

<b>DOCKET NO. 532</b> – LSE Serpens LLC (Lodestar Energy)	}	Connecticut
application for a Certificate of Environmental Compatibility and	}	
Public Need for the construction, maintenance, and operation of a 3.0-	}	Siting
megawatt-AC solar photovoltaic electric generating facility and	}	
associated equipment on 13 parcels located south of West Hill	}	Council
Road (Parcel Nos. 253/003/018; 253/003/033 through 043 and 053-		
003-045), Torrington, Connecticut and associated electrical		
interconnection.		January 16, 2026

## DRAFT Findings of Fact

### Introduction

1. Pursuant to the Public Utility Environmental Standards Act (PUESA), Connecticut General Statutes (CGS) §16-50g *et seq.*, on March 13, 2025, LSE Serpens LLC (Lodestar) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of a 3.0-megawatt (MW) AC solar photovoltaic electric generating facility and associated equipment on 13 parcels located south of West Hill Road (Parcel Nos. 253/003/018; 253/003/033 through 043 and 053-003-045), Torrington, Connecticut and associated electrical interconnection. (Lodestar 1, pp. 1-2)
2. Pursuant to CGS §16-50k, no person shall commence the preparation of a site for a facility that may, as determined by the Council, have a substantial adverse environmental effect without obtaining a Certificate issued with respect to such facility by the Council. (CGS §16-50k (2025)).
3. The Council's purpose under PUESA is to provide for the balancing of the need for adequate and reliable public utility services at the lowest reasonable cost to consumers with the need to protect the environment and ecology of the state and to minimize damage to scenic, historic, and recreational values. (CGS §16-50g (2025))
4. The Council has exclusive jurisdiction over electric generating facility sites throughout the state. A facility site is defined as 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. (CGS §16-50i(a)(3); CGS §16-50x (2025); Regulations of Connecticut State Agencies (RCSA) §16-50j-2a(29) (2025))
5. Pursuant to §16-50x, the Council has exclusive jurisdiction over the construction, maintenance and operation of the proposed solar photovoltaic electric generating facility. (CGS §16-50x (2025))
6. In its final decision, the Council shall find and determine:
  - a. A public benefit for the facility;
  - b. The nature of the probable environmental impact of the facility alone and cumulatively with other existing facilities, including a specification of every significant adverse effect, 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; and

- c. Why the adverse effects or conflicts referred to above are not sufficient reason to deny the application.  
(CGS §16-50p (2025))
7. In its evaluation of an application for an electric generating facility under PUESA, the Council shall also consider neighborhood concerns, including public safety. (CGS §16-50p (2025))
8. Lodestar is a limited liability company with its principal place of business at 18 North Main Street, West Hartford, Connecticut. It is a developer and operator of solar electric generating facilities. (Lodestar 1, p. 3)
9. The parties to this proceeding are Lodestar and the City of Torrington (City). (Record)
10. Under Regulations of Connecticut State Agencies (RCSA) §16-50j-16, the Council may add parties and intervenors at any time during the pendency of a proceeding. Any person granted status is responsible for obtaining and reviewing all materials for the proceeding. (RCSA §16-50j-16 (2025))
11. The purpose of the proposed facility is to contribute to the state's efforts to promote the deployment of clean renewable energy sources. (Lodestar 1, p. 3)
12. Colony Honey, LLC, a Lodestar affiliate, would purchase the property from the host parcel owner and lease the site to Lodestar if the proposed facility is approved. Lodestar would execute a 45-year lease agreement with Colony Honey, LLC. (Lodestar 6, response 16; Tr. 1, p. 67-68)
13. If Lodestar transfers the solar facility to another entity in the future, Lodestar would provide a written agreement as to the entity responsible for any outstanding conditions of the Certificate and quarterly assessment charges under CGS §16-50v(b)(2) that may be associated with the facility, including contact information for the individual acting on behalf of the transferee. (Lodestar 6, response 13)
14. The proposed facility would be a "grid-side distributed resources" facility under CGS §16-1(a)(37). (CGS §16-1(a)(37)(2025))
15. The proposed facility would generate renewable electrical energy from solar power. Solar power is considered a Class I renewable energy source. (CGS §16-1(a)(20)(2025); Lodestar 1, p. 4)
16. The State legislature established a renewable energy policy under CGS §16a-35k that encourages the development of renewable energy facilities to the maximum extent possible. (CGS §16a-35k)
17. Pursuant to CGS §16-50l (b), Lodestar provided public notice of the filing of the application to the Council that was published in the Republican-American on January 14 and 16, 2025. (Lodestar 4)
18. On January 10, 2025, Lodestar provided notice of the application to all abutting property owners by certified mail and to federal, state and local officials and agencies pursuant to CGS §16-50l (b). One of the certified mail receipts to an abutting property owner was not returned. Lodestar subsequently looked up the property owner, Torrington Street Properties, on the Secretary of the State website, and this business was listed as "forfeited." (Lodestar 1, Exhibit 5; Lodestar 6, response 2)

#### **Administrative Procedures**

19. Hearings shall be held at times and locations specified by the Council. (CGS §16-50m (2025); RCSA §16-50j-20 (2025))

20. CGS §1-225a permits public agencies to hold remote meetings under the Freedom of Information Act (FOIA) and the Uniform Administrative Procedure Act. FOIA defines “meeting” in relevant part as “any hearing or other proceedings of a public agency.” (CGS §1-225a (2025); CGS §1-200, *et seq.* (2025))
21. CGS §1-225a allows public agencies to hold remote meetings provided that:
  - a) The public has the ability to view or listen to each meeting or proceeding in real-time, by telephone, video, or other technology;
  - b) Any such meeting or proceeding is recorded or transcribed and such recording or transcript shall be posted on the agency’s website within seven (7) days of the meeting or proceeding;
  - c) The required notice and agenda for each meeting or proceeding is posted on the agency’s website and shall include information on how the meeting will be conducted and how the public can access it any materials relevant to matters on the agenda shall be submitted to the agency and posted on the agency’s website for public inspection prior to, during and after the meeting; and
  - e) All speakers taking part in any such meeting shall clearly state their name and title before speaking on each occasion they speak.(CGS §1-225a (2025))
22. On March 14, 2025, the Council sent a letter to the State Treasurer, with a copy to the Chief Elected Official of the City and the Town of New Hartford (Town), which is within 2,500 feet of the proposed facility site (collectively, the Municipalities) stating that \$40,000 was received from Lodestar as payment to the Municipal Participation Fund (MPF) and deposited in the Office of State Treasurer’s department account. The MPF is available for the Municipalities to apply for reimbursement to defray expenses incurred by the Municipalities if they participate as a party in the proceeding, pursuant to CGS §16-50bb. The Town did not participate as a party in the proceeding. (Record; CGS §16-50bb (2025)).
23. On March 17, 2025, the Council sent a letter to Lodestar indicating that the application was incomplete due to lack of proof of service to the Office of Consumer Counsel (OCC). On March 19, 2025, Lodestar submitted proof of service to OCC. (Record; Lodestar 2)
24. On March 31, 2025, the Council sent a second letter to Lodestar indicating that the application was incomplete because the application lacked proof of notice of the date on which the application was filed with the Council as published in a newspaper. On April 7, 2025, Lodestar submitted an affidavit of publication from the Republican-American. (Record; Lodestar 4)
25. During a regular Council meeting held on April 17, 2025, the application was deemed complete pursuant to RCSA §16-50/-1a and the public hearing schedule was approved by the Council. (Record; Council April 17, 2025 Meeting Minutes)
26. Pursuant to CGS §16-50m, on April 17, 2025 the Council sent a letter to the Municipalities to provide notification of the scheduled public hearing via Zoom remote conferencing and to invite the Municipalities to participate. (Record)
27. Local zoning regulations do not apply to facilities under the exclusive jurisdiction of the Council. Pursuant to CGS §16-50x, the Council has exclusive jurisdiction over solar facilities with a generating capacity greater than 1 MW throughout the state. It shall consider any location preferences provided by the host municipality as the Council shall deem appropriate. (CGS §16-50x (2025))

28. Pursuant to CGS § 16-50m, the Council published legal notice of the date and time of the public hearing in the Republican-American on April 19, 2025. (Record)
29. The Council's Hearing Notice did not refer to a public field review of the proposed site. Field reviews are neither required by statute nor an integral part of the public hearing process. The purpose of a field review is an investigative tool to acquaint members of a reviewing commission with the subject property. (Council's Hearing Notice dated April 17, 2025; Council Administrative Notice Item No. 73 – *Manor Development Corp. v. Conservation Comm. of Simsbury*, 180 Conn. 692, 701 (1980); Council Administrative Notice Item No. 74 – *Grimes v. Conservation Comm. of Litchfield*, 243 Conn. 266, 278 (1997))
30. On May 14, 2025, the Council held a pre-hearing conference on procedural matters for parties and intervenors to discuss the requirements for pre-filed testimony, exhibit lists, administrative notice lists, expected witness lists, and filing of pre-hearing interrogatories, as well as the order of party and intervenor appearances and cross examination during the hearing. Lodestar participated in the Council's pre-hearing conference. Procedures for the public hearing via Zoom remote conferencing were also discussed. (Council Pre-Hearing Conference Memorandum, dated May 7, 2025)
31. On May 8, 2025, in lieu of an in-person field review of the proposed site, the Council requested that Lodestar submit photographic documentation of site-specific features into the record intended to serve as a "virtual" field review of the proposed site. On May 29, 2025, Lodestar submitted such information in response to the Council's interrogatories. (Record; Lodestar 6, response 58)
32. On May 21, 2025, in compliance with RCSA §16-50j-21, Lodestar installed a four-foot by six-foot sign in the vicinity of the proposed site access drive. The sign presented information about the proposed solar facility, the public hearing date and contact information for the Council. (Council Pre-Hearing Conference Memorandum, dated May 7, 2025; Lodestar 5; Transcript 1 – June 5, 2025 - 2:00 p.m. [Tr. 1], p. 5)
33. On May 29, 2025, pursuant to CGS §16-50o, Lodestar filed a Motion for Protective Order related to the disclosure of the financial terms contained within the purchase and sale agreement for the proposed site. (Record; Lodestar 6, response 17)
34. Pursuant to CGS §16-50m, the Council gave due notice of a public hearing to be held on June 5, 2025, beginning with the evidentiary session at 2:00 p.m. and continuing with the public comment session at 6:30 p.m. via Zoom remote conferencing. The Council provided information for video/computer access or audio only telephone access. (Council's Hearing Notice dated April 17, 2025)
35. During the June 5, 2025 evidentiary hearing, the City submitted an Objection to the Application as Defective for Lack of Notice under CGS §16-50(f) (City Objection) due to Lodestar's failure to comply with new requirements that became effective on October 1, 2024 for an applicant to make "good faith efforts to meet with the... legislative body of the municipality and each member of the legislature in whose assembly or senate district the facility... is to be located... and shall provide.. any technical reports concerning the public need, the site selection process and the environmental effects of the proposed facility." (Record; Tr. 1, pp. 12-20)
36. Lodestar commenced its 60-day pre-application municipal consultation process on October 11, 2024. The state legislators in whose assembly or senate district the facility is proposed to be located did not receive a copy of the technical report. (Record) Tr. 1, pp. 12-20)

