

DRAFT

**Docket No. 524
Greenskies Clean Energy, LLC
Fawn Meadow Lane (Parcel No. 029-018D), Woodbury**

**Partial Development & Management Plan I, Violation of Decision and Order Condition 2(k).
Staff Report
April 24, 2026**

Approved Facility

On December 6, 2024, the Connecticut Siting Council (Council) issued a Certificate of Environmental Compatibility and Public Need (Certificate) to Greenskies Clean Energy, LLC (GCE) for the construction, maintenance, and operation of a 4.62-megawatt (MW) AC solar photovoltaic electric generating facility and associated equipment on an approximately 20-acre site¹ located at Fawn Meadow Lane (Parcel No. 029-018D), Woodbury, Connecticut and associated electrical interconnection (Approved Facility).

Condition No. 2 of the Council's Decision and Order (D&O), required GCE to submit a Development and Management (D&M) Plan in compliance with Regulations of Connecticut State Agencies (RCSA) §§16-50j-60 through 16-50j-62.

D&O Condition No. 2(i) required GCE to consult with the Town of Woodbury (Town) to determine an acceptable access road slope. Results of the consultation were to be submitted with the D&M Plan.

D&O Condition No. 2(k) required GCE to avoid filling the wetland if the access drive is paved. Consultation with the Town in D&O Condition No. 2(i) was determinative as to the final design of the access drive, which was required to be submitted with the D&M Plan.

Wetland 1 was located along the edge of the existing gravel drive on the host parcel, immediately west of the paved portion of Farm Meadow Lane. It encompassed an area of 370 square feet. Wetland 1 was assessed as a low-quality wetland formed from past excavation activities associated with the construction of a Town-approved subdivision road that was never completed. GCE initially intended to fill Wetland 1 in order to meet town road specifications that require widening and paving the existing gravel drive to a 20-foot width.

Partial D&M Plan I

On August 15, 2025, in accordance with D&O Condition No. 2 and RCSA §16-50j-61(d), GCE submitted a partial D&M Plan (Partial D&M Plan I)² for the Approved Facility site to the Council. Partial D&M Plan I did not include compliance with D&O Condition Nos. 2(i) and (k).

Partial D&M Plan I was approved by the Council on September 4, 2025. The approved construction access to the facility site was to utilize an existing gravel road on the host parcel that extends from the end of Fawn Meadow Lane. Results of the consultation with the Town pursuant to D&O Condition No. 2(i) and the final design of the access drive extending from Fawn Meadow Lane pursuant to D&O Condition No. 2(k) were to be submitted as part of a future partial D&M Plan.

¹ 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 (Emphasis added).

² Regulations of Connecticut State Agencies §16-50j-60(b) states, "A **partial** or full D&M plan shall be prepared in accordance with this regulation..." (Emphasis added).

A pre-construction meeting was held at the Approved Facility site on September 29, 2025. It was attended by GCE, the engineer of record, the civil contractor and the Connecticut Northwest Conservation District. The Town was invited but did not attend. A full site walk was performed, including a discussion of on-site wetlands. The final design of the access drive extending from Fawn Meadow Lane was not discussed.

On October 3, 2025, in accordance with D&O Condition No. 7 and RCSA §16-50j-62, GCE provided the Council with written notice two weeks prior to the commencement of site construction activities. Construction commenced on October 20, 2025. Initial site construction activities included the installation of erosion and sediment (E&S) controls, stormwater swales and basins and crushed stone roads followed by stabilization of disturbed soils.

On March 9, 2026, GCE discovered a site plan communication error during construction that led to the filling of Wetland 1 in violation of D&O Condition No. 2(k). Wetland 1 was filled in accordance with the original site plans submitted with the application for a Certificate (Site Plan Sheet C-2.0, revision date June 19, 2024). No site plans for the final design of the access drive in consultation with the Town were submitted with Partial D&M Plan I nor were any site plans for the final design of the access drive approved by the Council in its September 4, 2025 approval of Partial D&M Plan I.

GCE immediately revised and implemented new internal communication procedures and wetland field marking protocols to prevent similar issues from occurring at the Approved Facility site in the future.

On March 31, 2026, GCE submitted correspondence to the Council regarding the filling and paving of Wetland 1 in violation of D&O Condition 2(k) and Partial D&M Plan II for the Approved Facility site.

On April 15, 2026, the Council sent correspondence to GCE acknowledging receipt of its March 31, 2026 correspondence, requesting responses to interrogatories related to the filling of Wetland 1, identifying requirements for quarterly construction progress reports under RCSA §16-50j-62 and requesting an extension of time of the Partial D&M Plan II decision deadline until July 30, 2026.

GCE responded to the Council's interrogatories on April 20, 2026. GCE consented to the extension of time of the Partial D&M Plan II decision deadline on April 21, 2026.

Potential Mitigation Measures

Notification to the Department of Energy and Environmental Protection for the filling of Wetland 1 is not required. A permit from the U.S. Army Corp of Engineers for the filling of Wetland 1 is not required.

GCE's engineering and environmental consultant assessed the impact to Wetland 1 and developed potential wetland mitigation measures for consideration by the Council to compensate for the accidental filling of Wetland 1.

