions-medialibrary/petitions_medialibrary/mediapetitionnos1601-1700/pe1638/proceduralcorrespondence/pe1638_ceq_commentsrecd_a.pdf?rev=5b5be024cbb49a5a11918e9f9a9ba1b&hash=DD8DB782978E2B75531ADC91C6242E80

⁷ https://portal.ct.gov/-/media/csc/3_petitions-medialibrary/petitions_medialibrary/mediapetitionnos1601-1700/pe1638/comments_determinations/pe1638_deep_commentsrecd_a.pdf?rev=12dde68eb0d74975a48d4752a33cdd7f&hash=1FD4920202B4EC9F05ECAD189110E22A

⁸ *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007)

⁹ Codified at Conn. Gen. Stat. §16-50k(a) and §16a-3k (2024)

the State's Renewable Portfolio Standard and Global Warming Solutions Act as a zero emission Class I renewable energy source.

The Projects were selected in the Non-Residential Renewable Energy Solutions (NRES) Program, which is a competitive procurement process 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. 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.

Lodestar has executed two TTAs with Eversource: one for the 2 MW southern array associated with LSE Sextans LLC that was awarded in Year 1 of the NRES Program (Array 1) and one for the 1 MW northern array associated with LSE Sextans II LLC (Array 2) that was awarded in Year 2 of the NRES Program. The electrical energy, capacity and renewable energy credits produced by the facilities would be sold to Eversource in accordance with the TTA.

The energy from the proposed facilities is subject to a net metering agreement with the City of Hartford for discounted energy credits to offset the City of Hartford's energy costs. The City of Hartford is a distressed municipality eligible to participate in the NRES Program.

The City of Torrington is also a distressed municipality eligible to participate in the NRES Program and an Environmental Justice Community. However, the proposed facilities are not defined as an "affecting facility" under CGS §22a-20a because they are electric generating facilities with a capacity less than 10 MW that will use renewable resources.

Lodestar offered the possibility of discounted energy credits through a TTA with the City in 2015 related to two other Lodestar NRES Program projects. In 2023, the City issued a RFP for TTAs that were awarded to TriTec. Notwithstanding, Lodestar is willing to continue discussions with the City related to the purchase of discounted energy credits associated with the Projects and other Lodestar projects located throughout the state, to the extent such credits are available.

At the conclusion of the 20-year TTAs, Lodestar may continue to operate the facility and seek other revenue mechanisms available at that time.

Lodestar would not participate in an ISO New England, Inc. (ISO-NE) Forward Capacity Auction (FCA) because the capacity of the Projects is committed to Eversource and participation in an ISO-NE FCA is not allowed under NRES Program rules.

Proposed Site

Pursuant to CGS §16-50x, the Council has exclusive jurisdiction over the proposed solar electric generating facility "site." Under 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. The Council does not have jurisdiction or authority over any portion of the host parcel beyond the boundaries of the project "site." This includes portions of the parcel retained by the landowner and portions of the parcel the landowner may lease to third parties. Once a facility is decommissioned, the Council no longer has jurisdiction or authority over the project "site."

Under a lease agreement with the property owner, Lodestar proposes to construct the solar facilities on an approximate 17.19-acre site within two contiguous host parcels identified as Parcel No. 221-3-1 (southern

array parcel) and Parcel No. 222-4-26 (northern array parcel) (collectively, the host parcels), totaling 54.08-acres and located east of Lovers Lane in Torrington. A cultivated field is located within the western portion of the south-central portion of the host parcels. Except for a small, developed portion of the northwestern corner of the host parcels, the remainder is wooded. The southern array (Array 1) parcel is located within the Outlying Residence (R40) zone, and the northern array (Array 2) parcel is located within the Restricted Residential Community (RRC) Zone.

Land use surrounding the site includes CWC to the north and northwest, residential to the south, undeveloped land and agricultural fields to the west on the opposite side of Lovers Lane; and Major Besse Park to the east.

The site slopes downwards from south to north with elevations ranging from approximately 1,013 feet above mean sea level (amsl) to 817 feet amsl.

Lodestar selected the site due to availability, size, proximity to an electrical interconnection, and previous site disturbance which minimizes tree clearing. 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.¹⁰

The lease agreement with the property owner includes provisions related to decommissioning and site restoration at the end of the Projects' useful life. The lease term is for 25 years with options for three 5-year extensions. At the end of the lease, Lodestar will decommission the Projects and restore the site to substantially the same condition as the existing conditions.

