



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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July 19, 2019

Steve Broyer
Windham Solar LLC
c/o Ecos Energy LLC
222 South 9th Street, Suite 1600
Minneapolis, MN 55402

RE: **PETITION NO. 1220** - Windham Solar LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of three 2.0 Megawatt and one 1.0 Megawatt Solar Photovoltaic Electric Generating facilities located at 1219 and 1240 Voluntown Road, Griswold, Connecticut.

Dear Mr. Broyer:

At a public meeting of the Connecticut Siting Council (Council) held on July 18, 2019, the Council considered and approved the Development and Management (D&M) Plan submitted for this project on June 6, 2019 with the following conditions:

1. Submission of the final electrical design plans/interconnection design for the western parcel; and
2. Submission of the final structural designs (for the racking systems) stamped by a Professional Engineer duly licensed in the State of Connecticut (for both parcels) prior to rack system installations.

This approval applies only to the D&M Plan submitted on June 6, 2019 and additional information received July 11, 2019. Requests for any changes to the D&M Plan shall be approved by Council staff in accordance with Regulations of Connecticut State Agencies (RCSA) §16-50j-62(b). Furthermore, the project developer is responsible for reporting requirements pursuant to RCSA §16-50j-62.

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction. All work is to be implemented as specified in the Council's decision on the petition dated June 24, 2016, in the D&M Plan received June 6, 2019, and additional information received July 11, 2019.

Enclosed is a copy of the staff report on this D&M Plan, dated July 18, 2019.

Thank you for your attention and cooperation.

Sincerely,

Melanie A. Bachman
Executive Director

MAB/MP/lm

Enclosure: Staff Report dated July 18, 2019

c: Michael Melone, Windham Solar LLC, c/o Altec Renewable Energy Limited



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Petition No. 1220

Windham Solar LLC

Development & Management Plan

1219 and 1240 Voluntown Road, Griswold

Staff Report

July 18, 2019

On June 24, 2016, the Connecticut Siting Council (Council) issued a Declaratory Ruling to Windham Solar LLC (WS), pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance, and operation of three 2.0 megawatt (MW) alternating current (AC) and one 1.0 MW AC solar photovoltaic generating facilities at 1219 and 1240 Voluntown Road, Griswold, Connecticut. In its Declaratory Ruling, the Council required WS to submit a Development and Management Plan.

On July 20, 2018, WS submitted a request for site clearing as a partial Development and Management Plan (Partial D&M Plan). On August 31, 2018, the Council approved the Partial D&M Plan with the following conditions as noted below.

- a. **This approval is limited to the tree and brush clearing (and rock construction entrance work) on the eastern parcel (i.e. 1240 Voluntown Road) only;**
- b. **Construction shall not commence until DEEP issues a General Permit for the project;**

On October 31, 2018, the Connecticut Department of Energy and Environmental Protection (DEEP) approved the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (General Permit) for this project. The approved General Permit includes both the 1219 and 1240 Voluntown Road parcels. Given Conditions (a) and (b) and the receipt of the General Permit, WS planned to commence full construction activities on or about June 2019 for the 1240 Voluntown Road Parcel.

- c. **The final tree and brush clearing plans for 1219 Voluntown Road shall be submitted for Council review and approval in the future subsequent to the interconnection limitation concerns being resolved and/or when mitigating plans such as battery storage/tracking panels are firm; and**

The interconnection limitations concerns have been resolved. Eversource can accommodate 7 MW AC. There are no plans for battery storage or tracking panels at this time. The final clearing plans for 1219 Voluntown Road have been included in the full sitework D&M Plan received on June 6, 2019 as discussed below.

- d. **Final grubbing plans, grading plans, erosion and sedimentation control plans and other applicable materials shall be submitted in future phase(s) of the D&M Plan for Council review and approval.**

The final plans for grubbing, grading, erosion and sedimentation controls are included in the full sitework D&M plan received on June 6, 2019 as discussed below.

On June 6, 2019, WS submitted its full sitework Development and Management Plan (D&M Plan). On June 21, 2019, the Council issued interrogatories to WS on the D&M Plan. On July 11, 2019, WS submitted its responses to the Council interrogatories.

The project will be located on two different parcels on Voluntown Road (Route 138). The western parcel is a approximately 32.7-acres owned by PLH, LLC and located south of Route 138 and east of Latham Drive at 1219 Voluntown Road. The eastern parcel is approximately 17.4-acres owned by PLH, LLC and located north of Route 138 and west of Hopeville Road (Route 201) at 1240 Voluntown Road. Both parcels are zoned C-1 Village Commercial District.

The approved solar project includes four solar arrays. On the eastern parcel at 1240 Voluntown Road, the Council approved two arrays: a western array at 1.0 MW AC and eastern array at 2.0 MW AC. On the western parcel at 1219 Voluntown Road, the Council approved two arrays: a western array at 2.0 MW AC and the eastern array at 2.0 MW.

