



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

www.ct.gov/csc

August 16, 2019

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

RE: **PETITION NO. 1222** - 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 four 1.0 Megawatt Solar Photovoltaic Electric Generating facilities located southeast of Hartford Turnpike and south of Fisk Road, Hampton, Connecticut.

Dear Mr. Broyer:

At a public meeting of the Connecticut Siting Council (Council) held on August 15, 2019, the Council considered and approved the Development and Management (D&M) Plan submitted for this project on July 5, 2019 with the following conditions:

1. Submission of the final electrical design plans/interconnection design for the eastern portion of the site;
2. Submission of the final structural designs (for the racking systems) stamped by a Professional Engineer duly licensed in the State of Connecticut prior to rack system installation; and
3. Submission of a petition for declaratory ruling for the 2 MW Future Project, or alternatively, submission of an amendment to Petition No. 1222 for the 2 MW Future Project.

This approval applies only to the D&M Plan submitted on July 5, 2019 and supplemental data received August 8, 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 July 26, 2016 and in the D&M Plan dated June 28, 2019 and additional information received on August 7, 2019.

Enclosed is a copy of the staff report on this D&M Plan, dated August 15, 2019.

Thank you for your attention and cooperation.

Sincerely,

Melanie A. Bachman
Executive Director

MAB/MP/lm

Enclosure: Staff Report dated August 15, 2019

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Petition No. 1222

Windham Solar LLC

Development & Management Plan

Fisk Road, Hampton

Staff Report

August 15, 2019

On July 26, 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 one 2 megawatt (MW) alternating current (AC) and four 1 MW AC solar photovoltaic electric generating facilities¹ located southeast of Hartford Turnpike and south of Fisk Road, Hampton, Connecticut. The Council's July 26, 2016 decision approved 6 MW identified as Projects 1 through 5 along the eastern portion of the site and denied a 2 MW portion of the project (along the western limits of the project area) that was identified as a Future Project on the basis that the development plans and environmental impacts for the Future Project were incomplete and not ripe for review. In its Declaratory Ruling, the Council required WS to submit a Development and Management Plan (D&M Plan).

On May 9, 2019, the Council approved WS' request for an extension of construction time for the declaratory ruling until July 26, 2021.

The project will be on an approximately 99.3 acre parcel owned by PLH, LLC. The property is wooded and vacant.

On July 5, 2019, WS submitted its D&M Plan for this project that includes clearing of the entire approved area and construction of two 2 MW facilities². Copies of the D&M Plan were provided to the Town of Hampton on or about August 7, 2019. No comments have been received to date.

The declaratory ruling requires the following information to be included in the D&M Plan:

- a. **A final site plan for Projects 1 through 5 including, but not limited to, the electrical interconnection design, fence design and access drives;**

The final site plan provided illustrates the site design, solar array arrangement, clearing, perimeter fencing, roadway design, and stormwater controls³. WS intends to clear the area associated with the 6 MW of solar photovoltaic facilities approved by the Council and construct two 2 MW arrays (or a total of 4 MW) in the eastern portion of the site as part of the first phase of construction. The remaining 2 MW cleared area will be seeded.

In this D&M Plan, each 2 MW array to be constructed will consist of approximately 6,000 solar panels of 400 Watts DC each for a total of approximately 2.4 MW DC per array (or 2 MW AC per array). 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 about 8-feet 8-inches. However, this improves the overall production of the facility and reduces the effective impervious area of the solar footprint. The rows of solar panels would have a center to center spacing of approximately 23 feet.

¹ The Petition originally proposed three 2 MW and four 1 MW facilities (or a total of 10 MW), but it was reduced to a total of 8 MW due to the discovery of potential wetlands directly southwest of Hartford Turnpike. Thus, 2 MW was eliminated from initial consideration.

² WS will submit a future D&M Plan filing to the Council for the remaining 2 MW solar array construction in fall 2019.

³ This plan also includes the grading and stormwater design elements for the 2 MW Future Project that was denied by the Council, but WS will not develop the Future Project without Council review and approval.

A 16-foot wide crushed stone access drive will extend southeast from Fisk Road and would include an emergency vehicle turnaround area.

A 7-foot high chain link fence would be installed around the perimeter of the approved project footprint. A 24-foot wide access gate would be installed at the entrance of the project.

Two transformer pads will be located along the western portion of the array areas. WS is considering running its electrical interconnection underground from the transformer pads to approximately the landscaping area to the north before converting to overhead at Fisk Road. However, WS is still reviewing subsurface conditions and potential trenching complications. Existing electrical distribution facilities along Fisk Road will be upgraded from single-phase to three-phase to accommodate the interconnection. This will likely include two new and two replacement 45-foot poles. Eversource has confirmed that it can accommodate the interconnection of up to 8.5 MW AC at this time. If approved, Council staff suggests that final electrical interconnection design be submitted to the Council.

b. Landscaping along Fisk Road on the subject property;

Approximately 220 arborvitae trees would be installed at the northern boundary of the project along Fisk Road. The arborvitae trees will be approximately six to eight feet tall, spaced about 10 feet center to center and have staggered rows.