Proposed Facility and Associated Equipment

The proposed solar facilities consist of two contiguous array areas: southern array (Array 1) area totaling 4,746 solar panels rated at 540 Watts and northern array (Array 2) area totaling 2,824 solar panels rated at 540 Watts. The panels would be installed on a fixed tilt racking system facing south at a 25-degree angle. The panels would be approximately 11 feet above grade at the highest point and 2 feet above grade at the lowest point. The panel rows would be separated by an approximate 14.7-foot wide vegetated aisle. The racking posts would be installed to a depth of 10 feet.

Two equipment pads would be installed in the western portion of the site. Twelve 166 kW inverters and one 2,250 kVA transformer would be located on the southern equipment pad. Six 166 kW inverters and one 1,250 kVA transformer would be located on the northern equipment pad.

Panel row wiring would extend along the racking system to reduce potential damage from weather events, maintenance activities or animals. In areas where wiring is not run along the racking, it would be installed underground in conduits or aboveground in wire messenger systems.

The proposed electrical interconnection would run underground from the northern and southern equipment pads and continue north before turning to the east along the northern portion of the site. The underground electrical interconnection would then continue to the northeast and pass underneath the wetland (at its narrowest location) via a jack and bore process and then continue underground to reach a 30-foot by 26-foot interconnection equipment pad. It would contain facility associated equipment including, but not limited to, switchgear, and load break, and circuit breakers.

From the interconnection equipment pad, the electrical interconnection would split into two parallel underground lines and continue to the north to reach a pair of 30 to 40 foot tall utility-owned riser poles to

¹⁰ *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007); CGS §16-50p(g) (2024)

convert to overhead. The two parallel feeders would continue overhead via four additional 30 to 40 foot tall poles (two each – one utility-owned recloser pole and one utility-owned primary meter pole) to connect to an existing 13.8-kV overhead electrical distribution circuit along Lovers Lane that connects to the existing 1B Franklin Drive Substation. A 900-foot long 3-phase underground extension would be required to facilitate connection with this circuit. This extension would be owned by Eversource.

Array 1 received a Year 1 NRES Program award and Array 2 received a Year 2 NRES Program award. Therefore, the two separate Projects have separate interconnections, and the two parallel rows of poles cannot be consolidated into one row of poles.

Eversource reviewed and approved the interconnection design and will move forward with an interconnection agreement. The 2 MW Array 1 interconnection was reviewed and approved by ISO-NE. The 1 MW Array 2 interconnection does not require ISO-NE review.

The projected capacity factor for the proposed solar facilities is approximately 20.2 percent. The power output would decline over time with an anticipated annual power output loss of approximately 0.3 to 0.5 percent. A battery storage system is not proposed at this time.

Access to the site will be from Lovers Lane via an existing approximately 14 foot wide, 175-foot long gravel access drive that generally runs in an east-west direction to the site. The existing access would be improved with additional gravel. Proposed access would connect to the existing access and would be approximately 15 feet wide by 308-feet long and generally run in a north-south direction.

The solar facilities would be enclosed by a seven-foot high chain link fence with one locked vehicle access gate. Lodestar is also willing to install an agricultural style fence if requested by the Council.

Construction of the facilities would disturb approximately 17 acres, inclusive of the solar array areas, equipment pads, existing and proposed access roads and electrical interconnection.

The nearest off-site residence is located approximately 119 feet northwest of the Projects' fence at Building 7 of the CWC. The nearest property line from the Projects' fence is approximately 50 feet to the south at 552 Allen Road.

The estimated cost of the Projects is approximately \$7.6 million.

Public Health and Safety

The Projects would comply with the current National Electrical Code (NEC), National Electrical Safety Code, Connecticut State Fire Prevention Code, Connecticut State Building Code, and National Fire Protection Association codes and standards, as applicable.

The nearest federally obligated airport is Robertson Airport located approximately 17 miles to the southeast in Plainville. The Federal Aviation Administration (FAA) issued Determinations of No Hazard to Air Navigation for the proposed solar facility. The FAA does not require a glare analysis for solar installations that are located on non-airport land. Lodestar does not plan to utilize a crane during construction but would comply with FAA notice requirements should a crane be necessary.

The proposed facilities would be remotely monitored through a 24/7 data acquisition system (DAS). The DAS could send alarms identifying issues with communication, power generation or safety. A dedicated on-call service team would be dispatched to address any issues.

A gang-operated air break switch would be located on-site for emergency responders to safely disconnect the facility from the grid. The nearest municipal fire hydrant is located approximately 1,246 feet north of the site entrance at the intersection of Lovers Lane and the CWC driveway. Two additional hydrants are located on the CWC property. Lodestar would provide facility operation and safety training for local emergency responders. The methods of fire response will be determined by the fire department. No specialized equipment would be required for fire suppression.