37. During the June 5, 2025 evidentiary hearing session, Lodestar and the City provided oral argument on the City Objection. The Council deferred a ruling on the City Objection to allow parties and intervenors an opportunity to brief the CGS §16-50l notice issue and indicated the City Objection could be taken up at a continued evidentiary hearing session or a regular Council meeting in the future. (Tr. 1, p. 18-20)
38. Also, during the evidentiary hearing session held on June 5, 2025, the Council issued a Protective Order related to the disclosure of the financial terms contained within the purchase and sale agreement for the proposed site, pursuant to CGS §1-210(b) and §16-50o, and consistent with the Conclusions of Law adopted in Council Docket 366. (Record; Lodestar 6, response 17)
39. The 6:30 p.m. public comment session afforded interested persons the opportunity to provide oral limited appearance statements. Interested persons were also afforded an opportunity to provide written limited appearance statements at any time up to 30 days after the close of the evidentiary record. Limited appearance statements in this proceeding, whether oral or written, were not provided under oath nor subject to cross examination. (Transcript 2 – June 5, 2025 - 2:00 p.m. [Tr. 2], pp. 5-6; CGS §16-50n(f) (2025))
40. During the public comment session of the Council's hearing held on June 5, 2025, six persons made oral limited appearance statements about the proposed facility. (Tr. 2, pp. 9-23)
41. At the conclusion of the public comment session held on June 5, 2025, the Council announced that it would continue the evidentiary hearing session to July 22, 2025. (Tr. 2, pp. 23-24)
42. On July 15, 2025, pursuant to CGS §16-50o, Lodestar filed a Motion to Amend the Protective Order related to the disclosure of the financial terms contained within the lease agreement between Lodestar and Colony Honey, LLC for the proposed site. (Record; Lodestar 8 – Late Filed Exhibit 5; Lodestar 9)
43. On July 15, 2025, in accordance with the revised schedule attached to the Council's June 9, 2025 Continued Evidentiary Hearing Memorandum, Lodestar and the City filed briefs regarding the CGS §16-50l notice issue. (Record)
44. The Council continued the evidentiary hearing session via Zoom remote conferencing on July 22, 2025 beginning at 2:00 p.m. (Council Evidentiary Hearing Continuation Memorandum dated June 9, 2025; Transcript 3, July 22, 2025, 2:00 p.m. [Tr. 3], p. 1)
45. At the July 22, 2025 continued evidentiary hearing session, the Council denied the City Objection in part, as it relates to technical reports, and granted the City Objection in part, as it relates to the municipal and legislative consultation. The Council also voted for the proceeding to remain open for Lodestar to submit additional municipal and legislative consultation materials no earlier than September 22, 2025 unless a waiver of the 60-day consultation period is jointly submitted by the City and Lodestar before September 22, 2025. (Council Continued Memorandum on Motions/Objections and Evidentiary Record dated July 23, 2025)
46. Also, at the July 22, 2025 continued evidentiary hearing session, the Council granted Lodestar's Motion to Amend the June 5, 2025 Protective Order related to the disclosure of the financial terms contained within the lease agreement between Lodestar and Colony Honey, LLC for the proposed site, pursuant to CGS §1-210(b) and §16-50o, and consistent with the Conclusions of Law adopted in Council Docket 366. (Record; Lodestar 8 – Late Filed Exhibit 5; Lodestar 9)

47. In compliance with CGS §1-225a:
- a) The public had the ability to view and listen to the public hearing(s) in real-time, by computer, smartphone, tablet or telephone;
  - b) The public hearing was recorded and transcribed, and such recordings and transcripts were posted on the Council's website on June 5, 2025 and June 28, 2025; and July 22, 2025 and July 24, 2025, respectively;
  - c) The Hearing Notice, Hearing Program, Citizens Guide for Siting Council Procedures and Instructions for Public Access to the Remote Hearing were posted on the agency's website;
  - d) Prior to, during and after the public hearing, the record of the proceeding has been, and remains, available on the Council's website for public inspection; and
  - e) The Council, parties and intervenors provided their information for identification purposes during the public hearing.
- (Hearing Notice dated April 17, 2025; Tr. 1; Tr. 2; Tr. 3; Record)
48. The purpose of discovery is to provide the Council, parties and intervenors access to all relevant information in an efficient and timely manner to ensure that a complete and accurate record is compiled. (RCSA §16-50j-22a (2025))
49. In an administrative proceeding, irrelevant, immaterial or under repetitious evidence shall be excluded, and an agency has the right to believe or disbelieve the evidence presented by any witness, even an expert, in whole or in part. (CGS §4-178 (2025); *Dore v. Commissioner of Motor Vehicles*, 62 Conn. App. 604 (2001); RCSA §16-50j-25 (2025))
50. The Council's experience, technical competence, and specialized knowledge may be used in the evaluation of evidence. In accordance with the Council's April 17, 2025 completeness review, the Council determined this facility would not require an outside consultant. (Record; CGS §4-178 (2025))
51. Lodestar's witnesses in this proceeding prepared, supervised and/or assisted in the preparation of exhibits. During the evidentiary hearing session, the Council and the City cross examined Lodestar's witness panel on the exhibits. The City did not present any witnesses. (Record; Tr. 1; Tr. 3, p. 57)
52. Under CGS §16-50p, the Council shall render a final decision on an application for an electric generating facility not later than 180 days after the filing of an application. The 180-day deadline for the Council's final decision on this application under CGS §16-50p was September 9, 2025. The Council may extend the final decision deadline by not more than 180 days with the consent of the applicant. (CGS §16-50p (2025))
53. On July 23, 2025, the Council requested consent to extend the final decision deadline to March 8, 2026. Lodestar consented to the extension of time on July 30, 2025. (Record)
54. No written waiver of the 60-day consultation period was jointly submitted by the City and Lodestar before September 22, 2025. (Record; Memo)
55. On August 5, 2025, Lodestar submitted a letter via certified mail to the following municipal and state legislative officials:
- a) City Mayor Elinor Carbone;
  - b) City Council Member Paul Cavagnero;
  - c) City Council Member Stephen Ivain;
  - d) City Council Member David Oliver;
  - e) City Council Member Anne Ruwet;
  - f) City Council Member Drake Waldron;

- g) City Council Member Molly Spino;
  - h) Town First Selectperson Daniel Jerram;
  - i) Town Selectperson Alesia Kennerson;
  - j) Town Selectperson Mary Beth Greenwood;
  - k) State Senator Paul Honig; and
  - l) State Representative Jay Case.
- (Record)

- 56. Lodestar did not receive any responses to its August 5, 2025 outreach. Lodestar followed up by email on September 16, 2025. No officials on the list responded to Lodestar's additional September 16, 2025 outreach. On October 10, 2025, Lodestar requested that the Council close the evidentiary record for Docket No. 532 and specify a schedule for post-hearing briefs. (Record)
- 57. Pursuant to CGS §16-50n(f), during a regular meeting held on October 30, 2025, the Council closed the evidentiary record for Docket No. 532 and established November 29, 2025 as the deadline for the submission of briefs and proposed findings of fact. (Council Close of Evidentiary Record Memorandum dated October 31, 2025)
- 58. On December 1, 2025, Lodestar and the City submitted post hearing briefs. (Record)
- 59. Constitutional principles permit an administrative agency to organize its hearing schedule so as to balance its interest in reasonable, orderly and non-repetitive proceedings against the risk of erroneous deprivation of a private interest. It is not unconstitutional for the Council, in good faith, to balance its statutory time constraints against the desire of a party, intervenor or CEPA intervenor for more time to present their objections to a proposal. (*Concerned Citizens of Sterling v. Conn. Siting Council*, 215 Conn. 474 (1990); *Pet v. Dept. of Public Health*, 228 Conn. 651 (1994); *FairwindCT, Inc. v. Conn. Siting Council*, 313 Conn. 669 (2014))

### **Municipal Consultation**

- 60. Pursuant to CGS §16-50l(f), Lodestar began consultation with the municipalities on or about October 11, 2024 by submitting a copy of its municipal consultation filing (MCF) to the City Mayor and the Town First Selectperson. (Lodestar 1, p. 12; Lodestar 3)
- 61. On November 26, 2024, Lodestar met with City officials including, but not limited to, the Mayor<sup>1</sup>, the City Planner, and the Deputy Public Works Director/City Engineer. The City inquired about stormwater design for the facility and how it may affect the drainage system on West Hill Road. (Lodestar 1, p. 12; Lodestar 3)
- 62. By letters dated September 30, 2025, the City Mayor and City Councilwoman Molly Spino both expressed opposition to the proposed facility due to concerns about traffic safety; proximity of 352 and 340 West Hill Road properties to the proposed access drive; and potential loss of tax revenue. (City Comments dated June 30, 2025)
- 63. In response to concerns expressed by the City and Town,
  - a) Lodestar's stormwater management system is designed to reduce post-construction peak flow rates from the site by 50 percent compared to existing (pre-construction) flow rates. (Lodestar 1, Exhibit 7 – EA, p. 6)

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<sup>1</sup> The Mayor is also the Chair of City Council.

- b) Lodestar added landscape screening along the northern and northwestern portions of the proposed solar facility site. (Lodestar 1, p. 13; Lodestar 6, response 6, Exhibit 4 – Sheet SP-1)
  - c) Lodestar notes that the proposed facility would provide direct tax benefits associated with the payment of real and personal property taxes. (Lodestar 1, p. 2)
  - d) Lodestar notes that, per its consultation with the Town Engineer, it is not anticipated that a police officer would be required for construction traffic management. Lodestar also believes that the line of sight on West Hill Road is sufficient from both directions. (Tr. 1, p. 30)
64. CGS §22a-20a and Department of Energy and Environmental Protection’s (DEEP) Environmental Justice Guidelines require applicants seeking a permit from DEEP or the Council for a new or expanded facility defined as an “affecting facility” that is proposed to be located in an environmental justice community to file an Environmental Justice Public Participation Plan (EJPPP). The City is a distressed municipality and qualifies as an environmental justice community. The proposed solar facility is not an “affecting facility” under CGS §22a-20a because it uses non-emitting and non-polluting renewable sources. Thus, Environmental Justice does not apply to the facility, and an EJPPP is not required. (CGS § 22a-20a (2025); Lodestar 6, response 3)
65. Lodestar was in contact with the Town and held meetings with the Town during December 2024. On January 2, 2025, Lodestar met with the Town First Selectperson and the Town’s primary concern was stormwater management and the proposed facility’s effect on the abutting property in the Town owned by the Connecticut Yankee Council. (Lodestar 3)
66. On January 29, 2025, Lodestar met with the Town First Selectperson, the Connecticut Yankee Council CEO, and the Camp Sequassen Ranger to answer questions and discuss the stormwater management plans. On February 5, 2025, Lodestar provided the full drainage report with an associated updated site plan to the Town First Selectperson. (Lodestar 3)
67. By letter dated June 4, 2025, the Town submitted comments related to core forest, a drainage swale along the eastern limits of the site adjacent to the Town Line, and visual impacts to the east. The Town also requests a minimum 100-foot buffer of trees along the eastern limits of the site and relocation of the eastern drainage swale to the west. (Town Comments dated June 4, 2025)
68. Lodestar notes that the eastern limits of the site are very narrow and include, but are not limited to, the access drive and a stormwater basin to support the stormwater management system. The eastern drainage swale is designed to intercept stormwater runoff from the eastern portion of the site and would need to remain in place in compliance with the DEEP General Permit. Lodestar also notes that landscape plantings and fence screening material are proposed to be installed. (Tr. 1, pp. 26-27)

### **Neighborhood Concerns**

69. During the public comment session, six members of the public made oral limited appearance statements about the proposed facility. The Council received 12 written limited appearance statements regarding the proposed facility. Concerns relevant to the Council’s statutory review criteria include, but are not limited to, the following: visibility, noise, water quality, air quality, forest, Electric and Magnetic Fields (EMF), agricultural activities, cultural resources, wildlife, and public safety. These concerns, among other public health and safety and environmental concerns, are more specifically addressed in the Public Health and Safety and Environmental Effects and Mitigation Measures sections of this document, pursuant to CGS §16-50p. (Record; Tr. 2, pp. 9-23)



70. Based on neighborhood concerns, Lodestar would utilize landscape plantings near the proposed northern portions of the array area and utility poles as well as fence screening material. (Lodestar 1, p. 13; Lodestar 6, response 6, Exhibit 4 – Sheet SP-1; Tr. 1, pp. 26, 52)

### State Agency Comments

71. Pursuant to CGS §16-50j(i), on April 17, 2025, the following state agencies were solicited by the Council to submit written comments regarding the proposed facility by May 29, 2025: DEEP; Connecticut 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 OCC; and the State Historic Preservation Office (SHPO). (Record)
72. On March 26, 2025, the Council received comments from CEQ<sup>2</sup> related to core forest, wildlife and water quality. These comments, among other environmental concerns, are more specifically addressed in the Environmental Effects and Mitigation Measures sections of this document, pursuant to CGS §16-50p. (Record; CGS §16-50p (2025))
73. On April 23, 2025, the Council received comments from DPH<sup>3</sup> related to water quality. These comments, among other environmental concerns, are more specifically addressed in the Environmental Effects and Mitigation Measures sections of this document, pursuant to CGS §16-50p. (Record; CGS §16-50p (2025))
74. On May 9, 2025, the Council received comments from DEEP<sup>4</sup> related to visibility, noise and decommissioning. These comments, among other environmental concerns, are more specifically addressed in the Public Health and Safety and Environmental Effects and Mitigation Measures sections of this document, pursuant to CGS §16-50p. (Record; CGS §16-50p (2025))
75. No other state agencies responded with comment on the application. (Record)
76. 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. (Council Administrative Notice Item No. 75, *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007))
77. The Council cannot delegate its statutory authority to any other entity. (CGS §16-50x (2025); *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007))

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<sup>2</sup> [https://portal.ct.gov/-/media/csc/1\\_dockets-medialibrary/1\\_media\\_do500\\_600/do532/comments/do532\\_ceq-commentsrecd\\_032625\\_a.pdf?rev=16497d1009804bfc3588dd1a30369f&hash=512CE64AB255F11CF6A083575084D5D1](https://portal.ct.gov/-/media/csc/1_dockets-medialibrary/1_media_do500_600/do532/comments/do532_ceq-commentsrecd_032625_a.pdf?rev=16497d1009804bfc3588dd1a30369f&hash=512CE64AB255F11CF6A083575084D5D1)