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

An erosion and sedimentation (E&S) control plan is provided consistent with the *2002 Connecticut Guidelines for Erosion and Sedimentation Control*. E&S controls include, but are not limited to, the installation of silt fencing backed by hay bales, vegetated swales, temporary sediment traps and permanent water quality basins.

d. 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 consistent with the *2004 Connecticut Stormwater Quality Manual* and the DEEP General Permit that was approved on June 28, 2019 (and is valid for the entire 8 MW footprint area, including the 2 MW Future area).

e. Name and resume of an independent environmental inspector for Council review and approval;

Robert Russo, a Soil Scientist/Environmental Scientist from CLA Engineers, Inc. will be the independent environmental inspector for the project. Mr. Russo's resume was submitted with the D&M Plan.

f. Vernal Pool Habitat Impact Mitigation Plan;

A Vernal Pool Management Plan (VPMP) was provided as part of the D&M Plan. The project development will remain outside of the 100-foot Vernal Pool Envelopes for both vernal pools located in a wetland system located south and west of the site. The total developed area will reach a maximum of about 27.3 percent of the combined 100-foot to 750-foot Critical Terrestrial Habitat area. The VPMP includes Best Management Practices and Recommendations to be protective of vernal pool habitat.

- g. Plans to avoid tree clearing during the June 1 through July 31 as a protective measure for the northern long-eared bat;**

WS plans to begin tree clearing after July 31 as a protective measure for the northern long-eared bat, a state-listed Endangered Species and federally-listed Threatened Species.

- h. Use of off-road construction equipment that meets the latest EPA or California Air Resources Board standards, or in the alternative, equipment with the best available controls on diesel emissions, including, but not limited to, retrofitting with diesel oxidation catalysts, particulate filters and use of ultra-low sulfur fuel; and**

WS will ensure its contractor adheres to the latest EPA or California Air Resources Board standards for diesel emissions.

- i. Compliance with the provisions of Section 22a-174-18(b)(3)(C) of the Regulations of Connecticut State Agencies that limit the idling of mobile sources to 3 minutes.**

WS will ensure its contractor complies with the provisions of Section 22a-174-18(b)(3)(C) of the Regulations of Connecticut State Agencies that limit the idling of mobile sources to 3 minutes.

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

Recommendations

If approved, staff recommends following conditions:

1. Submission of the final electrical design plans/interconnection design for the eastern portion of the site;
2. Submission of the final structural designs (for the racking systems) stamped by a Professional Engineer duly licensed in the State of Connecticut prior to rack system installation; and
3. Submission of a petition for declaratory ruling for the 2 MW Future Project, or alternatively, submission of an amendment to Petition No. 1222 for the 2 MW Future Project.

Site Plan

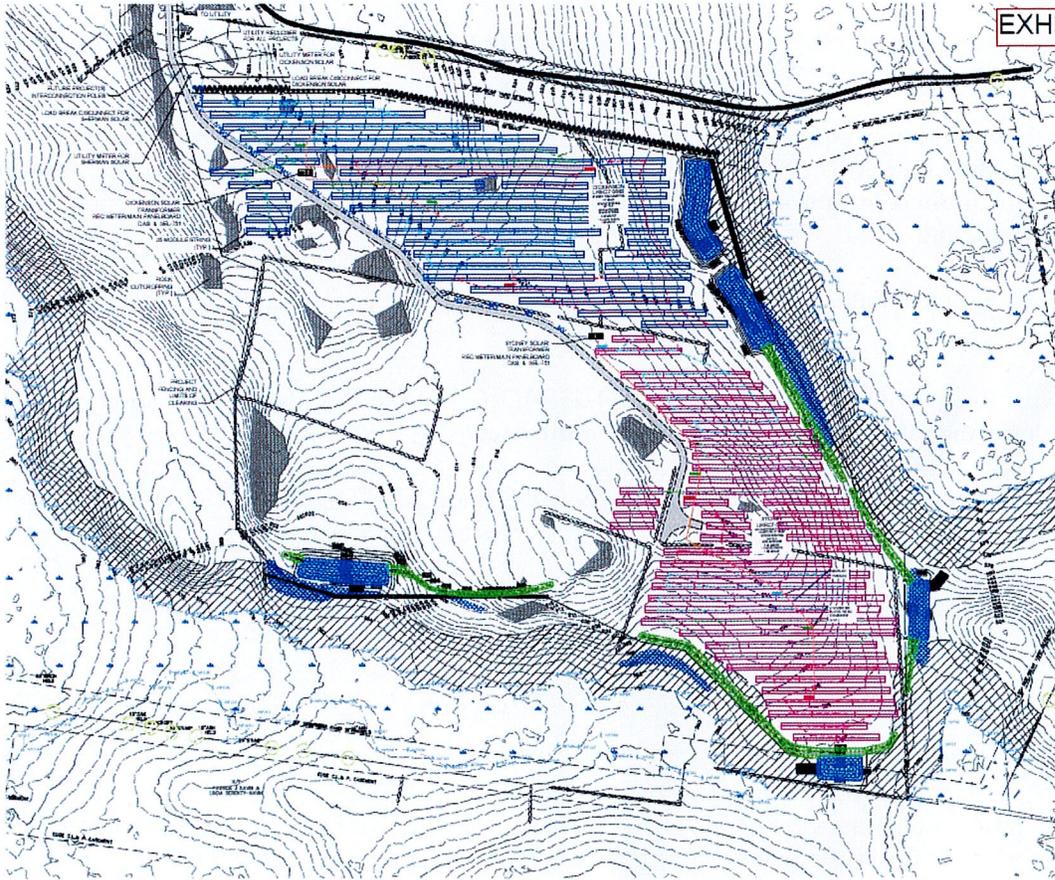


EXHIBIT C



FISK SOLAR
4-15-19
ELECTRICAL DESIGN
SITE PLAN