The transformers would contain a non-toxic, biodegradable insulating oil (FR3). Secondary containment and leak detection are not typically installed when using FR3 oil.

Electric and Magnetic Fields (EMF) produced from solar facility electrical components would dissipate quickly with distance and therefore similar to pre-existing EMF background levels at the property lines.

The proposed seven-foot-high chain link and the alternative agricultural style fence comply with NEC fencing requirements¹¹.

The proposed facilities would be in compliance with DEEP Noise Control Standards. Noise modeling using the inverse square law indicates noise from the operation of the Projects, taking into account the combined effects of both the Array 1 and Array 2 equipment pads would be approximately 51.4 dBA at the nearest property line located 154 feet west of the Array 1 equipment pad. Construction noise is exempt from DEEP Noise Control Standards.

The site is not within a Federal Emergency Management Agency designated 100-year or 500-year flood zone.

Blasting is not anticipated. If bedrock is encountered, pilot holes would be pre-drilled prior driving the posts, or ground screws would be utilized in lieu of driven piles.

Environmental Effects and Mitigation Measures

Air and Water Quality

The Projects would not produce air emissions as a result of operation.

The facility would not use or discharge water during operation.

The site is not located within a DEEP-designated Aquifer Protection Area or a Public Water Supply Watershed.

Lodestar performed a wetland survey on February 14, 2023 that identified one forested wetland system with three intermittent watercourses located in the northern and eastern portions of the host parcels. This wetland system extends off of the host parcels to the south and generally drains in a south to north direction towards Lovers Lane Brook to the north and Besse Brook to the northeast. No vernal pools were identified in the survey.

¹¹ Section 691.4(2) of the National Electrical Code (NEC), 2020 Edition notes that, "Access to PV electric supply stations shall be restricted by fencing or other adequate means in accordance with 110.31..." Section 110.31 notes that for over 1,000 Volts, "...a wall, screen, or fence shall be used...A fence shall not be less than 7 feet in height or a combination of 6 feet or more of fence fabric and a 1 foot or more...utilizing barbed wire or equivalent."

There would be no direct impacts to wetlands as a result of the Projects. A portion of the electrical interconnection would pass under the wetland via the jack and bore process. It is a trenchless excavation method used to install underground conduits without extensive surface excavation. The distance between the two jack and bore pits is approximately 305 feet. The jack and bore pits would be located at least 50 feet from wetlands to avoid direct impacts.

Additionally, Lodestar developed a Resource Protection Plan that includes, but is not limited to, wetland protection measures and a Wood Turtle Protection Plan (WTPP). Lodestar would establish erosion and sedimentation controls in accordance with the applicable *Connecticut Guidelines for Soil Erosion and Sediment Control* (E&S Guidelines) to protect wetlands.

Stormwater

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.

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 Projects 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.

Construction of the Projects would require approximately 17 acres of ground disturbance and thus, a DEEP-issued Stormwater Permit is required prior to commencement of construction. The Stormwater Permit and associated SWPCP incorporates project designs consistent with the applicable E&S Guidelines and *Connecticut Stormwater Quality Manual*.

Lodestar attended a pre-application meeting with DEEP on July 20, 2023. DEEP recommended that all perimeter controls (e.g. swales and basins) be installed and stabilized before commencing work installing the solar facility panels, and that low impact machinery be utilized to avoid impacts to existing vegetation. DEEP also noted the requirement of a slope bench every 15 vertical feet, and permanent stormwater basins with a storage capacity of 3 acre-feet above ground level require a DEEP Dam Safety construction permit and registration with the Dam Safety Program.

Two permanent stormwater basins, one in the northern portion of the site and one in the eastern portion of the site, would be required to improve post-construction site conditions over existing drainage conditions. Specifically, post-development peak discharges for 2, 25, 50, and 100-year storm events would be less than pre-development peak discharges.

Lodestar would install perimeter controls in compliance with the DEEP Stormwater Permit Appendix I, *Stormwater Management at Solar Array*, and stabilize prior to commencing panel installation work. Lodestar would also utilize low-impact equipment to install racking and posts. For both proposed stormwater basins, the storage capacity would be less than 3 acre-feet; thus, a DEEP Dam Safety construction permit and registration with the Dam Safety Program would not be required.

Also, in compliance with the DEEP Stormwater Permit Appendix I, Lodestar would maintain a minimum 50-foot wetland buffer from stormwater control features and a minimum 100-foot wetland buffer from the solar panels.

Forests and Parks

Construction of the Projects would require approximately 11.8 acres of tree clearing for the access road and shade mitigation in select areas within the vicinity of the solar arrays.

