



# 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](mailto:siting.council@ct.gov)

[www.ct.gov/csc](http://www.ct.gov/csc)

May 5, 2016

Stan Crawford  
Chairman IWWA  
Town of Hampton  
164 Main Street  
Hampton, CT 06247

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 Chairman Crawford:

The Connecticut Siting Council (Council) is in receipt of the Town of Hampton Inland Wetlands and Watercourses Agency's correspondence received May 5, 2016 concerning the above-referenced petition. Thank you for taking the time to provide the Council with your comments.

This petition will be placed on a future Council meeting agenda for discussion and decision. Please note that you can view all of the documents related to this petition on our website at [www.ct.gov/csc](http://www.ct.gov/csc) under the "Pending Proceedings" link. You may also keep apprised of Council events on the website calendar and agenda. If the Council decides to hold a public hearing, public notice of the hearing location, date and time will be provided.

Before reaching a final decision on a petition, the Council carefully considers all of the facts contained in the record that is developed by the Council, the petitioner, parties and intervenors to the petition, and members of the public who attend the field review and submit written statements to the Council.

Your comments shall become part of the official record in this matter in the form of a limited appearance defined under subsection (f) of Connecticut General Statutes §16-50n. Copies of your correspondence will be distributed to the petitioner and parties and intervenors to the petition.

Thank you for your interest and concern in this matter.

Very truly yours,

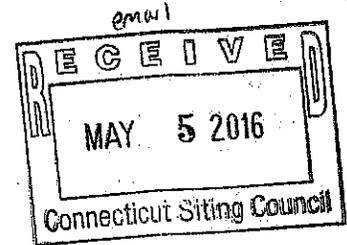
Melanie A. Bachman  
Acting Executive Director

MAB/MP/lm

c: Parties and Intervenors  
Council Members

**Town of Hampton**  
**164 Main Street, Hampton, CT 06247**  
**Inland Wetlands and Watercourses Agency**

Melanie Bachman Acting Executive Director  
Connecticut Siting Council  
Ten Franklin Square  
New Britain, CT 06051



**RE: Petition 1222**  
Fisk Road, Hampton  
Windham Solar LLC Project

Dear Ms. Bachman,

We would like to thank you the Siting Council especially Mr. Robert Hannon and Mr. Mike Perrone, for what is probably an all too frequent consumption of your valuable time, taken out, assisting the Local Officials in understanding this process. And for your diligent review and work on all Siting Council Applications, an overwhelming and monumental task, we have only been exposed to this one application and it is beyond daunting.

Our major concerns are in two areas: The implementation and installation of all Detention Basins and Sediment Measures, early on, as the site is cleared and grubbed, and that the Siting Council require a third party qualified inspector be onsite during the construction phase and after the construction phase making routine inspections until the site is fully stabilized.

Mr. Steven Broyer P.E. Project Manager at a joint Commissions meeting on April 21, agreed to these conditions, this agreement must be consummated in the Plan's E&S Narrative "Detailed" Construction Sequence, an integral component of every Site Development Plan. We request that the Siting Council require this of the applicant, as a condition of their approval.

Our concerns have been further detailed below, and have not been addressed in the current plans, exhibits and Interrogatory Responses to Set 1 and Set2. Notwithstanding subsequent Development and Construction Plans which promise to address all site concerns.

**Phasing of construction cannot be addressed in the Response to Interrogatory Question 14**

Question 14. "Would the tree clearing be performed in stages (e.g. five acres at a time), or would the clearing all be performed together as one stage of construction? (Note: Connecticut Department of Energy and Environmental Protection "DEEP" General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities states that, "Whenever possible, the site shall be phased to avoid the disturbance of over five acres at a

time...”).

#### **Response to Interrogatory Question 14**

“Tree clearing will be phased per the DEEP requirements, and the federal NPDES requirements.”

The Council specifically referenced in Question 14 “General Permit for the Discharge of Stormwater and Dewatering Waste-waters Associated with Construction Activities states that, “Whenever possible, the site shall be phased to avoid the disturbance of over five acres at a time...”). Tree clearing in and of itself is not regulated, soil disturbance is regulated and the Plan should address/define disturbance of soil beginning with the removal and grubbing of all vegetation (5) Five inches and less in diameter, an activity proposed by Windham Solar. All Detention Basins and Erosion and Sedimentation Control Measures are to be in place prior to this phase. This site may lend itself to opening more than five acres in a phase without cumulative contribution of storm water from one phase to the next, however this design must be supported by a detailed site drainage analysis based on field verified data.

The Project Engineer is aware of these concerns and has demonstrated the same during discussions on April 21, 2016, “they would be addressed on the Development Plans”. We have taken issue with the definition of disturbance of soil and grading of soils limited in the WS Application language “to access road development” and excluding, by not referencing, the grubbing and removal of tree stumps in the definition. Certainly the removal “up-rooting” of all woody material 5 inches and less will require the disturbance of large portions of the site, in addition to this disturbance the vehicular impact and dragging off site all “All” wood would qualify as and create the total exposure of all soils onsite and be defined as “open soil” (and necessitate “grading of soil”) on the entire 35 acre site. The creation of this condition on the site must be phased and all detention and sediment measures in place as this condition occurs. **With added emphasis**, all Detention Basins and Sediment and Erosion Control Measures must be in place before the grubbing and removal of trees at 5 inches and smaller, and this may be too late, as the logging and removal of all wood from 35 acres by the logger will certainly create open soil and channelization on the site (the use of a log forwarder machine would reduce this impact) intermediary E&S measures should be implemented as the logging occurs. The single most vulnerable stage of the project must be secured to avoid impacts, catastrophic impacts, to the water resources which are downgradient of the entire development project (the wetlands are located down gradient and border the entire development).

**The Council in Question 14 has identified the weakest link in securing a safe site.**

**Independent oversight and inspections during construction.** The Project Engineer has agreed to have a third party certified/qualified Inspector on site. We would request that this offer be accepted by the Council in their conditions of approval. It is not uncustomary that DEEP Storm Water Section require this oversight on large projects, it should not be listed as a recommendation. The offer to conduct site inspections was extended to Hampton Staff with prior approval before site visits and inspection reports to go to the project Engineer, we welcome this opportunity to lend assistance during the early phases of construction.

We believe the purpose and intent of this review of these “Conceptual 30 percent Plans” by the Local Commissions is not to further the design of the Site Plan but to share the major concerns we have with the development and use of the site. Purely from a site development perspective, we must reiterate “ad nauseam” the disturbance of 35 acres of soils on steep slopes above wetlands is

unprecedented in Hampton's Development History and would not be permitted, unless the site disturbance is Phased and Detention Basins are designed and modified if necessary for the Construction Phase, to retain sediment and settle out solids and turbidity of polluted storm water. Lacking direct jurisdiction and oversight by the Town of Hampton that an independent engineering firm be hired to conduct inspections. Adherence to the above would be an important step in minimizing the potential of a catastrophic event.

Sincerely

Stan Crawford  
Chairman IWWA