<sup>3</sup> [https://portal.ct.gov/-/media/csc/1\\_dockets-medialibrary/1\\_media\\_do500\\_600/do532/proceduralcorrespondence/do532-dphcomment\\_a.pdf?rev=3120b672e65d4d61b47c039e77f9a29d&hash=5DE46883EAFDF6D198BC41FDC56B950C](https://portal.ct.gov/-/media/csc/1_dockets-medialibrary/1_media_do500_600/do532/proceduralcorrespondence/do532-dphcomment_a.pdf?rev=3120b672e65d4d61b47c039e77f9a29d&hash=5DE46883EAFDF6D198BC41FDC56B950C)

<sup>4</sup> [https://portal.ct.gov/-/media/csc/1\\_dockets-medialibrary/1\\_media\\_do500\\_600/do532/proceduralcorrespondence/do532-deepcomment\\_a.pdf?rev=a60ca8f236104cd18f33432014dfa5a4&hash=D53CC3702958E29ECBBA5CA8A3097DE9](https://portal.ct.gov/-/media/csc/1_dockets-medialibrary/1_media_do500_600/do532/proceduralcorrespondence/do532-deepcomment_a.pdf?rev=a60ca8f236104cd18f33432014dfa5a4&hash=D53CC3702958E29ECBBA5CA8A3097DE9)

**Public Act 17-218**

78. Pursuant to Public Act (PA) 17-218, codified at CGS §16-50k(a), the Council shall approve by declaratory ruling ... the construction or location of 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 DEEP, (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, 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. (Emphasis added) (CGS §16-50k(a) (2025)).
79. 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. (CGS §16-50k(a) (2025); CGS §16-50x (2025))
80. PA 17-218 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. (CGS §16-50k(a) (2025)).
81. PA 17-218 does not require agricultural activity at solar photovoltaic electric generating facility sites. (CGS §16-50k(a) (2025))
82. At any time within the discretion of the applicant or under circumstances when a proposed solar photovoltaic facility with a capacity of two or more megawatts is unable to obtain written correspondence from DOAG or DEEP as to any material affects to the status of core forest or prime farmland, the proposed facility may be submitted as an application for a Certificate with the Council even if it has a generating capacity of less than 65 megawatts. (CGS §16-50l (2025)).
83. There is no prohibition on the submission of an application for a Certificate to the Council for a proposed solar electric generating facility of ***any generating capacity***. A letter from DEEP or DOAG under PA 17-218 is not required. (Emphasis added) (CGS §16-50l (2025))

**Public Act 23-163**

84. Pursuant to PA 23-163, codified at CGS §16-50k(a), the Council shall not issue a Certificate for a solar electric generating facility with a capacity of more than 2 megawatts unless the applicant furnishes a bond to cover all costs associated with the decommissioning of the facility and the restoration of prime farmland soil. (CGS §16-50k(a) (2025))
85. PA 23-163 does not require an agricultural activity at solar photovoltaic electric generating facility sites. (CGS §16-50k(a) (2025))
86. PA 23-163 does not designate a timeframe/deadline for applicants to furnish a bond. (CGS §16-50k(a) (2025))
87. Common financial mechanisms for solar facility decommissioning are:  
a. Decommissioning provisions in land lease agreements;  
b. Decommissioning trusts or escrow accounts and/or letters of credit; and  
c. Removal or surety bonds.  
(Council Administrative Notice Item Nos. 85 and 86)

88. It is industry standard to require a decommissioning clause in a solar facility site lease agreement. (Council Administrative Notice Item No. 37, Docket 525 Record – Finding of Fact #88)
89. The purchase agreement does not require Lodestar to post a decommissioning bond. However, Lodestar would post a bond to cover decommissioning costs in accordance with CGS §16-50k. This bond would not be associated with prime farmland soils preservation because prime farmland soils are located outside of the facility limits of disturbance (LOD). (Lodestar 6, response 69; Tr. 1, p. 36)
90. It is generally recognized in the industry that a solar facility is comprised of components that will remain valuable at the time of decommissioning. (Council Administrative Notice Item No. 37, Docket 525 Record – Finding of Fact #89)
91. PA 23-163 applies to the restoration of prime farmland soil. It does not differentiate between restoration of prime farmland soil currently used to support agricultural activities from those that are not used to support agricultural activities. (CGS §16-50k(a) (2025))
92. Agricultural restoration includes, but is not limited to, reclamation of grown-over pastures and meadows, installation of fences to manage wildlife and livestock outside of restoration areas, and climate-smart agriculture. (CGS §22-6d (2025))
93. DOAG does not regulate soil testing for the sufficiency of livestock grazing. (Council Administrative Notice Item No. 37, Docket 525 Record – Finding of Fact #92)
94. DOAG does not know the current estimated cost to restore an acre of prime farmland soil and does not know what inflationary mechanism should be used to determine the cost of an acre of prime farmland soil 30 years from now. (Council Administrative Notice Item No. 37, Docket 525 Record – Finding of Fact #93)
95. DOAG does not have the authority to reimburse costs to farmers to restore agricultural land. (Council Administrative Notice Item No. 37, Docket 525 Record – Finding of Fact #94)
96. DOAG receives bonds from milk processors to secure payments due to milk producers, but it does not have authority to issue bonds. (Council Administrative Notice Item No. 37, Docket 525 Record – Finding of Fact #95)
97. Lodestar developed a Decommissioning Plan for restoration of the site at the end of the facility’s useful life. (Lodestar 1, Exhibit 4)
98. The Council does not have jurisdiction or authority over any portion of the host parcel beyond the boundaries of the facility “site.” This includes portions of the parcel retained by the property owner and portions of the parcel the property owner may lease to third parties. Once a facility is decommissioned, the Council no longer has jurisdiction or authority over the facility “site.” (CGS §16-50x (2025)).
99. DOAG has no authority to dictate the use of a solar electric generating facility site. (CGS §16-50x (2025); Council Administrative Notice Item No. 37, Docket 525 Record – Finding of Fact #99)
100. DOAG has no enforcement authority over any conditions imposed by the Council in a final decision on an application for a Certificate. (Council Administrative Notice Item No. 37, Docket 525 Record – Finding of Fact #100)

### **State of Connecticut Planning and Energy Policy**

101. Section 51 of PA 11-80 requires that DEEP prepare a Comprehensive Energy Strategy (CES) every three years that reflects the legislative findings and policy stated in CGS §16a-35k. As such, this statute consolidated Connecticut's energy planning for the first time. The state's inaugural CES was published on February 19, 2013 (2013 CES). It advocated smaller, more diversified generation projects using renewable fuels, as well as smaller, more innovative transmission projects emphasizing reliability. (CGS §16a-3d (2025))
102. The 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. (Council Administrative Notice Item Nos. 47 and 48)
103. The proposed facility will contribute to fulfilling the State's Renewable Portfolio Standard and Global Warming Solutions Act as a zero emission Class I renewable energy source. (Council Administrative Notice Item No. 47)
104. CGS §16-245a establishes Connecticut's *Renewable Portfolio Standards (RPS)*. RPS requires that 40 percent of Connecticut's electricity usage be obtained from Class I renewable resources by 2030. (CGS §16-245a)
105. The Global Warming Solutions Act (GWSA) sets a goal of reducing greenhouse gas (GHG) emissions by 80 percent by 2050. (CGS §22a-200 (2025))
106. Governor Lamont's Executive Order No. 3, issued in September 2019, established a 100 percent zero carbon emission goal for the electricity sector by 2040. (PA-22-5)
107. The proposed facility will contribute to fulfilling the State's RPS and GWSA as a zero emission Class I renewable energy source. (Council Administrative Notice Item No. 47)

### ***Competitive Energy Procurement***

108. Solar facilities of certain generating capacities are eligible to bid into statewide renewable energy programs established by PURA that include, but are not limited to, the Non-Residential Renewable Energy Solutions (NRES) Program and the SCEF Program. (PA 18-50; PA 19-35, Section 3(a); Council Administrative Notice Item No. 69; Council Administrative Notice Item No. 37, Docket 525 Record – Finding of Fact #108)
109. The NRES Program is a competitive procurement process established by PURA in June 2021, that is 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. The NRES Program is a successor program to the Low Emission Renewable Energy Credit and Zero Emission Renewable Energy Credit (LREC/ZREC) and Virtual Net Metering (VNM) programs. (PA 19-35, Section 3(a); Council Administrative Notice Item No. 37)
110. New or incremental Class I renewable generation facilities 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.

The electricity and renewable energy credits produced by the facility are sold to the electric distribution company in accordance with the TTA.

\*Projects selected during Year 1 ranged in size from 100 kW to 2,000 kW. The size limit was increased to 5,000 kW beginning in Year 2.

(PURA Dockets 21-08-03, 22-08-03, 23-08-3, record; PA 22-14)

111. The SCEF Program is a competitive procurement process established by PURA in December 2019 (Docket No. 19-07-01), that is administered by the state's electric distribution companies to develop utility scale renewable energy with capacity to be supplied to low-and-moderate-income customers, small business customers and other customers identified by the electric distribution companies that are eligible for enrollment. (PURA Docket No. 19-07-01, Council Administrative Notice Item No. 37, Docket 525 Record – Finding of Fact #111)
112. New or incremental Class I renewable generation facilities ranging in size from 100 to 5,000 kW AC are eligible to bid into the SCEF Program for a TTA with a 20-year term. The electricity and renewable energy credits produced by the facility are sold to the electric distribution company in accordance with the TTA. (PURA Docket No. 22-08-04, Council Administrative Notice Item No. 37, Docket 525 Record – Finding of Fact #112; PA 22-15)
113. The NRES Program and the SCEF Years 1-4 procurements do not require integration of an agrivoltaics or dual-use for a solar electric generating facility site to qualify for a bid. (PURA Docket 23-08-3, record; PURA Docket No. 22-08-04, Council Administrative Notice Item No. 37, Docket 525 Record – Finding of Fact #113)
114. PURA defines agrivoltaics as “the practice of dual use of farmland to integrate solar energy generation and farming on the same piece of land,” and defines dual use as “the construction of solar generating units while using land under and/or between panels for production agriculture of crops and livestock grazing.” (PURA Docket No. 23-08-04, Council Administrative Notice Item No. 37, Docket 525 Record – Finding of Fact #114)
115. The facility was bid into the NRES Program. It was selected in the August Solicitation of Year 2. The NRES Tariff Agreement was approved by PURA on January 10, 2024. Lodestar secured a 20-year Power Purchase Agreement (PPA) through NRES. (Lodestar 1, p. 4, 5, 12 and 15; Lodestar 6, responses 5 and 8)
116. The proposed facility would need to be in service three years from the date the NRES contract was signed. (Tr. 3, pp. 22-23)
117. The electricity, capacity and renewable energy credits (RECs) produced by the facility would be sold to Eversource in accordance with the TTA. A REC certifies that one megawatt-hour of renewable electrical energy has been generated. (Council Administrative Notice Item No. 37, Docket 525 Record – Finding of Fact #116; Lodestar 6, response 7)
118. Once the NRES Agreement expires, Lodestar may seek other revenue sources for the energy produced by the facility. (Lodestar 6, response 12)

### **Public Benefit**

119. Pursuant to CGS §16-50p(c), 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. Public benefit exists if the Council finds and determines a proposed electric generating facility contributes to forecasted generating capacity requirements, reduces dependence on imported energy resources, diversifies state energy supply mix and enhances reliability. (CGS §16-50p(c); *Preston v. Connecticut Siting Council*, 20 Conn. App. 474 (1990); *Preston v. Connecticut Siting Council*, 21 Conn. App. 85 (1990); Council Administrative Notice Item No. 35 – Docket No. 514, Finding of Fact #55)
120. Created by the Federal Energy Regulatory Commission (FERC) in 1997, ISO-NE is the independent, not-for-profit corporation responsible for the reliable operation of New England’s electric power generation and transmission system, overseeing and ensuring the fair administration of the region’s wholesale electricity markets, and managing comprehensive regional electric power planning. (Council Administrative Notice Item No. 35 – Docket No. 514, Finding of Fact #56)
121. ISO-NE operates the power system and the competitive wholesale electric markets so that the lowest cost resources are used first to meet consumer demand. However, ISO-NE’s primary responsibility is electric reliability. (Council Administrative Notice Item No. 35 – Docket No. 514, Finding of Fact #57)
122. ISO-NE is fuel and technology neutral and takes no position on any proposed energy projects. ISO-NE does not own any transmission or distribution lines or power plants. (Council Administrative Notice Item No. 35 – Docket No. 514, Finding of Fact #58)