By letter dated September 15, 2024, pursuant to PA 17-218, DEEP determined that the proposed Projects will not materially affect the status of core forest.¹²

There are no state parks or forests within 0.5 mile of the site.

City-owned Major Besse Park consists of mostly undeveloped forested land with developed recreational areas on the far eastern side of the park. The proposed facilities' fence line would be located approximately 314 feet west of the property line facing the forested portion (or western side) of the park.

Fish, Aquaculture and Wildlife

The proposed solar facilities are not within a DEEP-designated Cold Water Habitat area.

The site is located within a DEEP Natural Diversity Database (NDDDB) area. DEEP Wildlife Division issued a final determination letter dated March 1, 2024 indicating that the wood turtle, a state-listed Species of Special Concern, may occur proximate to the proposed site. Based on DEEP recommendations, Lodestar has provided a WTPP. The WTPP includes, but is not limited to, exclusionary fencing; contractor education; and avoidance of mowing from May 15 through August 30 or alternatively, utilizing protective measures associated with mowing.

The northern long-eared bat (NLEB), a federal and state-listed Endangered Species, occurs in Connecticut. The Projects are not located within 0.25 mile of a known NLEB hibernaculum. No known maternity roost trees are located in the vicinity of the Projects. By letter dated February 7, 2024, the U.S. Fish and Wildlife Service (USFWS) indicated that the proposed Projects may affect, but is not likely to adversely affect, the NLEB.

Disturbed areas within the solar array areas would be seeded with Fuzz & Buzz seed mix (or equivalent) which contains pollinator-friendly species.

The solar facilities perimeter fence (either chain link or agricultural style) would have a six-inch gap at the bottom to allow for small animal movement.

Agriculture

The host parcels contain approximately 1 acre of prime farmland soils according to mapping maintained by the United States Department of Agriculture (USDA) Natural Resource Conservation Service. Under PA 17-218, "prime farmland" means land that meets the criteria for prime farmland as described in 7 Code of Federal Regulations (C.F.R.) 657, as amended from time to time. 7 C.F.R. 657 defines prime farmland in

¹² https://portal.ct.gov/-/media/csc/3_petitions-medialibrary/petitions_medialibrary/mediapetitionnos1601-1700/pe1638/comments_determinations/pe1638_deep_lodestar-energy-lovers-lane-torrington.pdf?rev=05c719390b4f4ca48991152f0dbf116a&hash=48E337699605A58B56C550B7221A2D79

relevant part as “land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses.”

The proposed facilities would not be located on prime farmland soils.

By letter dated March 4, 2024, DOAg determined that the proposed Projects will not materially affect the status of prime farmland.¹³

One of the host parcels is currently enrolled in the Public Act 490 Program for agricultural land tax abatement. Once constructed, the solar facility site portion of the host parcel would not be eligible for the program.

Scenic, Historic and Recreational Values

Lodestar performed Phase 1A and Phase 1B cultural resource investigations. Recovered artifacts were not considered significant under National Register for Historic Places criteria. Lodestar submitted the Phase 1A and Phase 1B reports to SHPO for review. SHPO submitted correspondence to Lodestar on December 22, 2023, indicating that the proposed Projects would not affect historic properties, and no additional archaeological investigation is warranted.

The nearest state-designated scenic road is Route 118 in Litchfield, located approximately 3.4-miles to the south of the site. The proposed facilities are not expected to be visible from Route 118 due to the distance. There are no local or nationally designated scenic roads proximate to the site.

There are no “blue-blazed” trails maintained by the Connecticut Forest and Parks Association located proximate to the site.

The nearest publicly-accessible recreational area is Major Besse Park that abuts the host parcels to the east. The western (abutting) side of the park is wooded and undeveloped. Developed recreational areas of the park are at the eastern side of the park property and are located farther away from the facilities and separated by forested areas on both the host parcels and the park property.

Visibility

An existing vegetative visual buffer would remain around the majority of facility site to minimize off-site visibility, except for the southern side to minimize shading effects. However, areas directly to the south of the host parcels are undeveloped/wooded. The proposed access drive off of Lovers Lane would be curved to obstruct direct views into the proposed solar facility site from Lovers Lane.

Of the 81 units at CWC, two are within 200 feet of the closest solar panels. Of the two, the closer unit would be approximately 150 feet from the nearest solar panel. A 100-foot forested buffer would remain between the array and the nearest unit. Additionally, Lodestar would plant 23 evergreen trees as vegetative screening along the northwestern limits of the site boundary. Thus, the Projects is not expected to result in significant visibility from the CWC.

