



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

VIA ELECTRONIC MAIL

May 25, 2016

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

RE: **PETITION NO. 1222** - Windham Solar LLC petition for a 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:

The Connecticut Siting Council (Council) requests your responses to the enclosed questions no later than June 24, 2016. To help expedite the Council's review, please file individual responses as soon as they are available.

Please forward an original and 15 copies to this office, as well as a copy via electronic mail. In accordance with the State Solid Waste Management Plan, the Council is requesting that all filings be submitted on recyclable paper, primarily regular weight white office paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators. Fewer copies of bulk material may be provided as appropriate.

Any request for an extension of time to submit responses to interrogatories shall be submitted to the Council in writing pursuant to §16-50j-22a of the Regulations of Connecticut State Agencies.

Yours very truly,

Melanie A. Bachman
Acting Executive Director

MB/MP/lm

c: Council Members

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

Attachment: Sample Vernal Pool Drawing from Docket No. 455

Petition No. 1222
Interrogatories
Set Three
May 25, 2016

43. Is the Overall Site Plan provided in the responses to set one and two interrogatories dated April 28, 2016 the most up to date? If no, please provide an updated Overall Site Plan. If approved, does Windham Solar LLC (WS) plan to construct all of the project initially, or would portions of the solar farm and access drives be reserved for the future? In other words, if approved, would WS submit one Development and Management Plan (D&M Plan) for the entire project as proposed on the Overall Site Plan? Explain.
44. The letter from the Connecticut Department of Energy and Environmental Protection (DEEP) dated January 26, 2016 stated that no impacts to State-listed species are expected. This letter expires on January 26, 2017. If approved, in the event that construction does not commence prior to January 26, 2017, would WS apply for an updated DEEP determination?
45. Referencing the response to question 20 of the first set of interrogatories, provide the status of the biologist review of the site with respect to federally-listed species, including but not limited to the northern long-eared bat, piping plover, sandplain gerardia, and small whorled pogonia. Provide a copy of the biologist's report including the presence and/or suitable habitat at the site for federally-listed species, and any recommended protective measures for such species.
46. What is the status of the Eversource System Impact Study? To WS' knowledge, can the local electrical distribution system support the 8 MW AC solar output of the project? Would utilities be run underground from the interver/transformer area until close to Fisk Road and then run overhead on three new poles to connect to new service on Fisk Road?
47. Provide a final stormwater management report for the most up to date Overall Site Plan, consistent with the *2004 Connecticut Stormwater Quality Manual* and stamped by a Professional Engineer duly licensed in the State of Connecticut.
48. Provide the determination letter from the State Historic Preservation Office (SHPO) and indicate how SHPO's recommendations, if applicable, could be implemented.
49. Provide the final erosion and sedimentation control (E&S controls) plan for the most up to date Overall Site Plan consistent with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control*.
50. While an approximately 100-foot wetland buffer was provided in most areas, what is the closest (i.e. shortest) wetland buffer distance on the Overall Site Plan? In other words, what is the closest distance from a solar panel to a wetland boundary and where is it located?

51. Provide a diagram to scale with the vernal pool analysis showing the shape and locations of the vernal pools and the 100-foot vernal pool envelopes (VPE) and the 100-foot to 750-foot critical terrestrial habitat (CTH) along with the proposed project. Compare the existing percent development areas of the VPEs and CTHs to the post-construction percent development areas of the VPEs and CTHs. Attached please find Docket No. 455 sample diagram.
52. Page 5 of the Wetland Report dated April 27, 2016 notes that the first breeding area in the vernal pool habitat assessment is rated as Tier I. However, the Vernal Pool Assessment Sheet refers to it as Tier III in the Cumulative Assessment. Please clarify whether it is Tier I or Tier III.
53. Has WS evaluated the cost differential between 2-inch chain link mesh and a smaller size (e.g. less than two-inch mesh)? What size mesh would be used for the 7-foot tall chain link fence? At the field review, WS indicated that it might reduce or possibly eliminate the fencing. If no fencing or less fencing is proposed, indicate as such and update the Site Plan accordingly.
54. Provide WS' response to the Town of Hampton Planning and Zoning Commission (Town) comments dated April 28, 2016 including but not limited to the following:
 - a) Would WS coordinate with the Town to minimize impact to stonewalls and major trees along the affected segment of Fisk Road?
 - b) Would WS preserve stonewalls, whether boundary walls or interior walls, to the greatest extent possible?
 - c) If approved, would WS also provide a copy of the D&M Plan to the Town?
 - d) Has WS evaluated the need to surround the entire perimeter of the site with fencing and would it utilize the minimum fencing needed for safety and security? Could the fencing be raised approximately six inches above grade to accommodate the passage of wildlife?
 - e) Could a copy of these interrogatory responses be provided to the Town including the stormwater management and erosion and sedimentation control plans?
 - f) Provide an invasive species management plan.
 - g) Could A horizon soil remain at the site?
 - h) Could spruce or other appropriate evergreen species be added to the buffer along Fisk Road on its west side, on the subject property? If yes, note such plantings on the Overall Site Plan and provide the approximate height of such plantings.
55. Provide WS' response to the Town of Hampton Inland Wetlands and Watercourses Agency written comments received on May 5, 2016 including but limited to the following:
 - a) Address the disturbance of soil beginning with the removal and grubbing of all vegetation five inches and less in diameter in the context of the DEEP General Permit for the Discharge and Dewatering Wastewaters Associated with Construction Activities. Would all detention basins and erosion and sedimentation control measures be in place prior to the grubbing and tree removal phase? Explain and provide such plans.