### *Resource Adequacy*

123. ISO-NE holds an annual forward capacity market auction (FCA) to acquire the power system resources needed to meet projected demand for the New England region in three years’ time. The FCA is held approximately three years before each capacity commitment period to provide time for new resources to be developed. Capacity resources can include traditional power plants, renewable generation, imports, and demand-side resources, such as load management and energy efficiency measures. Resources clearing in the auction will receive a monthly payment during the delivery year in exchange for their commitment to provide power or curtail demand when called on by ISO-NE. (Council Administrative Notice Item No. 35 – Docket No. 514, Finding of Fact #59)
124. According to ISO-NE’s 2023 Regional System Plan (2023 RSP), “Sufficient resources to meet the resource adequacy planning criterion are projected for New England through the 10-year planning horizon, assuming no additional retirements, the successful commercialization of all new resources that have cleared the Forward Capacity Market (FCM) in Forward Capacity Auction 17, and the installation of Sponsored Policy Resources. However, it is important to note that the pending Resource Capacity Accreditation project could significantly change how the New England resource mix’s contribution toward resource adequacy is assessed. This planning analysis accounts for new resource additions that have responded to market improvements and state policies, and resource retirements. The ISO is committed to procuring adequate demand and supply resources through the FCM and expects the region to install adequate resources to meet the physical capacity needs for future years.” (Council Administrative Notice Item No. 21 – 2023 RSP, p. 117)

*Generating Capacity Retirements in New England*

125. ISO-NE estimated that more than 5,200 MW of oil, coal and nuclear power plants retired during 2013-2022 and anticipates another 5,000 MW of remaining coal and oil generators are at risk of retirement. (Council Administrative Notice Item No. 37 – Docket No. 525, Finding of Fact #124)

*New England Reliability*

126. New England's electric power grid is planned and operated as a unified system of transmission owners and market participants. The New England system integrates resources with the transmission system to serve all regional load regardless of state boundaries. Most of the transmission lines are relatively short and networked as a grid. The electrical performance in one part of the system affects all areas of the system. Thus, Connecticut and the rest of the ISO-NE region are inextricably interconnected and rely on each other for a reliable electricity system. (Council Administrative Notice Item No. 35 – Docket No. 514, Finding of Fact #62)
127. In addition to ISO-NE's winter energy concerns, system reliability is comprised of two aspects: resource adequacy and transmission security. Resource adequacy means having sufficient resources to meet load at all times. Transmission security means having a system that can withstand contingencies such as the loss of a transmission line, or successive losses of multiple transmission lines, or the loss of a major generating plant, during a time of high system load. (Council Administrative Notice Item No. 35 – Docket No. 514, Finding of Fact #63)

*Solar Facility Benefit*

*Lodestar's FCA Participation*

128. Eversource would own the energy, capacity rights, and renewable energy credits of the facility. Thus, participation in the ISO-NE FCA is not allowed under NRES Program rules. (Council Administrative Notice Item No. 73; Lodestar 6, responses 7 and 25)

*Competitive Markets Benefit*

129. The facility was awarded a competitive contract through an auction and would be compensated via tariff rates. The facility was also deemed the most competitive in its class for the joint RFP issued by Eversource and UI in Year 2 of the NRES Program because its price was the lowest. Thus, the facility is necessarily part of a competitive renewable electricity generation market. (Lodestar 6, response 4b; Tr. 1, p. 94)

*Forecast Capacity Benefit*

130. The proposed facility would contribute to the zero emissions generation requirements associated with Public Act 22-5, which mandates zero greenhouse gas emissions from electricity generated in Connecticut by 2040. (Lodestar 6, response 4c)

*Domestic Energy Supply Benefit*

131. The proposed facility would reduce dependence on imported energy resources because it would utilize solar energy, and no imported (e.g. out of state) energy resources would be required. (Lodestar 1, p. 1; Lodestar 6, response 4d)

*Fuel Diversity Benefit*

132. The proposed facility will assist in diversifying the state's energy supply mix because it would introduce additional renewable energy among existing fossil-fueled energy. Also, the majority of the capacity in the ISO-NE Queue consists of wind energy; thus, integrating more solar energy would enhance fuel diversity in the region. (Lodestar 6, response 4e)

*Electric Reliability Benefit*

133. The proposed facility would enhance reliability because solar facilities generate the most electricity during daylight hours, which often coincides with periods of high energy use such as during the summer when air conditioning use increases. This overlap would help to ease pressure on the grid during peak times and thus lower the risk of overloads or outages. (Lodestar 6, response 4f)

*Economic Benefit*

134. The proposed facility was selected in a competitive bidding program. (Lodestar 6, response 4b)

**Alternative Sites**

135. Lodestar selected the host parcel for the solar facility site based on availability, suitability, environmental compatibility, and proximity to electrical utilities for interconnection. (Lodestar 1, p. 5)
136. Lodestar's site search began with a focus on brownfield sites. However, these sites were rejected due to insufficient acreage for a solar facility and/or significant interconnection challenges. (Lodestar 1, p. 5)
137. Based on NRES rules, specific bids for a specific site do not have alternative locations. (Lodestar 6, response 6)

**Proposed Site**

138. Pursuant to 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. (RCSA §16-50j-2a(29)(2025))
139. The Council's evaluation criteria under CGS §16-50p does not include the consideration of property ownership or property values nor is the Council otherwise obligated to take into account the status of property ownership or property values. (CGS §16-50p (2025); *Woodbridge Newton Neighborhood Env't Trust, et al v. Conn. Siting Council*, 2024 Conn. LEXIS 163 (2024); *Goldfisher v. Conn. Siting Council*, 95 Conn. App. 193 (2006))
140. Under CGS §16-50p, the Council's evaluation criteria does not include the evaluation and/or determination of rights under any lease with the property owner of the proposed site nor does it include the evaluation of property values. (CGS §16-50p (2025) *Woodbridge Newton Neighborhood Env't Trust, et al v. Conn. Siting Council*, 2024 Conn. LEXIS 163 (2024).
141. 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. (Council Administrative Notice Item No. 77 - *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007))



142. Pursuant to CGS §16-50p(g), the Council shall in no way be limited by Lodestar already having acquired land or an interest therein for the purpose of constructing the proposed facility. (CGS §16-50p(g) (2025); Council Administrative Notice Item No. 77 - *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007))
143. In accordance with Lodestar's lease agreement with Colony Honey, LLC, Lodestar proposes to construct the solar facility on an approximate 19.2-acre site located on host property comprised of 13 contiguous parcels (Parcel Nos. 253/003/018; 253/003/033 through 043 and 053-003-045) totaling approximately 41 acres located west of West Hill Road, Torrington (refer to Figure 1). The host parcels, owned by James Bobinski & Maura Steele, are zoned Residential Water Shed Protection Zone (R-WP). (Lodestar 1, pp. 1, 6 and Exhibit 7 – EA, p. 1; Tr. 1, p. 67; Lodestar 1, Exhibit 5)
144. The host parcel is located south of West Hill Road and has approximately 116 feet of frontage along West Hill Road. (Lodestar 1, Exhibit 7 – EA, p. 1)
145. The majority of the host parcel is undeveloped forest, except for the Tennessee Gas Pipeline Company right-of-way (Gas Pipeline ROW) which runs in a northeast to southwest direction through the central portion of the property. An approximate 2.37-acre forested wetland occupies the southwestern portion of the host parcel. (Lodestar 1, Exhibit 7 – EA, p. 1)
146. The proposed facility site is located east of the Gas Pipeline ROW, in the northern and southeastern portions of the host parcel. (Lodestar 1, Exhibit 7 – EA, p. 25)
147. The site has ground elevations ranging from approximately 920 feet to 960 feet above mean sea level (amsl) and generally slopes upgradient to the north towards West Hill Road. (Lodestar 6, response 6, Exhibit 4 – Sheet SP-1)
148. Land use in the surrounding area consists of low-density residential properties to the south and west, and West Hill Road with low-density residential farther to the north. Camp Workcoeman and Camp Sequassen are located directly the east. (Lodestar 1, Exhibit 7 – EA, p. 1)
149. A subdivision on the host parcel was approved by the City in 2005, that expired in 2019. If the proposed solar facility is not approved, the property owner plans to pursue the subdivision development, and a new permanent City Road would be constructed for access. (Lodestar 1, p. 1; Lodestar 6, response 14)
150. A comparison table of the subdivision plan versus the proposed solar facility is provided below.

	<b>Subdivision</b>	<b>West Hill Solar Farm</b>
Total Acres impacted	23.2	19.2
Acres of Trees cleared	23.2	19.2
Change in land	Permanent	Temporary during 20 years; can revert to trees or agriculture
Taxes	Unknown	Up to \$40,000 per year based on \$Y/MW DC
Impact on City Resources	Water, sewer, schools, public road construction + maintenance, City services	Private road during 2-month construction
Stormwater	15" RCP connection from the northerly section of Greystone Drive (without detention) to the West Hill Road drainage system.	Overland Flow + Piped Flow tributary to the West Hill Road drainage collection system is reduced for all storm events under proposed conditions.

(Lodestar 1, p. 2; Tr. 1, p. 37)

**Proposed Facility and Associated Equipment**

***Solar Array***

151. The proposed facility consists of approximately 7,686 photovoltaic panels rated at 540 Watts each (refer to Figures 4 and 5). (Lodestar 1, p. 6 and Exhibit 2 – Solar Panel Specification Sheet; Tr. 3, p. 24)
152. The panels would be installed on a fixed racking system supported by posts. (Lodestar 1, pp. 6-7)
153. The panels would be facing the south at an angle of 25 degrees above the horizontal. The panels would be a maximum of approximately 11 feet above grade at the highest point and 3 feet above grade at the lowest point. (Lodestar 1, p. 7; Lodestar 6, response 34, Exhibit 1 – Sheet SD-1)
154. The panels would be arranged in linear rows in an east-west direction, separated by approximately 17-foot wide vegetated aisles. (Lodestar 6, response 34, Exhibit 1 – Sheets SE-1 and SE-2)
155. Two approximately 9-foot by 7-foot concrete pads for transformers and switchgear would be installed in the southwestern portion of the site adjacent to the access drive turnaround. Inverters would be elevated approximately 2 to 3 feet above the concrete pads. The inverters would be located at a distance of approximately 342 feet from the nearest property line to the south. (Lodestar 6, response 6, Exhibit 4 – Sheet SP-2; Lodestar 1, p. 7; Tr. 1, pp. 27-28; Lodestar 6, response 33, Exhibit 3 – Revised Acoustical Study, p. 6)
156. Panel row wiring would generally extend along the racking system using stainless steel wiring clips and/or ties. When transitioning out of the racking system, protective wire loom is used to prevent abrasion damage. Wiring is then routed through the site either in underground conduit or via aboveground wire messenger systems approximately three feet above grade. In all cases, the wire protected against physical damage per NEC requirements and is rated for direct sun/weather exposure. (Lodestar 6, response 21)
157. The facility would be enclosed by an 8-foot tall, fixed-knot game perimeter fence. (Lodestar 6, response 34, Exhibit 1 – Sheet SD-1)
158. The nearest property line and residence to the solar facility perimeter fence is approximately 71 feet and 190 feet, respectively, to the northwest at 270 West Hill Road. (Lodestar 6, response 19)
159. Off-site visibility of the proposed facility from the east, west and south would be obscured by existing vegetation. (Lodestar 1, Exhibit 7 – EA, p. 16)
160. The northernmost portion of the facility would be visible from West Hill Road to the north. However, these views are generally expected to be limited to fencing, utility poles and the access drive. (Lodestar 1, Exhibit 7 – EA, p. 16)
161. Northern portions of the solar array may be visible year-round from West Hill Road, but these views would be from approximately 600 feet away. During leaf-off conditions, views of the proposed facility from the north may be possible from adjacent residential properties located at 270, 297 and 300 West Hill Road. (Lodestar 1, Exhibit 7 – EA, p. 16)
162. After consulting with the City, Lodestar would implement a landscaping plan that consists of five green giant arborvitae near the northwestern corner of the solar array; four green giant arborvitae near the

proposed electrical interconnection poles; and two northern bayberry shrubs near the entrance to the proposed facility. (Lodestar 6, response 6, Exhibit 4 – Sheet SP-1; Lodestar 1, p. 13)

163. Lodestar would also install fabric fence screening material along the northern fenceline and western fenceline until it reaches the existing vegetative buffer east of the Gas Pipeline ROW. (Lodestar 6, response 6, Exhibit 4 – Sheets SP-1 and SP-2)

#### ***Site Access***

164. The facility would be accessed via a new 15-foot wide, 585-foot long gravel access drive extending west from West Hill Road to the proposed facility gate. (Lodestar 1, Exhibit 7 – EA, p. 1; Lodestar 6, response 46)