¹³ https://portal.ct.gov/-/media/csc/3_petitions-medialibrary/petitions_medialibrary/mediapetitionnos1601-1700/pe1638/comments_determinations/nma-letter-lodestar-torrington-3124-w-enclosures-bh.pdf?rev=54a127888a4c4cea9cc24619a3931353&hash=46524686FB803AF714EF4E4CA81EE900

Facility Construction

The solar racking system would be installed on mostly existing grades, but some grading would be required within the northern portion of the Array 2 area. Excavation would be required to install the stormwater management system.

A site construction phasing plan has been developed that includes four main construction phases. Phase 1 would include establishing erosion and sediment control measures and the construction entrance. Phase 2 would include clearing and seeding/stabilizing the southern portion of the site. Phase 3 would include clearing and seeding/stabilizing the northern portion of the site. Phase 4 includes racking system and equipment installation and final stabilization of site.

Lodestar will increase the width of the construction entrance tracking pad from 50 feet to 100 feet in response to the request from the City P&Z Commission.

Construction is anticipated to begin in the second quarter of 2025 and would be completed in approximately 9 months. Typical construction hours and workdays of the week are as follows: Monday – Saturday, 7:00 AM to 5:00 PM.

Operations and Maintenance

A post-construction Operations and Maintenance (O&M) Plan has been developed that includes provisions for periodic inspections of physical site features and structural and electrical components.

An evaluation of the facilities and performance of preventative maintenance measures would be conducted in accordance with manufacturer's specifications and would occur at least once per year. The evaluation would include the electrical system/components, physical infrastructure, and site vegetation.

The inverters have an operational life of 10+ years and would be replaced as necessary. Replacement modules would not be stored on-site.

Snow on the panels will be allowed to slide off. When necessary, module cleaning would utilize water. No chemicals would be used.

Vegetation management would be performed mechanically and is expected to occur 2-3 times annually.

Decommissioning

The Projects have an operational life of over 20 years. At the end of the Projects' useful life, they would be decommissioned, and the site would be restored to pre-construction conditions.

It is anticipated that the steel racking system, electrical components and wiring and solar modules would be recycled as applicable. All recyclable materials would be transported to appropriate recycling facilities. Any non-recyclable materials would be properly disposed of in accordance with applicable permits and regulations.

The transformers, equipment pads and gravel access drive would be removed. Disturbed areas would be backfilled with soil and seeded. The overhead Eversource interconnection and associated utility poles would be removed if requested by the property owner at the time of decommissioning.

The selected solar panels for the Projects meet current Toxicity Characteristic Leaching Procedure (TCLP) criteria for characterization as nonhazardous waste in the event the solar panels are not recycled at the end of the Projects' life.