Mitigation Measure Option 1 consists of the off-site installation of 140 native woody plantings to enhance a buffer to a sloped wetland system (Wetland 3) in the northeast portion of the host parcel, approximately 60 feet east of the solar array perimeter fence. The plantings, consisting of 70 high bush blueberry and 70 silky dogwood, would be installed in a 3,060 square foot area along the edge of a field to provide wetland buffer and wildlife functions. The approximate cost of Option 1 is \$25,000, including post-construction monitoring for a period of three years. Option 1 includes approximately 120 plantings that are within the host parcel but are outside of the Approved Facility site boundaries.

If Option 1 is selected, staff recommends GCE submit an agreement with the host parcel owner separate from the Approved Facility site lease for access and control over the wetland enhancement area that is

outside of the Approved Facility site boundaries, including, but not limited to, third party access to the wetland enhancement areas for any monitoring period.

Mitigation Measure Option 2 consists of an on-site excavation on a sloping hillside to create a wetland approximately 30 feet southwest of Equipment Pad A. The excavation would be approximately 2 feet in depth, designed to intercept the groundwater table. An organic soil layer would be added and seeded with a wetland mix. Ten wetland shrub species would be planted within the excavation. The excavation would create an approximate 400 square foot wetland within the boundaries of the site. Like Wetland 1, the created wetland would be assessed as low-quality due to its limited size and isolated nature. The approximate cost of Option 2 is \$10,000, including post-construction monitoring for a period of three years.

Wetland 1 Location Photographs

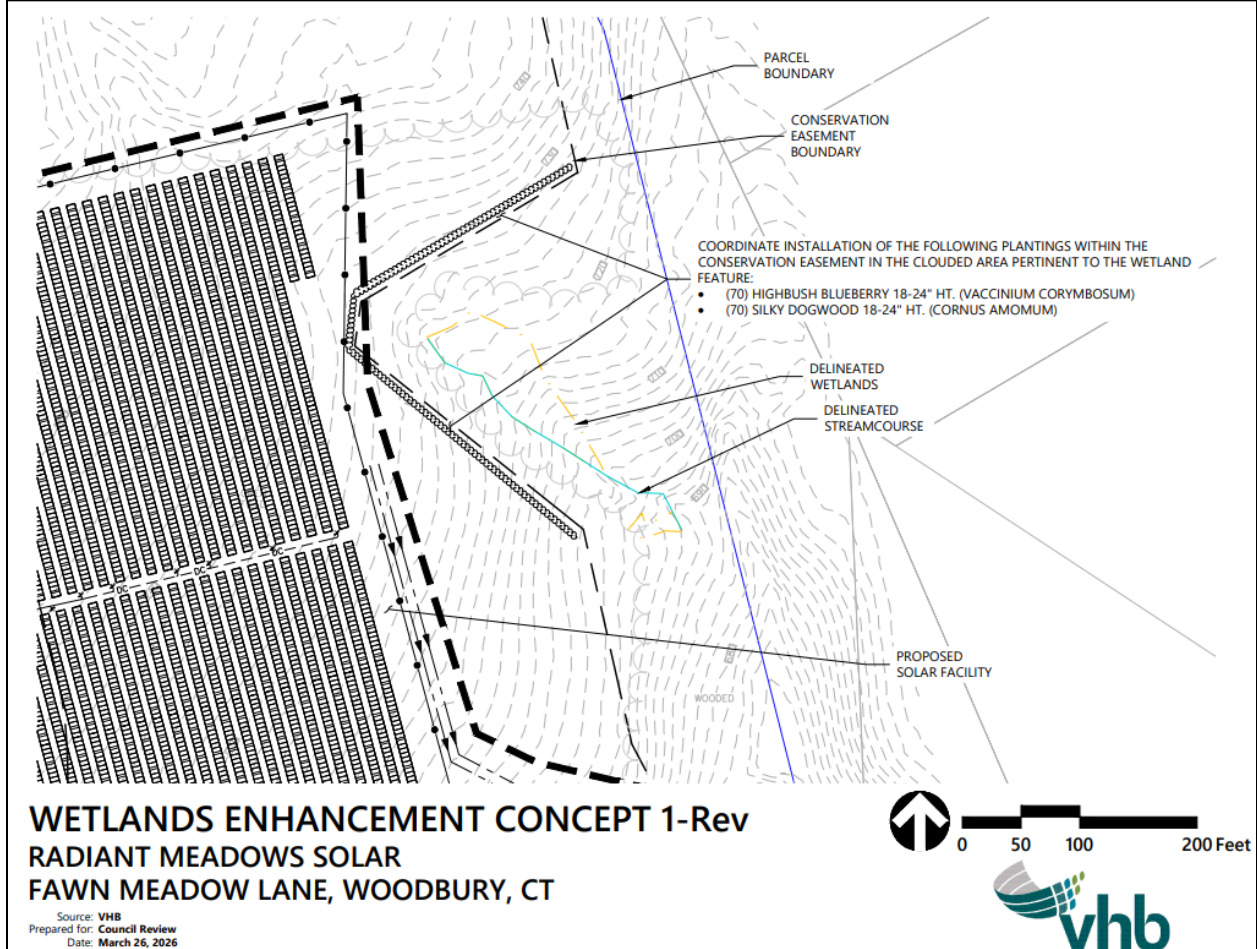


Before construction - Wetland 1 to left, surrounded by silt fencing



After construction - Wetland 1 location to left, beyond catch basin

Mitigation Measure Option 1



Mitigation Measure Option 2