#### ***Electrical Interconnection***

165. The facility is comprised of one metered system with a design capacity of approximately 2.988 MW AC at the point of interconnection. It would interconnect to an Eversource electric distribution circuit on West Hill Road. The existing 23-kV circuit connects to Eversource's 5R Canton Substation. This existing distribution circuit is three-phase and does not require any upgrades to support the proposed facility. (Lodestar 1, p. 10; Lodestar 6, responses 26 and 32; Tr. 1, p. 26)
166. The proposed interconnection would run underground adjacent to the access drive from the equipment pads to the north towards West Hill Road. Near West Hill Road, the interconnection would transition to overhead and require five, approximately 30-foot to 40-foot tall utility poles: a customer side-riser and surge arrestor pole; a customer-side recloser pole; a customer-side load break pole; a utility-side meter pole; and a utility-side recloser pole. (Lodestar 1, p. 11; (Lodestar 6, response 6, Exhibit 4 – Sheet SP-1; Lodestar 6, responses 30 and 32; Tr. 1, p. 28)
167. The interconnection was reviewed and approved by ISO-NE and the NEPOOL Reliability Committee during a meeting held on January 16 and 17, 2024. (Lodestar 6, response 29)
168. The Interconnection Agreement with Eversource is fully executed. Thus, Lodestar cannot change to pad-mounted equipment and/or reduce the number of poles without approval from Eversource and a potential re-study, which would result in increased facility costs. A re-study would cost roughly \$80k and take up to 2 or 3 years. Pad-mounted equipment would cost roughly \$200k. (Lodestar 6, response 31; Tr. 1, p. 28)
169. The projected capacity factor of the proposed solar facility is 21.7 percent. The power output would decline by approximately 0.3 to 0.5 percent on an annual basis. (Lodestar 6, response 26)
170. Lodestar has no plans to incorporate a battery energy storage system at the site at this time. (Lodestar 6, response 23)

#### **Cost**

171. The estimated construction cost of the facility is approximately \$7,294,000. (Lodestar 1, p. 8)
172. The proposed facility is part of the NRES Program, which is a statewide program. (Lodestar 6, response 10)

173. Neither the facility nor any portion thereof is proposed to be undertaken by state departments, institutions or agencies, or to be funded in whole or in part by the state through any contract or grant. Lodestar is a private entity. (Lodestar 1, p. 3; Lodestar 6, response 10)

**Public Health and Safety**

174. The proposed facility would be designed to comply with the current Connecticut State Building Code, National Electrical Code, the National Electrical Safety Code (NESC), and the National Fire Protection Association Code. (Lodestar 1, pp. 18-19; Tr. 1, p. 29)
175. Prior to construction, the site would be staked and marked/delineated to ensure that work does not encroach on the Gas Pipeline ROW. (Tr. 1, p. 30)
176. In the event of a fire or other emergency, the facility can be disconnected from the grid via a gang operated air break (GOAB) switch that can be operated by emergency responders. (Lodestar 6, response 38)
177. Lodestar would work with local emergency responders and provide training and an overview of facility details. (Lodestar 6, response 37)
178. In the event of a solar panel/electrical component fire, the AC power would be turned off via the AC disconnect, then all DC disconnects would be turned off, and emergency responders would be notified if not already present. Lodestar is not aware of any specialized equipment required for fire suppression at a solar facility. (Lodestar 1, Exhibit 3 – Emergency Response Plan)
179. The nearest municipal fire hydrant is located on the northern shoulder of Tarringford Street (Route 183), approximately 3,000 feet to the west of the proposed facility. (Lodestar 6, response 39)
180. Lodestar contacted the fire department in advance of the June 5, 2025 hearing and did not receive a response. Lodestar plans to continue to reach out to the fire department for consultation including, but not limited to, hydrant locations. (Tr. 1, p. 34; Tr. 3, p. 23-24)
181. The facility would be remotely monitored 24/7 by a data acquisition system. The data acquisition system can send alarms identifying communication, power generation or safety issues. Remote monitoring is conducted by a third-party vendor. (Lodestar 1, Exhibit 3 – Emergency Response Plan; Lodestar 6, response 64)
182. No exterior lighting is proposed for the facility. Some small, nonintrusive lighting fixtures would be installed within the equipment to facilitate maintenance, but this lighting would have a minimal effect. (Lodestar 1, Exhibit 7 – EA, p. 15)
183. The proposed facility would not be located within a Federal Emergency Management Agency (FEMA)-designated special flood zone area. (Lodestar 1, p. 17 and Exhibit 7 – EA, Appendix B, FEMA Flood Map)
184. The Federal Aviation Administration (FAA) requires a glare analysis for on-airport solar development at federally-obligated airports. Federally obligated airports are airports that receive federal funding. (Council Administrative Notice Item Nos. 17 and 18)
185. By letter dated July 18, 2024, the FAA issued a Determination of No Hazard to Air Navigation (FAA No Hazard Determination) for the proposed solar facility. The FAA No Hazard Determination expires

on January 18, 2026 unless construction commences or an extension is granted. (Lodestar 1, Exhibit 7 – EA, Appendix F, FAA No Hazard Determination)

186. The nearest federally-obligated airport is Bradley International Airport, approximately 30 miles east of the proposed site. A glare analysis is not required. (Lodestar 6, response 41; Council Administrative Notice Item Nos. 17 and 18)
187. There are no plans to utilize a crane during construction. Notwithstanding, if a crane is used, Lodestar would comply with any regulatory requirement such as FAA notice. (Lodestar 6, response 42)
188. The proposed stormwater basins do not appear to require registration with the DEEP Dam Safety Program. However, Lodestar will confirm with DEEP. (Lodestar 6, response 35; Tr. 1, p. 35)
189. The proposed facility transformers would utilize FR3, a non-toxic, biodegradable insulating oil. Secondary containment and leak detection are not typically installed when using FR3 fluid. (Lodestar 6, response 40)
190. To protect against lightning strikes, the facility would be grounded in compliance with the National Electrical Code. (Lodestar 6, response 43)

#### *Noise*

191. Noise emissions from the solar facility would be from the daytime operation of the 20 inverters and 2 transformers. The facility would not operate at night or generate noise at night. (Lodestar 6, response 33, Exhibit 3 – Revised Acoustical Study, pp. 4, 7; Tr. 1, p. 35)
192. The inverters would be located at a distance of approximately 342 feet from the nearest property line located to the south. (Lodestar 6, response 6, Exhibit 4 – Sheet SP-2; Tr. 1, pp. 27-28; Lodestar 6, response 33, Exhibit 3 – Revised Acoustical Study, p. 6)
193. A noise analysis determined the operation of the facility would produce a sound level of approximately 35 dBA at the nearest property line to the south of the inverter/transformer pads. Sound levels would be less than 31 dBA at all other property lines. The proposed facility would be in compliance with state standards. (Lodestar 6, response 33, Exhibit 3 – Revised Acoustical Study, pp. 7-9)
194. Construction noise is exempt from DEEP Noise Control Standards. (RCSA §22a-69-108(g))

#### **Electric and Magnetic Fields**

195. Electric fields (EF) and magnetic fields (MF) are two forms of energy that surround an electrical device. Transmission lines, for example, are a source of both EF and MF. (Council Administrative Notice Item No. 30- Petition 754)
196. EF is produced whenever voltage is applied to electrical conductors and equipment. Electric fields are typically measured in units of kilovolts/meter. As the weight of scientific evidence indicates that exposure to electric fields, beyond levels traditionally established for safety, does not cause adverse health effects, and as safety concerns for electric fields are sufficiently addressed by adherence to the NESC, as amended, health concerns regarding EMF focus on MF rather than EF. (Council Administrative Notice Item No. 30- Petition 754)

197. MF is produced by the flow of electric currents. The magnetic field at any point depends on the characteristics of the source, the arrangement of conductors, the amount of current flow through the source, and the distance between the source and the point of measurement. Magnetic fields are typically measured in units of milligauss (mG). (Council Administrative Notice Item No. 30- Petition 754)
198. International health and safety agencies, including the World Health Organization, the International Agency for Research on Cancer (IARC), and the International Commission on Non-Ionizing Radiation Protection (ICNIRP), have studied the scientific evidence regarding possible health effects from MF produced by non-ionizing, low-frequency 60-Hertz alternating currents in transmission lines. Two of these agencies attempted to advise on quantitative guidelines for mG limits protective of health, but were able to do so only by extrapolation from research not directly related to health: by this method, the maximum exposure advised by the International Commission on Electromagnetic Safety (ICES, part of IARC) is 9,040 mG, and the maximum exposure advised by the ICNIRP is 2,000 mG. Otherwise, no quantitative exposure standards based on demonstrated health effects have been set world-wide for 60-Hertz MF, nor are there any such state or federal standards in the U.S. (Council Administrative Notice Item No. 30- Petition 754)
199. EMF from the inverters generally reduce to near background levels within a short distance of the equipment. (Lodestar 1, p. 20)
200. Given the distance from the inverters and other equipment from the site boundaries, EMF levels are not expected to be impacted beyond the boundaries of the site. (Lodestar 1, p. 20)
201. The proposed facility is designed to interconnect to the existing distribution system rather than a higher voltage transmission system and therefore, the Council's EMF Best Management Practices for the Construction of Electric Transmission Lines in Connecticut and the ICES and ICNIRP MF guidelines would not apply. (Lodestar 1, p. 20; Council Administrative Notice Item No. 30- Petition 754)

### **Environmental Effects and Mitigation Measures**

#### ***Air Quality***

202. The proposed facility would not produce air emissions of regulated air pollutants or GHG. (GCE 1, p. 14)
203. During construction of the proposed facility, air emissions from the operation of equipment and vehicles would be minimized by limiting the idling time of diesel engines and the use of modern emissions controls. Dust resulting from construction activities would be controlled through the use water, construction phasing to minimize disturbance areas, and covering or seeding of temporary soil stockpiles. (Lodestar 1, Exhibit 7 – EA, p. 3)

#### ***Water Quality***

204. As applicable to any proposed jurisdictional facility site, the Council's Application Guide for an Electric Generating Facility requires the submission of plans for erosion and sedimentation control consistent with the *Connecticut Guidelines for Erosion and Sediment Control* (E&S Guidelines); Water consumption and discharge rate; FEMA Flood Zone information and associated flood mitigation plans; Proximity to DEEP Aquifer Protection Areas; DEEP groundwater classification underlying the site; Wetland and Watercourse Analysis Report and map, and associated Wetland and Watercourse Impact Mitigation Plan; Vernal Pool Analysis Report and Map, and associated Vernal Pool Impact Mitigation Plan. (Record)

205. Water would not be used during operation of the facility. (Lodestar 1, p. 18)
206. The proposed site is not located within a DEEP-designated Aquifer Protection Area, and the City does not possess any municipal Aquifer Protection Areas. (Lodestar 1, pp. 17-18; Lodestar 1, Exhibit 7 – EA, p. 5)
207. A Spill Prevention Control Plan (SPCP) has been developed for the proposed facility to protect groundwater and other resources. It includes, but is not limited to, plans for petroleum storage, refueling vehicles away from wetland and watercourses, spill response, containment, cleanup and reporting. (Lodestar 1, Exhibit 3)
208. Groundwater at the site is classified as GAA. GAA is a subclass of GA for groundwater that is a tributary to a public water supply reservoir. Class GA groundwater is generally assumed suitable for human consumption without prior treatment. (Lodestar 1, Exhibit 7 – EA, p. 5)
209. The host parcel is located within the Nepaug Reservoir drinking supply watershed, which is a public water supply reservoir operated by the Metropolitan District Commission (MDC). Lodestar did not receive any comments from MDC. Lodestar is amenable to adding MDC as a contact on its SPCP. (Lodestar 1, Exhibit 7 – EA, p. 5; Lodestar 6, response 45; Tr. 1, p. 50)
210. Lodestar would employ best management practices (BMPs) to protect groundwater quality and comply with DEEP water quality standards. These BMPs would include, but not be limited to, E&S controls, the proposed stormwater management system. (Tr. 1, pp. 34-35)

#### *Stormwater*

211. 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. (CGS §22a-430b; DEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities. (DEEP-WPED-GP-015))
212. 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 project 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. (CGS §22a-430b; CGS §2a-430(b))
213. The SWPCP incorporates project designs consistent with the E&S Guidelines and the *Connecticut Stormwater Quality Manual* (Stormwater Manual). Both of these documents were updated, effective March 30, 2024. (DEEP-WPED-GP-015)
214. DEEP has the authority to enforce proposed project compliance with its Individual or General Permit and the SWPCP, including, but not limited to, the installation of site-specific water quality protection measures in accordance with the E&S Guidelines and Stormwater Manual. (CGS §22a-430b (2025))
215. The Council may impose a condition that requires subsequent compliance with DEEP standards and regulations. (Council Administrative Notice Item No. 75 – *FairwindCT, Inc. v. Conn. Siting Council*)