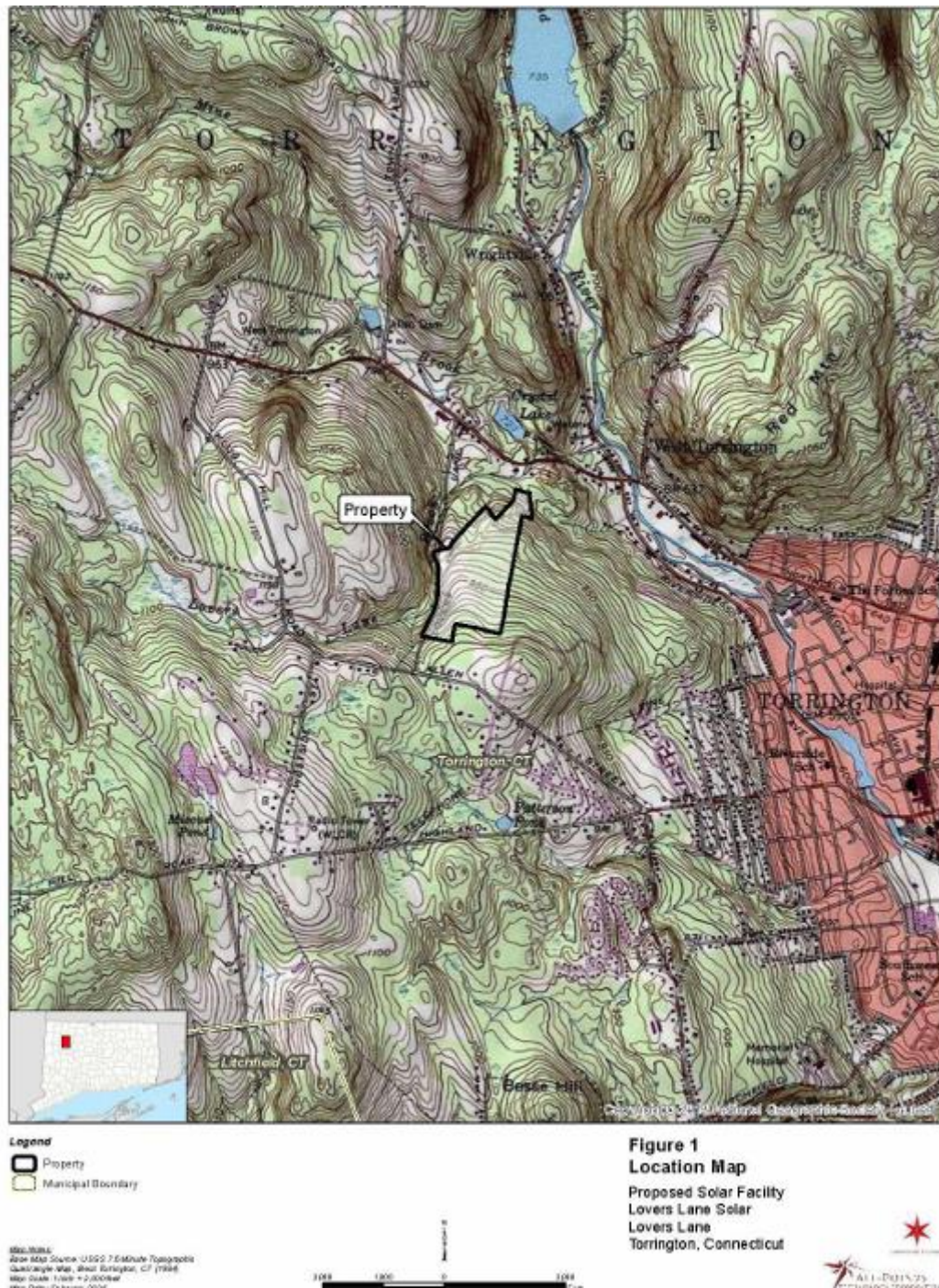
Conclusion

The Projects are grid-side distributed resources with a capacity of not more than sixty-five megawatts, meets air and water quality standards of the DEEP, and would not have a substantial adverse environmental effect. The proposed Projects will not produce air emissions, will not utilize water to produce