- b) With the tree removal creating exposed “open soil” and channelization of the site, would intermediary erosion and sedimentation control measures be implemented as logging occurs? Provide such plans. Has WS considered the use of a log forwarder machine to reduce the open soil and channelization impacts? How would WS protect water resources down gradient of the entire development (including wetlands) during the grubbing and tree removal phase? Provide such plans.
 - c) Would the project have a third party certified/qualified inspector at the site during construction? Provide the name and resume of such individual.
 - d) Explain how the environmental impacts associated with the disturbance of 35 acres of soils on steep slopes above wetlands would be mitigated.
56. Does the proposed host property contain any Connecticut Prime and Important Farmland Soils? If so, what acreage of Prime and Important Farmland Soils would the solar panels and associated equipment be located on?
57. Has the State of Connecticut Department of Agriculture purchased any development rights for the proposed site as part of the State Program for the Preservation of Agricultural Land?

Docket No. 455 – Sample Vernal Pool Drawing



| Proposed Vernal Pool 1 - Total 116'x170' Critical Terrestrial Habitat Area: 137.68 acres | | Existing Vernal Pool 2 - Total 100'x750' Critical Terrestrial Habitat Area: 188.80 acres | | Proposed Limits of Grading: 0.49 acres (22' x 19' x 9') | |
|------------------------------------------------------------------------------------------|---------------------------|------------------------------------------------------------------------------------------|-------------|---------------------------------------------------------|--------|
| Existing Critical Terrestrial Habitat Areas: | | | | | |
| Developed | 124.87 acres | 30.25% | Developed | 117.45 acres | 28.75% |
| Undeveloped | 113.81 acres | 83.75% | Undeveloped | 143.35 acres | 71.25% |
| Proposed Critical Terrestrial Habitat Areas: | | | | | |
| Developed | 124.86 acres | 30.35% | Developed | 117.48 acres | 28.75% |
| Undeveloped | 113.82 acres | 83.65% | Undeveloped | 143.32 acres | 71.25% |
| Critical Terrestrial Habitat Impact Areas: | | | | | |
| Developed | 10.43 acres | 50% | | | |
| Undeveloped | 10.23 acres (1,311 sq ft) | 7% | | | |
| Net Impact to 100' Vernal Pool Envelope to either Vernal Pools 1 or 2 | | | | | |

Legend

- Proposed Stealth Structure Pine Tree
- Proposed Facility Layout
- Proposed Limits of Grading
- Wetland Flag
- Wetland Area
- Delimited Wetland Boundary
- 100' Wetland / Vernal Pool Buffer
- Vernal Pool
- 100' Vernal Pool Envelope
- 100'-750' Critical Terrestrial Habitat Area
- Approximate Parcel Boundary (CTDEEP)
- Critical Terrestrial Habitat Type
 - Undeveloped
 - Developed
 - Developed
 - Composting Mounds
 - Cultivated Field

Vernal Pool Analysis Map


 Proposed Wireless
 Telecommunications Facility
 Southington East Street a/k/a Meriden Relo
 99 East Street
 Southington, Connecticut

Base Map Source: NHD Aerial Photograph/CTDEEP
 Map Date: December 2014