216. The facility would require a DEEP-issued Stormwater Permit prior to commencement of construction activities as defined in the General Permit. (CGS §22a-430b)
217. The General Permit requires the designing qualified professional to conduct the SWPCP Implementation Inspection that confirms compliance with the General Permit and the initial implementation of all SWPCP control measures for the initial phase of construction. The SWPCP also requires a qualified inspector to inspect the work areas at least once per week and within 24-hours after a rain event that meets certain permit criteria. The qualified soil erosion and sediment control professional or a qualified professional engineer would inspect the area and confirm stabilization and compliance with the post-construction stormwater management requirements. (DEEP-WPED-GP-015)
218. Per the Stormwater Permit, the contractor has the responsibility to follow the SWPCP and conduct inspections. (DEEP-WPED-GP-015)
219. Lodestar's stormwater analysis indicates that three stormwater detention basins would be necessary along the perimeter of the proposed facility. (Lodestar 1, Exhibit 7 – EA, p. 6)
220. The proposed facility has been designed to comply with DEEP General Permit Appendix I. (Lodestar 6, response 47)
221. Lodestar's DEEP General Permit is approved by DEEP contingent upon receiving a letter of credit. (Lodestar 6, response 57)

*Wetlands and Watercourses*

222. The Inland Wetlands and Watercourses Act (IWWA), CGS §22a-36, *et seq.*, contains a specific legislative finding that the inland wetlands and watercourses of the state are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed, and the preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. (CGS §22a-36, *et seq.* (2025))
223. The IWWA grants regulatory agencies with the authority to regulate upland review areas in its discretion if it finds such regulations necessary to protect wetlands or watercourses from activity that will likely affect those areas. (CGS §22a-42a (2025))
224. The IWWA forbids regulatory agencies from issuing a permit for a regulated activity unless it finds on the basis of the record that a feasible and prudent alternative does not exist. (CGS §22a-41 (2025))
225. Under the IWWA:
  - a) "Wetlands" means land, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture;
  - b) "Watercourses" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border the state; and
  - c) Intermittent watercourses are delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (A) Evidence of scour or deposits of recent alluvium or detritus, (B) the presence of standing or flowing water for a duration



longer than a particular storm incident, and (C) the presence of hydrophytic vegetation. (CGS §22a-36, *et seq.* (2025))

226. A wetland inspection of the site and adjacent areas was performed in May and June 2023. Forested hillside seep wetlands were mapped in the southwestern portion of the host property and drain towards Cedar Swamp Brook, which generally coincides with the southwestern parcel boundary. (Lodestar 1, Exhibit 7 – EA, p. 3)
227. No direct impacts to wetlands are expected because the construction LOD for the proposed facility is located approximately 500 feet to the east of the wetland. (Lodestar 1, Exhibit 7 – EA, pp. 4, 25)
228. Indirect impacts to wetlands and any potential water quality impacts to Cedar Swap Brook would be avoided during construction by employment of the E&S control measures in accordance with the 2024 Connecticut Guidelines. (Lodestar 1, Exhibit 7 – EA, p. 24)

#### *Vernal Pools*

229. A vernal pool survey was conducted in approximately May and June 2023. No vernal pools were identified. (Lodestar 1, Exhibit 7 – EA, Appendix C – Vernal Pool Survey Photos)

#### *Forests and Parks*

230. UCONN’s Center for Land Use Education and Research defines “core forest” as interior forested areas that are surrounded by other forested areas and are classified as small core forest, medium core forest or large core forest. Small core forest is comprised of core forest patches that are less than 250 acres. Medium core forest is comprised of core forest patches that are between 250-500 acres. Large core forest is comprised of core forest patches that are greater than 500 acres and are the most important ecologically. Forestland that that does not meet the definition of core forest is considered “edge forest”. Edge forest is a forested area extending up to 300 feet from a non-forest feature such as a road. (Council Administrative Notice Item No. 40, Petition 1609 Record – Finding of Fact #190)
231. Development of the proposed facility would require clearing of approximately the full 19.2-acre LOD. Of this 19.2 acres of tree clearing, approximately 10.9 acres would be located within large core forest\*, and approximately 8.3 acres would be located within edge forest. See table below.

Core Forest Type	Existing Area of Full Parcel (± ac.)	Proposed Area of Full Parcel (± ac.)	Existing Area of LOD (± ac.)	Proposed Area of LOD (± ac.)
Large Core Forest	12.0	0.0	10.9	0.0
Medium Core Forest	6.3	6.3	0.0	0.0
Edge Forest	20.7	13.3	8.3	0.0
Non-Forest	1.7	21.1	0.0	19.2
<b>Total</b>	<b>40.7</b>	<b>40.7</b>	<b>19.2</b>	<b>19.2</b>

\*It is considered a large core forest because its existing acreage is approximately 671 acres.

(Lodestar 1, Exhibit 7 – EA, p. 9; Lodestar 8 – Late Filed Exhibit 3)

232. A comparison of core forest impacts for the proposed solar facility versus development of a subdivision on the host parcel is listed below.

**Core Forest Tree Clearing Table**

<i>Subdivision</i>	<i>Solar Facility</i>
Minimum 5.81 acres of core forest with no maximum. Additional tree clearing up to individual homeowners.	10.9 acres of core forest

(Lodestar 6, response 15)

233. During August and September 2023, Lodestar corresponded with DEEP Forestry Division regarding core forest impacts. (Lodestar 8 – Late Filed Exhibit 1)
234. Lodestar would utilize hardwood chips on-site as necessary for stabilization and would remove any excess wood off-site. (Lodestar 6, response 55)
235. There are no state parks or forests within one mile of the site. (Council Administrative Notice Item No. 103)

***Scenic, Historic and Recreational Values***

236. Lodestar performed a Phase 1A Cultural Resources Assessment (Phase 1A Survey). The Phase 1A Survey indicated that there are no known archaeological sites within 1 mile of the site. There is one district listed on the National Register of Historic Places (NRHP) and three properties listed on the State Register of Historic Places within 1 mile of the site. None of these historic resources are located on the host parcel. (Lodestar 1, Exhibit 7 – EA, Appendix D, Phase 1A/1B Survey, p. 24)
237. During a pedestrian survey conducted as part of the Phase 1A Survey, it was determined that the proposed site retained potential to yield intact archaeological deposits, and a Phase 1B Survey was recommended. (Lodestar 1, Exhibit 7 – EA, Appendix D, Phase 1A/1B Survey, p. 24)
238. The Phase 1B Survey was performed at the site, which included, but was not limited to, 114 shovel tests and four radial test pits. Of the 114 shovel tests, one yielded post-European Contact period artifacts, and one yielded precontact era Native American artifacts. These artifacts do not retain research potential or qualify for listing on the NRHP. Thus, no additional archaeological examination is recommended. (Lodestar 1, Exhibit 7 – EA, Appendix D, Phase 1A/1B Survey, p. 24-25)
239. During a pedestrian survey conducted as part of the Phase 1B Survey, eight stonewalls were identified at the site, and it was recommended that such stonewalls be identified with high visibility marking prior to construction and left in place to the extent practicable. (Lodestar 1, Exhibit 7 – EA, Appendix D, Phase 1A/1B Survey, p. 25)
240. By letter dated August 30, 2024, SHPO indicated that it concurs with the Phase 1A and Phase 1B Survey results including the recommendation to leave the stone walls in place to the extent practicable, No historic properties would be affected by the proposed facility, and no further archaeological investigation is warranted. (Lodestar 1, Exhibit 7 – EA, Appendix D, SHPO letter)
241. There are no “blue-blazed” hiking trails maintained by the Connecticut Forest and Park Association within one mile of the site. (Council Administrative Notice No. 98)
242. The nearest recreational resource is Camp Workcoeman and Camp Sequassen which are Boy Scouts of America camps that abut the host parcel to the east. Cedar Hill Wildlife Preserve is located

approximately 0.4 mile to the south. The proposed facility is not expected to be visible from these areas due to a combination of distance, topography and existing vegetation. (Lodestar 1, pp. 6, 18)

- 243. No local, state or nationally designated scenic roads are located within one mile of the site. (Lodestar 1, p. 18)
- 244. No comments were received from OPM, DEEP or the City regarding impact to scenic quality or resources. (Record)
- 245. The facility would be consistent with the 2018-2023 State Plan of Conservation and Development as it would be a Class I renewable zero emissions electric generation facility that is compatible with state goals for environmental protection and minimization of potential impacts to historic, agricultural and scenic resources. (Council Administrative Notice No. 60, p. 15)

### ***Fish, Aquaculture and Wildlife***

- 246. There are no DEEP-designated cold-water habitat resources near the site. (Council Administrative Notice No. 55)
- 247. DEEP Natural Diversity Database (NDDB) maps show approximate locations of state-listed endangered, threatened, and special concern species and are used to find areas of potential conservation concern. (Council Administrative Notice Item No. 94)
- 248. The nearest DEEP NDDB area is located approximately 900 feet south of the site. Notwithstanding, Lodestar submitted a request for DEEP NDDB review. On January 15, 2025, DEEP indicated that the northern long-eared bat (NLEB), a state-listed and federal-listed Endangered Species, has a hibernaculum within 5 miles of the proposed site. (Lodestar 1, Exhibit 7 – EA, p. 11 and Appendix E – DEEP NDDB Letter dated January 15, 2025)
- 249. Lodestar consulted with the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), which also indicated that the NLEB may occur proximate to the site. (Lodestar 1, Exhibit 7 – EA, pp. 10-11)
- 250. On January 15, 2025, DEEP indicated that it concurs with Lodestar’s proposed wildlife protection measures, which include, but are not limited to, the following:
  - a) Tree cutting shall be avoided between April 15 through October 31 to protect breeding bats;
  - b) Artificial roosts or “bat boxes” would be installed at the site to compensate for potential loss of natural roosting sites;
  - c) Native plantings would be installed to promote pollinator habitat; and
  - d) The proposed fence would have an approximately 6-inch wildlife gap at the bottom.

(Lodestar 1, Exhibit 7 – EA, p. 12 and Appendix E – DEEP NDDB Letter dated January 15, 2025; Lodestar 6, response 34, Exhibit 1 – Sheet SD-1)

- 251. The bat box locations were selected based on guidance from the *Northeast Naturalist* publication. The bat boxes would also be located in shaded, wooded areas to reduce the impact of direct sunlight on the bat habitat. (Lodestar 6, response 50; Tr. 1, p. 33)

### *Agriculture*

252. Agricultural land is an economic resource. The terms “agriculture” and “farming” are defined under CGS §1-1q. Agriculture and farming activities are exempt from certain statutes and regulations, including, but not limited to, provisions related to wetlands and nuisance. (CGS §1-1q (2025); CGS §19a-341(2025)(commonly known as “the Right to Farm Law”); CGS §22a-19 (2025); CGS §22a-40 (2025); CGS §7-131d (2025); *Red Hill Coalition, Inc. v. Town Plan & Zoning Comm’n*, 212 Conn. 727 (1989); *Indian Spring Land Co. v. Inland Wetlands & Watercourse Agency of Greenwich*, 322 Conn. 1 (2016))
253. Agriculture in Connecticut is likely to be adversely impacted by climate change. It is most affected by changes in temperature and both the abundance and lack of precipitation. The top five most imperiled agricultural products are maple syrup, dairy, warm weather produce, shellfish and apple and pear production, but there are opportunities for production expansion with the future climate, including, but not limited to, biofuel crops, witch hazel and grapes. (Council Administrative Notice Item No. 64 – Climate Change Preparedness Plan)
254. Adaptation strategies for climate change impacts to agriculture include promotion of policies to reduce energy use, conserve water and encourage sustainability. (Council Administrative Notice Item No. 64 – Climate Change Preparedness Plan)
255. In 2012, the Governor’s Council for Agricultural Development (GCAD) recommended DOAG create a statewide plan for an agriculture-friendly energy policy that includes, but is not limited to, on-farm energy production to reduce costs and supplement farm income, agricultural net metering for power production and transmission, and qualification of agricultural anaerobic digestion projects for zero-emissions renewable energy credits. (Public Act 11-189; GCAD First Annual Report December 2012)
256. DOAG does not develop, oversee or envision the implementation of farm-related energy plans. DOAG refers farmers to federal agencies for farm-related energy plans. (Council Administrative Notice Item No. 37, Docket 525 Record- Findings of Fact #247)
257. DOAG administers the Statewide Program for the Preservation of Agricultural Land (SPPAL), a voluntary program to establish a land resource base consisting mainly of prime and important farmland soils. A permanent restriction on non-agricultural uses is placed on the deed of participating properties, but the farms remain in private ownership and continue to pay local property taxes. (CGS §22-26aa, et seq.)
258. The host parcel is not enrolled in the SPPAL. (Lodestar 6, response 18)
259. A solar electric generating facility is not a permitted use on land preserved under the SPPAL. (Council Administrative Notice Item No. 37, Docket 525 Record- Findings of Fact #250)
260. DOAG has authority to ensure the integrity of the soils will be retained during public utility construction on land enrolled in the SPPAL. (Council Administrative Notice Item No. 37, Docket 525 Record- Findings of Fact #251)
261. DOAG has no authority to require public utilities to implement agricultural activities, furnish a bond and/or restore facility sites to prime farmland soils except for land that is enrolled in the SPPAL. Council Administrative Notice Item No. 37, Docket 525 Record- Findings of Fact #252)