electricity, was designed to minimize environmental impacts, and furthers the State's energy policy by developing and utilizing renewable energy resources and distributed energy resources. Furthermore, the Projects were selected in the State's NRES Program.

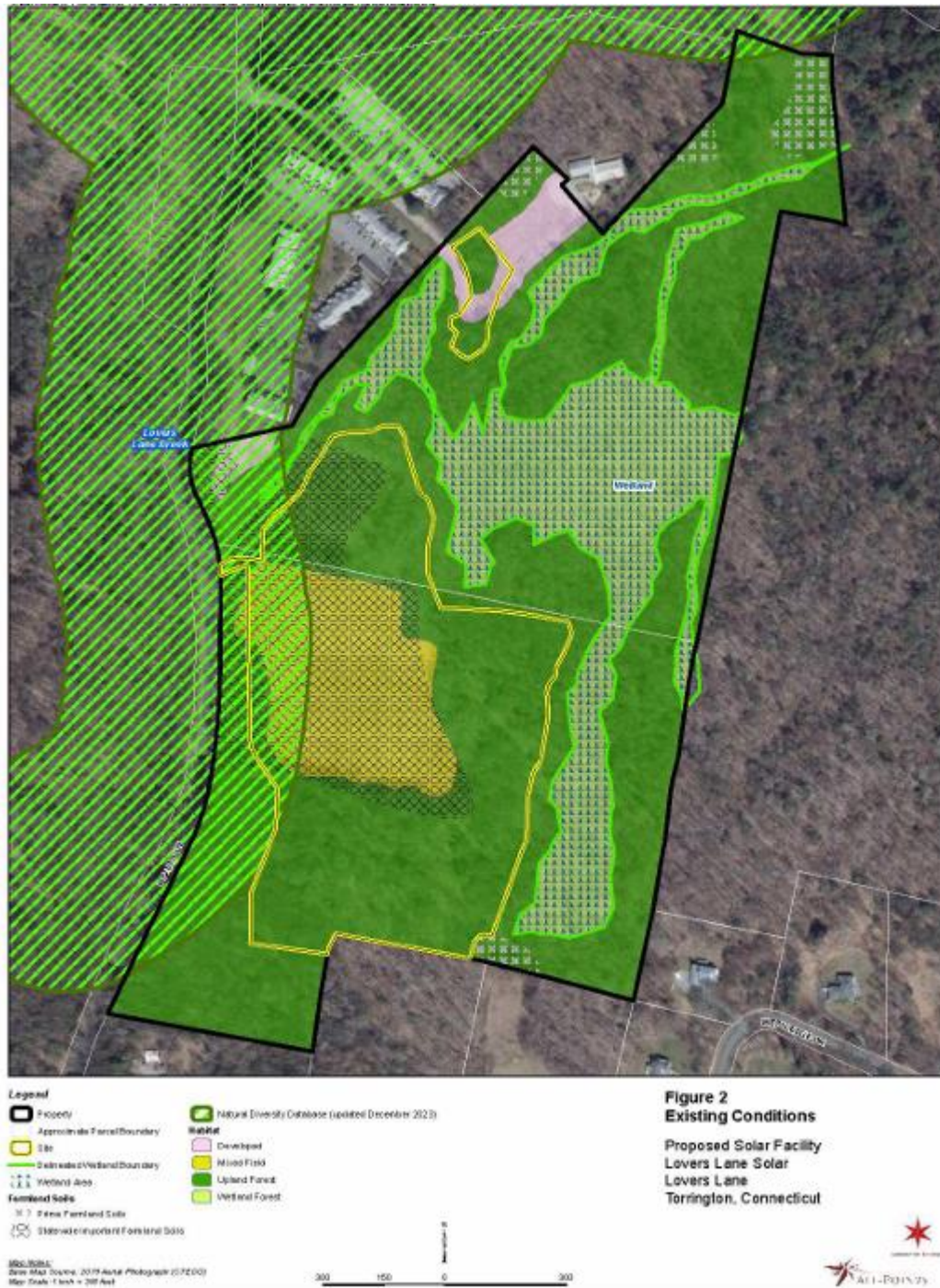
If approved, staff recommends the following conditions:

1. Approval of any changes to the Projects be delegated to Council staff;
2. Submit a copy of the DEEP Stormwater Permit prior to the commencement of construction;
3. Submit the final structural design for the racking system stamped by a Professional Engineer duly licensed in the State of Connecticut prior to commencement of construction;
4. Submit a copy of the agreement and map for any relocation of the existing City easement over the host parcel for access to Major Besse Park, if applicable;
5. Submit a final Spill Prevention, Control, and Countermeasures Plan with updated construction contractor and spill response information and appropriate reporting forms;
6. Submit an Emergency Response Plan for the proposed facilities with contact information prior to facility operation;
7. Provide a copy of the Emergency Response Plan to local emergency responders with specific site shutdown procedures and response information prior to facility operation and provide emergency response training; and
8. Submit a post-construction operational noise study that documents compliance with state standards and the identification of any noise mitigation measures that are employed to adhere to the standards, if necessary.

Site Location



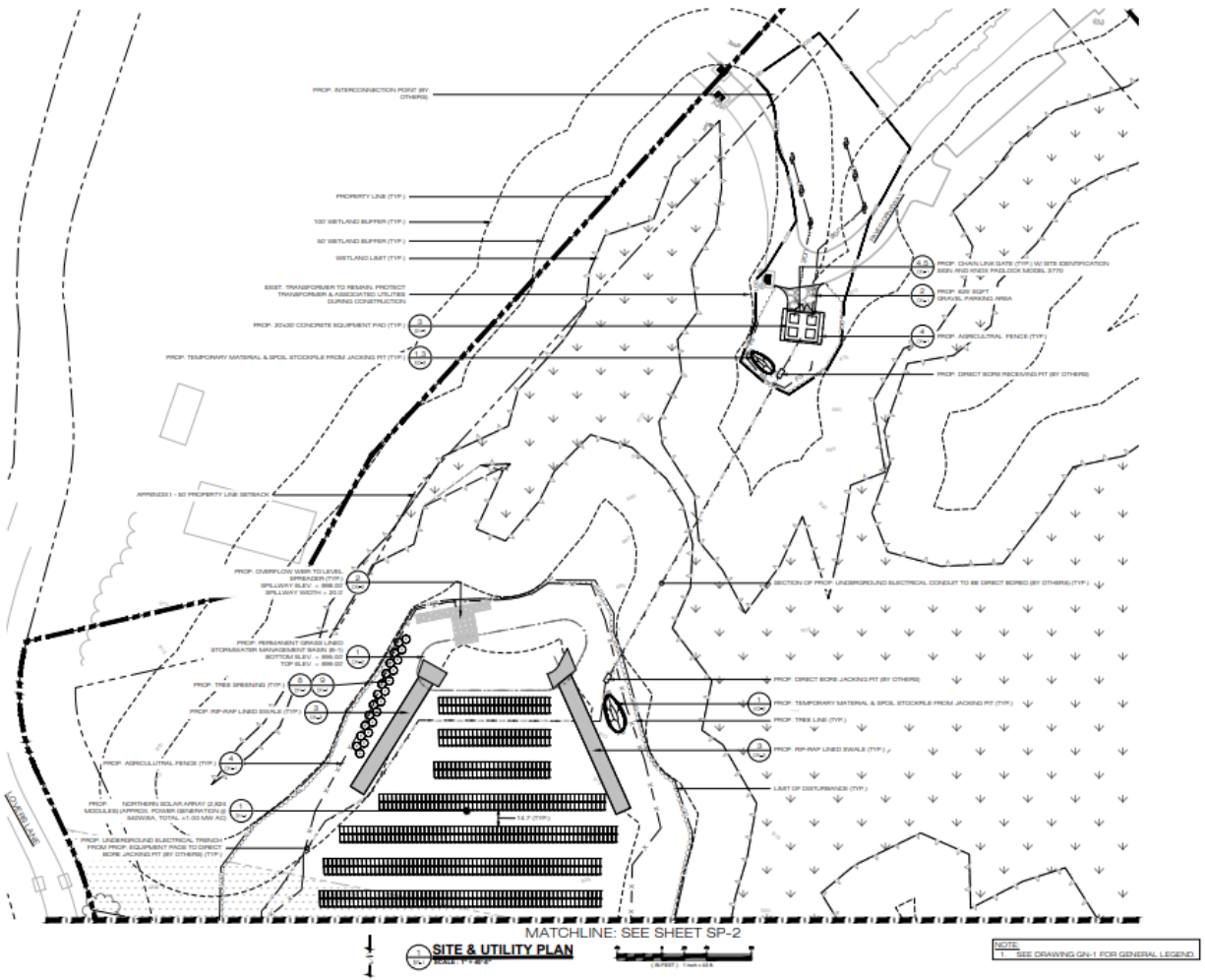
Existing Conditions



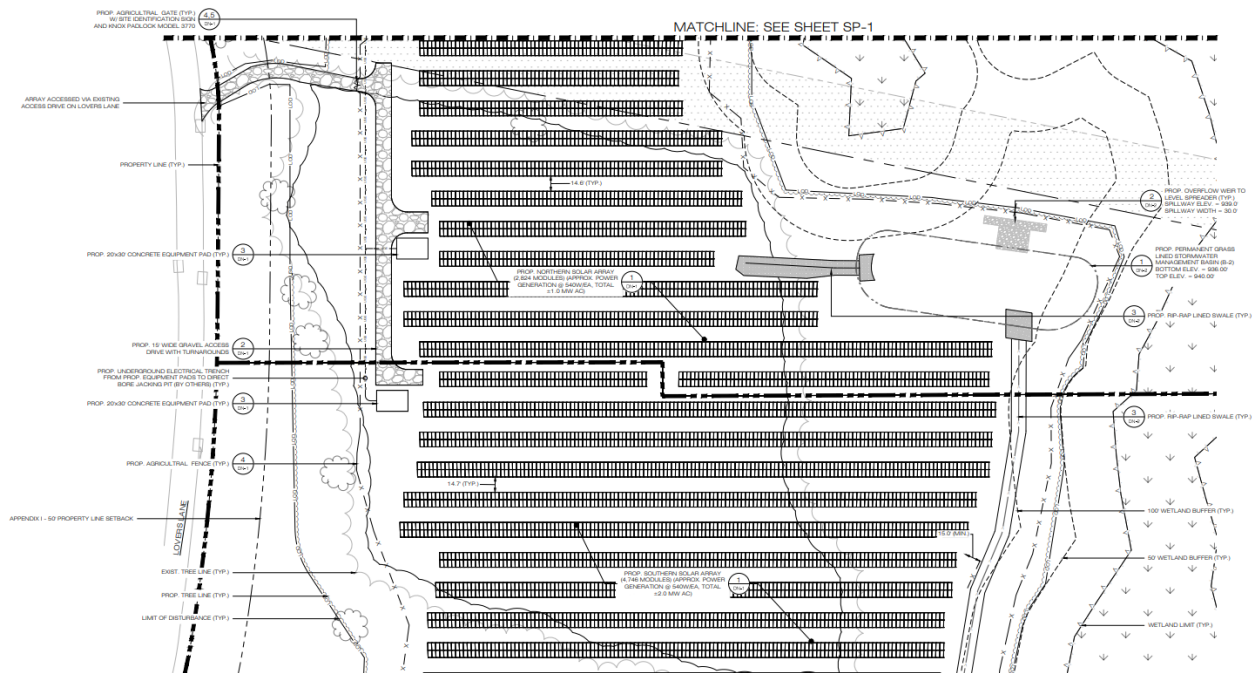
Proposed Conditions



Site Plan – Northern Portion



Site Plan – Central Portion



Site Plan – Southern Portion