In the D&M Plan, WS plans to fully develop the footprint of the project on the eastern parcel, but limit the arrays to 1 MW AC each (or a total of 2 MW AC on that parcel) at this time. WS also plans to fully develop the western parcel including site clearing, site work and construction of two 2 MW facilities. The electrical interconnection design for the western parcel has not yet been finalized (but nevertheless can be accommodated by Eversource).

The June 24, 2016 Declaratory Ruling requires the following information to be included in the D&M Plan:

a. A final site plan including, but not limited to, the electrical utility interconnection design and fence design;

The site plans provided illustrate the site design, site clearing (for western parcel), solar panel design and array arrangement, perimeter fencing, access road design, final electrical interconnection (for the eastern parcel only), and equipment pads. The plans are consistent with the facilities approved by the Council on June 24, 2016.

The wattage of the solar panels was increased from the originally approved 345 Watts DC each to 400 Watts DC each, but the total quantity of panels has been reduced accordingly so that the AC MW will not exceed the originally approved amounts for each of the four arrays. The panels will be fixed, facing the south, and at an angle of 25 degrees above the horizontal. The originally approved configuration had an angle of 15 degrees. Increasing the angle from 15 degrees to 25 degrees raises the overall height (to the tops of the solar panels) from about 6-feet 5-inches to 8-feet 8-inches. However, this improves the production of the facility; minimizes the effective impervious area of the solar footprint; and is consistent with the design reviewed and approved by DEEP for the General Permit.

WS included its gravel access road designs to provide access from Latham Drive (for the western parcel) and to provide access from Voluntown Road (for the eastern parcel). The perimeter fence will be a seven foot high chain link fence on both the eastern and western parcels.

Generally, for both parcels, electrical distribution interconnections will be underground from WS's pole mounted disconnect switches to the project's primary transformer pads. Final electrical design documents were provided on July 12, 2019 for the eastern parcel.

b. Review of the project areas for federally-listed species and any applicable mitigation measures;

WS included the review of the project areas for federally-listed species. According to the U.S. Fish & Wildlife Services (USFWS) Information for Planning and Conservation (IPaC) tool, the northern long-eared bat (NLEB), a federally-listed Threatened Species (and state-listed Endangered Species), was identified for the site. However, there are no known maternity roost trees in Connecticut, and there are no known NLEB hibernacula in New London County. Thus, no protective measures for the NLEB are proposed.

Three additional federally-listed species are known to occur in New London County.

The piping plover, a federally-listed Threatened Species, is a migratory shorebird closely associated with seaboard habitat. Due to the distance from the coast and the lack of suitable breeding habitat, the project will not result in a negative impact to this species.

The sandplain gerardia, a federally-listed Endangered Species, is a plant known to favor the coastal plains. Due to the distance from the coast, the project will not result in a negative impact to this species.

The small whorled pogonia, a federally-listed Threatened Species, is an extremely rare forest orchid. Due to the lack of preferred habitat, the project will not result in a negative impact to this species.

c. Construction hours and days of the week/weekend;

Work hours will typically be 7:00 a.m. to 6:00 p.m., Monday through Saturday.

d. Erosion and sedimentation control plan consistent with the *2002 Connecticut Guidelines for Erosion and Sedimentation Control*;

WS provided its erosion and sedimentation control plans consistent with the *2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control* (2002 E&S Guidelines) in Sheet No. 5 through 7, as reviewed and approved in accordance with its approved DEEP General Permit. Such measures include, but are not limited to, silt fence backed by hay bales and temporary sediment traps.

e. A stormwater management plan consistent with the *2004 Connecticut Stormwater Quality Manual*;

Under CGS §22a-430b, DEEP retains final jurisdiction over stormwater management. The final site design incorporates a stormwater management plan (for both parcels) consistent with the *2004 Connecticut Stormwater Quality Manual* and the approved DEEP General Permit.

f. Final landscaping plan that mitigates visual impacts to nearby neighborhoods; and

Consistent with the Council's approval, per Sheet 4 – Overall Site Plan, WS will plant a double-row of arborvitae along the western limits of the 1219 Voluntown Road parcel to mitigate visual impacts on the residential area along Latham Drive for the western parcel.

Also, consistent with the Council's approval, per Sheet 4 – Overall Site Plan, WS will plant a double-row of arborvitae along the northern limits of the 1240 Voluntown Road to mitigate visual impacts on the residential area along Culver Road for the eastern parcel.

All arborvitae plantings will initially be six to eight feet tall, planted 10-feet on center on a double-staggered row about five feet apart.

g. SHPO determination.

By letter dated March 4, 2019, the State Historic Preservation Office acknowledged receipt of the archaeological survey report prepared by Archaeological Consulting Services, dated January 2019. As a result of the survey (and associated shovel tests), six fragments of culturally modified quartzite were recovered from 4 of the 142 shovel tests. SHPO concurs with WS' proposed avoidance of this portion of the site.

Recommendations

If approved, staff recommends the following conditions:

1. Submission of the final electrical design plans/interconnection design for the western parcel; and
2. Submission of the final structural designs (for the racking systems) stamped by a Professional Engineer duly licensed in the State of Connecticut (for both parcels) prior to rack system installations.

Site Plan