262. PA 490 is Connecticut's Land Use Value Assessment Law for Farm Land, Forest Land and Open Space Land that allows land to be assessed at its use value rather than its fair market or highest and best use value for purposes of local property taxation. (CGS §12-107a through 107-f (2025))
263. The host parcel is currently enrolled in the PA 490 Program for agricultural land tax abatement. If the proposed facility is approved, 19.2 acres of the 41.33 acres of host parcel would be removed from such classification. If the subdivision is developed in lieu of the solar facility, approximately 23.2 acres would be removed from such classification. (Lodestar 1, p. 2; Tr. 3, p. 20)

*Soils*

264. Existing upland soils at the site consist of Woodbridge fine sandy loam and Paxton and Montauk fine sandy loams. Wetland soils at the site consist of Ridgebury, Leicester and Whitman fine sandy loams. (Lodestar 1, Exhibit 7 – EA, p. 12)
265. Prime Farmland Soils are defined by the United States Department of Agriculture (USDA) National Resources Conservation Service (NRCS) as the most suitable land for producing food, feed, fiber, forage, and oilseed crops. (Council Administrative Notice Item No. 14 – USDA Soil Survey Manual)
266. Statewide Important Farmland Soils do not meet all of the physical and chemical requirements to be considered Prime Farmland Soils, but they are equally as important in the production of food, feed, forage or fiber crops. (Council Administrative Notice Item No. 14 – USDA Soil Survey Manual; 7 C.F.R. §657.5 (2016) – Identification of Important Farmlands)
267. Local Important Farmland Soils do not meet the physical or chemical requirements of either Prime Farmland Soils or Statewide Important Farmland Soils, but they are still used for the production of food or fiber crops and support the local economy due to their productivity. (Council Administrative Notice Item No. 14 – USDA Soil Survey Manual; 7 C.F.R. §657.5 (2016) – Identification of Important Farmlands)
268. Approximately 1 acre of prime farmland soil is located in the northeastern portion of the host parcel. The proposed facility would not be located on prime farmland soils. (Lodestar 1, Exhibit 7 – EA, p. 13)
269. Approximately 24 acres of statewide important farmland soils are located on the host parcel and comprise approximately 59 percent of the area of the host parcel. The proposed facility would be located on approximately 11 acres of statewide important farmland soils. (Lodestar 1, Exhibit 7 – EA, pp. 1, 13)
270. Of the 11 acres of statewide important farmland soils, about 9 acres (or 82 percent) would be covered by solar arrays and the gravel access drive. (Lodestar 1, Exhibit 7 – EA, p. 13)
271. Significant disturbance to statewide important farmland soils would only be expected to occur in areas with proposed stormwater features, equipment pads, and drainage swales. Topsoil within these areas would be temporarily stored onsite and reused to the extent possible for detention basins and swales and to support areas where restoration seed mixes and pollinator plantings are proposed. Only a portion of the subsoil component would be exported offsite. (Lodestar 1, Exhibit 7 – EA, pp. 13-14)
272. The remaining 13 acre or 54 percent of the statewide important farmland soils on the host property would remain undisturbed. (Lodestar 1, Exhibit 7 – EA, p. 14)

273. 2023 USDA NRCS figures indicate that there are approximately 507,236 acres of prime farmland soil in Connecticut. 2022 USDA census data indicates that there are approximately 372,014 acres of land being farmed that includes prime farmland soils, statewide important farmland soils and local important farmland soils. (Council Administrative Notice Item No. 37, Docket 525 Record- Findings of Fact #260)
274. After the implementation of CGS §16-50k(a) in 2017, DOAG has reviewed numerous projects with an estimated impact to a total of 350 acres of prime farmland soil (up to August 2024). Some projects contained prime farmland soils that were not used to support agricultural activities. (Council Administrative Notice Item No. 37, Docket 525 Record- Findings of Fact #261)
275. DOAG does not track or hold a registry of farms or acreage in agricultural production throughout the state. (Council Administrative Notice Item No. 37, Docket 525 Record- Findings of Fact #262)
276. DOAG does not maintain a database of the number of prime farmland soils throughout the state that are currently occupied with solar facilities without agricultural activities. (Council Administrative Notice Item No. 37, Docket 525 Record- Findings of Fact #263)
277. DOAG does not maintain a database of the number of acres of prime farmland soils throughout the state that are currently occupied by solar facilities with agricultural activities. (Council Administrative Notice Item No. 37, Docket 525 Record- Findings of Fact #264)
278. No agricultural co-uses are proposed for the facility site. (Lodestar 6, response 51)

#### **Facility Construction**

279. If the facility is approved by the Council, the following permits would be required for construction and operation:
- a) DEEP Stormwater Permit;
  - b) Eversource Interconnection Agreement;
  - c) City Building Permit; and
  - d) City Electrical Permit
- (Lodestar 1, pp. 8, 11)
280. The construction limit of disturbance (LOD) is approximately 19 acres. (Lodestar 1, Exhibit 7 – EA, p. 1)
281. Site construction would result in a net cut of 6,414 cubic yards. The excess cut would be removed off site. (Lodestar 6, response 20)
282. Blasting to construct the site is not anticipated. If bedrock is encountered, pilot holes would be pre-drilled prior to post installation. (Lodestar 6, response 60)
283. Racking support posts would be pile driven into the ground to a depth of approximately 10 feet. (Lodestar 6, response 44)
284. The facility would be constructed in the following sequence:
- a) Stake out limits of work and install E&S controls for site clearing activities;
  - b) Perform tree clearing during the October 31 through April 15 NLEB hibernation period;
  - c) Clear and grub to the limits of the work area;
  - d) Construct stormwater management system;

- e) Install array racking, solar panels, electrical components, conduits and perimeter fencing.
  - f) Stabilize disturbed areas; and
  - g) Remove E&S controls after disturbed areas are fully stabilized.
- (Lodestar 6, response 6, Exhibit 4 – Sheet LD)

285. A geotechnical investigation of the site had not yet been performed as of May 29, 2025. (Lodestar 6, response 59)
286. Site construction is anticipated to begin in second quarter 2026 with construction occurring over a 6 to 9-month period. (Lodestar 1, p. 9)
287. Construction hours would be Monday through Saturday from 7:00 AM to 5:00 PM. (Lodestar 1, p. 9)

### ***Traffic***

288. Construction vehicles would access the site from West Hill Road using the proposed access route. (Tr. 1, p. 29)
289. Construction vehicles would include, but not be limited to, small service vehicles for the installation of electrical equipment; semi-trailers to deliver solar panels; and a post-driving machine delivered by load bed. (Tr. 1, p. 30)
290. Once operational, the site would be accessed periodically by maintenance personnel. (Lodestar 1, p. 10)

### **Facility Operations and Maintenance**

291. Lodestar provided a post-construction Operations and Maintenance (O&M) Plan that includes, but is not limited to, provisions for remote monitoring, equipment maintenance, vegetation management and site safety and security. (Lodestar 1, Exhibit 3)
292. Site vegetation would be controlled by mechanical methods approximately 3 times per year. (Lodestar 1, Exhibit 3)
293. The inverters and transformers are expected to last for the life of the facility and would only be replaced as necessary. (Lodestar 6, response 63)
294. The solar panels have a lifespan of at least 20 years. Replacement panels would not be stored on-site. (Lodestar 1, p. 11; Lodestar 6, response 64)
295. After installation, equipment would be checked periodically by thermal imagery and physical inspection. (Lodestar 1, Exhibit 3)
296. O&M activities would be conducted by a third-party contractor. (Lodestar 1, Exhibit 3)
297. Snow would typically slide off of the panels. Thus, Lodestar would not remove snow from the panels unless necessary. (Lodestar 1, Exhibit 3)

### **Decommissioning**

298. The facility has an anticipated life of at least 20 years. (Lodestar 1, p. 11)

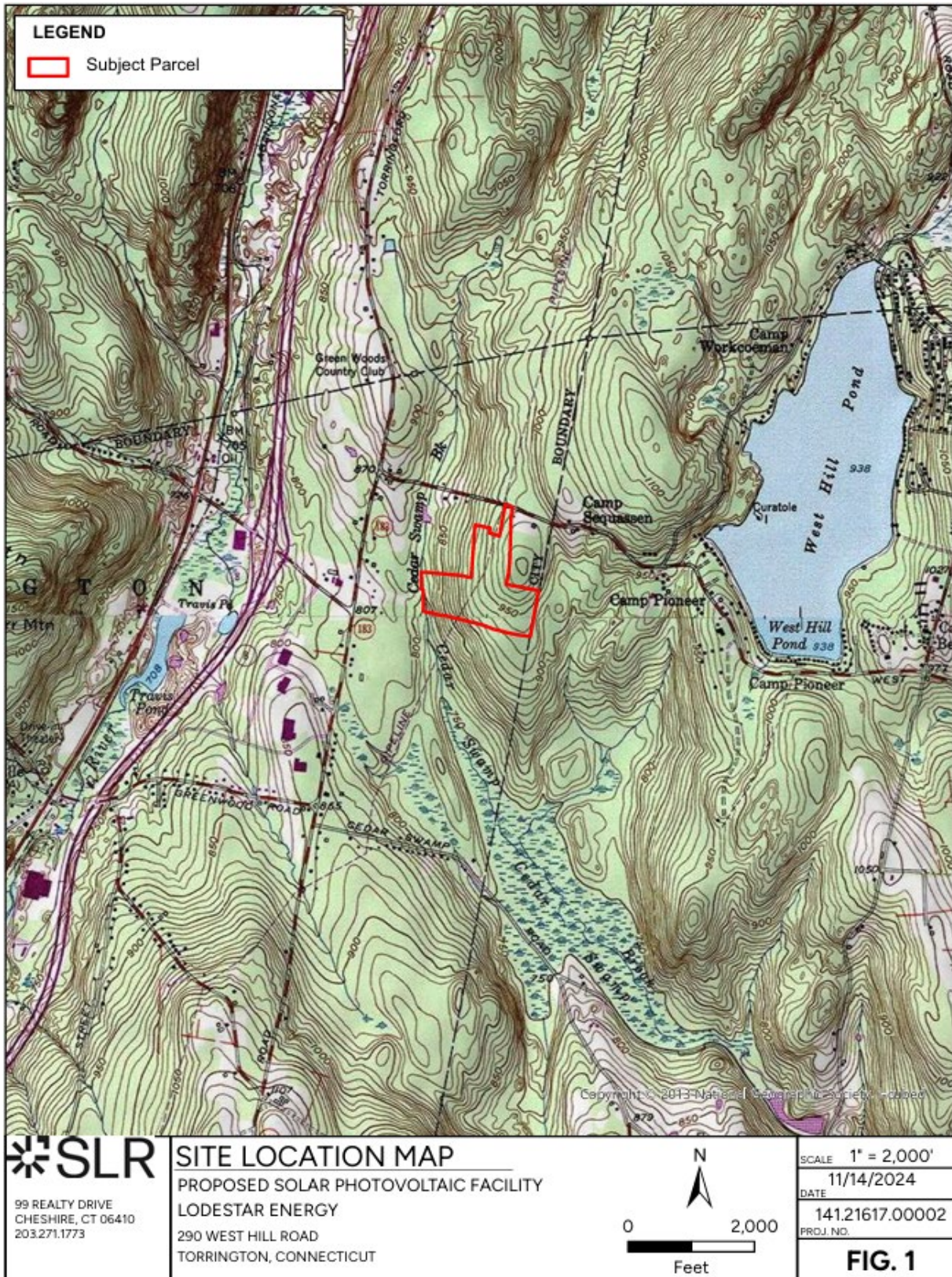
299. At the end of the facility's lifespan, it will be decommissioned and removed from the host parcel. (Lodestar 1, Exhibit 4)
300. Lodestar intends to recycle materials, including solar panels, steel and concrete to the maximum extent practicable. (Lodestar 1, Exhibit 4)
301. The electrical interconnection circuit may remain in place if requested by the property owner. (Lodestar 1, Exhibit 4)
302. Underground conduits would be excavated to a depth of three feet. (Lodestar 1, Exhibit 4)
303. Decommissioning also includes restoration of the site and backfilling and compacting excavated areas with local soils to match topography. Aeration, de-compaction, and seeding would also occur to encourage full vegetative growth. (Lodestar 1, Exhibit 4)
304. Decommissioning is expected to take approximately eight weeks. (Lodestar 1, Exhibit 4)
305. Pursuant to CGS §16-50p(g), the Council has no authority to evaluate, amend and/or determine rights under any lease with the property owner of the proposed site, including, but limited to, the restoration of soils to prime farmland status. (CGS §16-50p(g) (2025))
306. The purchase agreement does not specify a final land cover or soil restoration at the end of the facility's useful life. (Lodestar 6, response 69)
307. Lodestar selected solar panels (ZNShine ZXM7-SHLDD144 Modules) for the facility that meet current Toxicity Characteristic Leaching Procedure (TCLP) criteria<sup>5</sup> for characterization as nonhazardous waste in the event the solar panels are not recycled at the end of the facility's life. (Lodestar 6, response 68 and Exhibit 6; Council Petition 1541, Record –Appendix B)

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<sup>5</sup> <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-261/subpart-C/section-261.24>



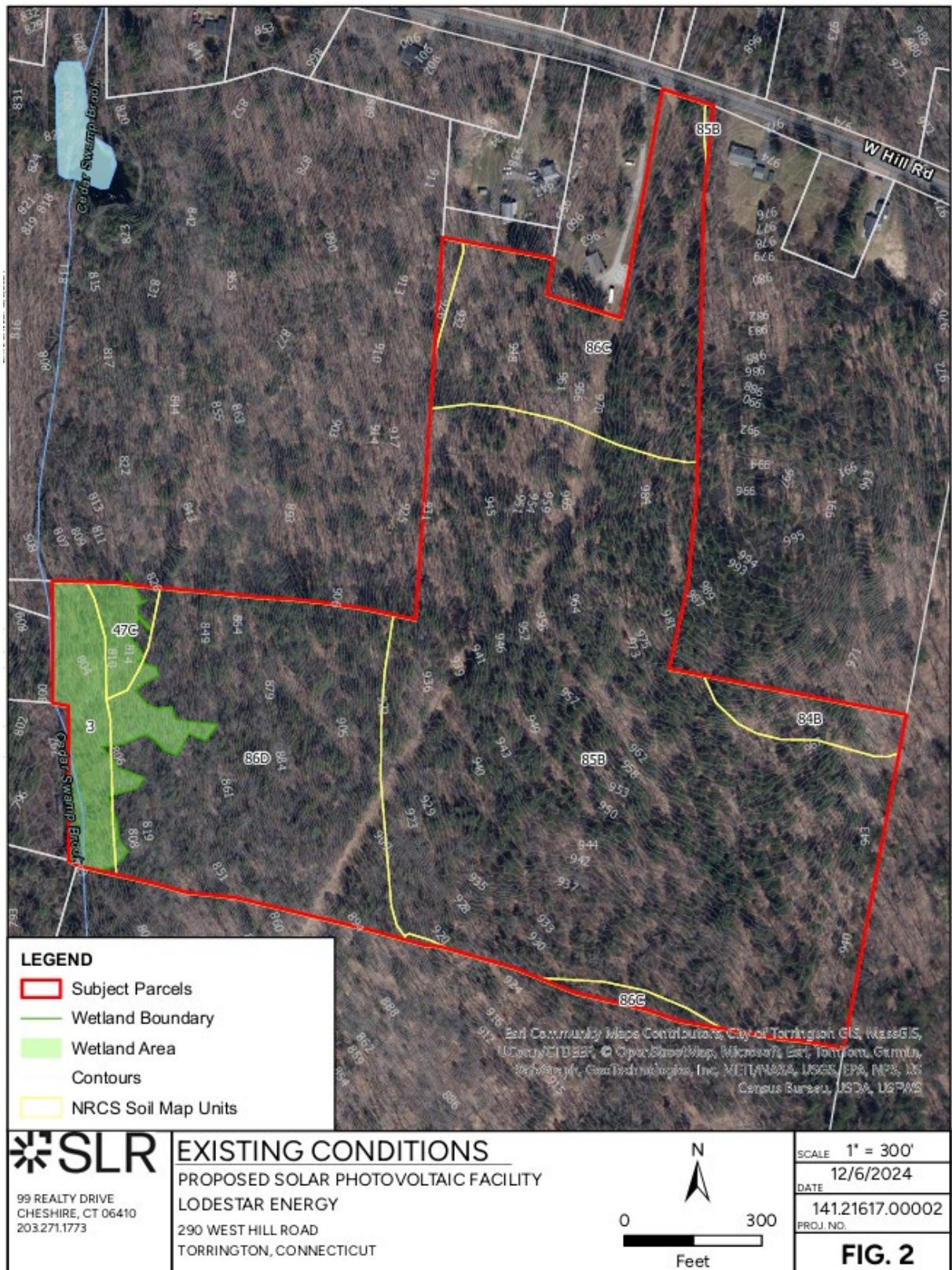
**Figure 1 – Site Location**



(Lodestar 1, Exhibit 7 – EA, Appendix A, Site Location Map)



**Figure 2 – Existing Site Conditions**



(Lodestar 1, Exhibit 7 – EA, Appendix A, Existing Conditions)

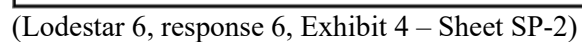


**Figure 3 – Proposed Facility Layout**



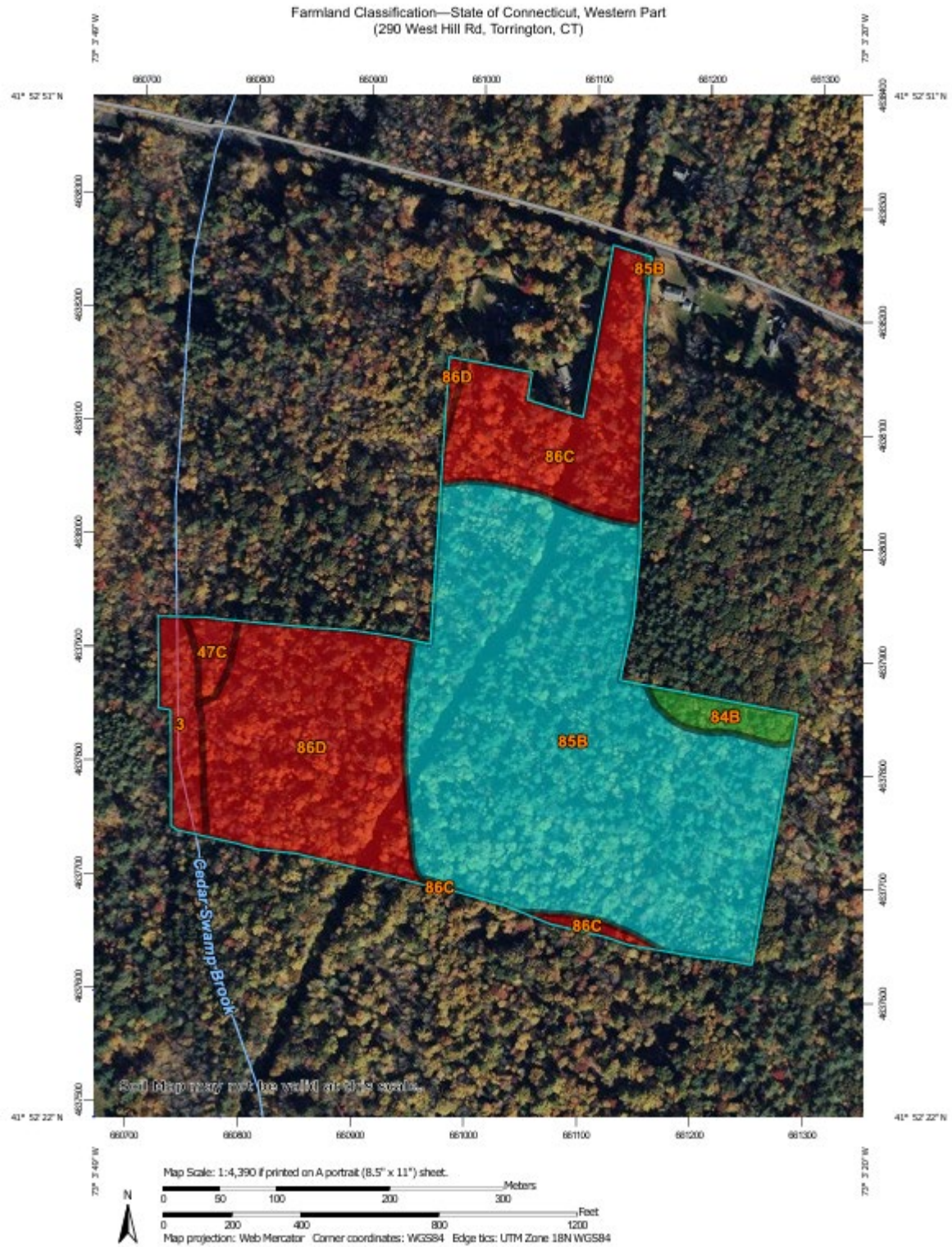
(Lodestar 1, Exhibit 7 – EA, p. 25)

(Lodestar 6, response 6, Exhibit 4 – Sheet SP-1)





**Figure 6 – Farmland Soils Map**



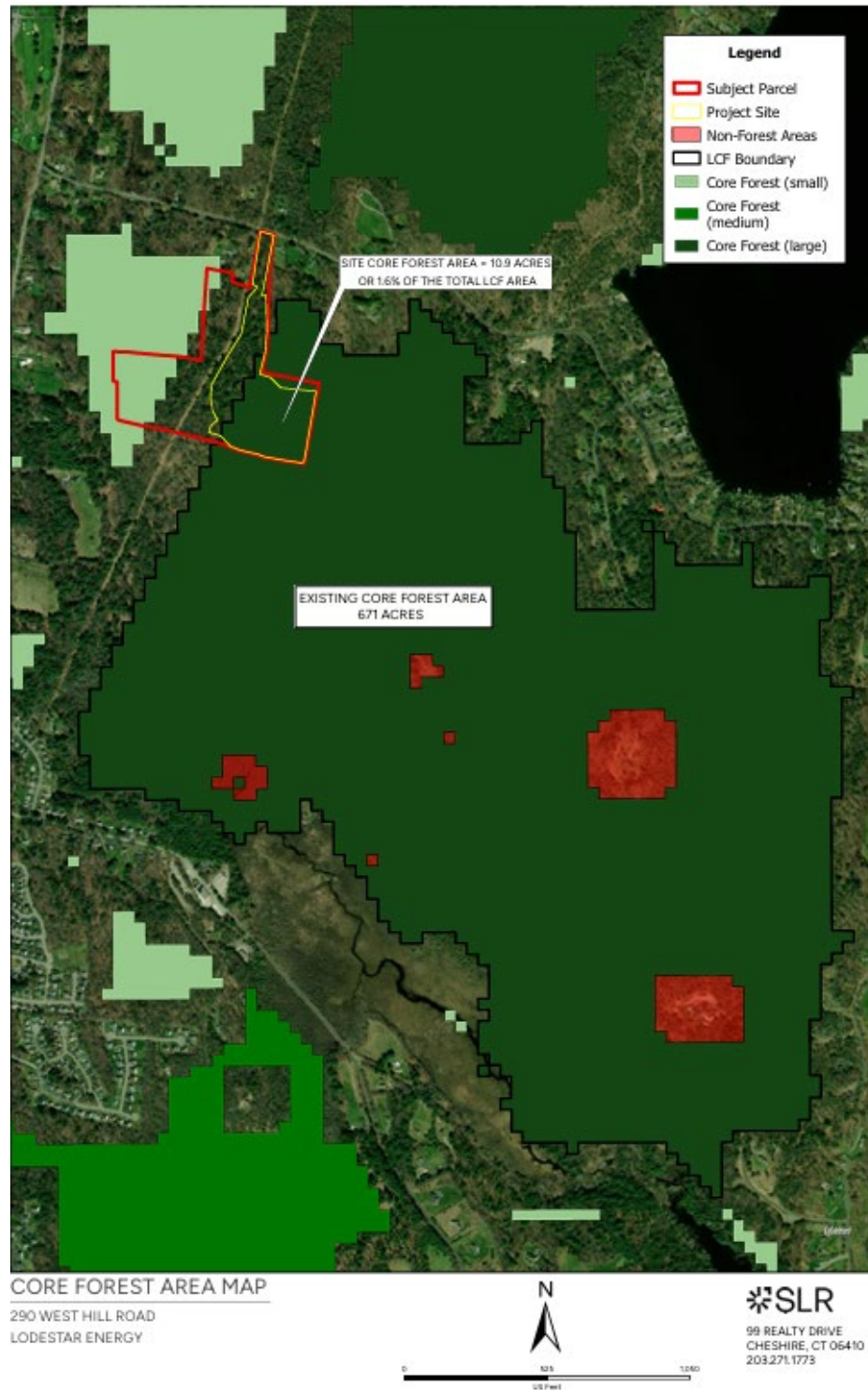
(Lodestar 1, Exhibit 7 – EA, Appendix A – Farmland Soils Map)

**Figure 7 – Farmland Soils Map Legend**



(Lodestar 1, Exhibit 7 – EA, Appendix A – Farmland Soils Map Legend)

**Figure 8 – Core Forest Map**



(Lodestar 8 – Late Filed Exhibit 3)