



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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September 30, 2016

Kenneth C. Baldwin, Esq.
Joey Lee Miranda, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597

RE: **PETITION NO. 1234** - SolarCity Corporation declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of a 2.8 Megawatt Solar Photovoltaic Electric Generating facility located at Becton, Dickinson & Company, 7 Grace Way, North Canaan, Connecticut.

Dear Attorney Baldwin and Attorney Miranda:

At a public meeting of the Connecticut Siting Council (Council) held on September 29, 2016, the Council considered and approved the Development and Management (D&M) Plan submitted for this project on August 26, 2016, with the following conditions:

1. In lieu of silt fence between the subject property and wetlands, SolarCity shall install straw wattles or coir rolls as an erosion control measure;
2. SolarCity shall submit revised sheet numbers DN-1 to note on fence and gate detail that the 6-8 inch raising of fence is to protect migrating species, and DN-4 to include contractor education with respect to the smooth green snake;
3. A requirement that tree clearing be performed during the November 15th through February 1st time period in lieu of sweeps to minimize impacts to the blue-spotted salamander complex; and
4. SolarCity shall maintain in good condition the 4 foot by 8 foot plywood sheets in moat areas around the arrays to improve habitat for the smooth green snake and replace when necessary.

This approval applies only to the D&M Plan submitted on August 26, 2016. 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 August 26, 2016.

Enclosed is a copy of the staff report on this D&M Plan, dated September 29, 2016.

Thank you for your attention and cooperation.

Sincerely,

Robert Stein
Chairman

RS/MP/lm

Enclosure: Staff Report dated September 29, 2016

- c: The Honorable Douglas E. Humes, Jr., First Selectman, Town of North Canaan
- Ruth Mulcahy, Zoning Enforcement Officer, Town of North Canaan
- Steve Allyn, Planning and Zoning Chairman, Town of North Canaan
- Matthew Freund, Chairman, Inland Wetlands Conservation Commission, Town of North Canaan
- Honorable Patricia Allyn Mechare, First Selectman, Town of Canaan
- Fred Laser, Planning and Zoning Chairman, Town of Canaan
- Michael Owen O'Neil, Zoning Officer, Town of Canaan
- Ellery Sinclair, Chairman, Inland Wetlands Commission, Town of Canaan
- Becton, Dickinson & Company, 7 Grace Way, North Canaan
- Nichole Seidell, Director, Environmental Planning, SolarCity Corporation



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Petition No. 1234

SolarCity Corporation

7 Grace Way, North Canaan

Development and Management Plan

Staff Report

September 29, 2016

On July 21, 2016, the Connecticut Siting Council (Council) issued a Declaratory Ruling to SolarCity Corporation (SolarCity) that no Certificate of Environmental Compatibility and Public Need is required for the construction, maintenance, and operation of an approximately 2.8 megawatt (MW) direct current (DC) or approximately 2.05 MW alternating current (AC) solar photovoltaic generating facility located at the Becton, Dickinson & Company (BDC), 7 Grace Way, North Canaan, Connecticut. As required by the Council's decision on this petition, SolarCity submitted a Development and Management (D&M) Plan for the project on August 26, 2016. Copies of the D&M Plan were provided to the Town of North Canaan and the Town of Canaan (located within 2,500 feet of the project) on or about August 26, 2016. No comments have been received to date.

The project will be located on the southern portion of a 77.1-acre parcel owned by BDC. The subject property currently hosts BDC's medical products manufacturing, distribution and warehouse facility in the northeast portion of the parcel. Railroad tracks running in an east-west direction roughly bisect the property into northern and southern portions. The southern, western and extreme eastern portions of the property are undeveloped and are wooded. Wetlands exist near the southeastern and southwestern corners of the parcel. A larger wetland system is located in the northwestern portion of the parcel.

The solar field will include two ground-mounted arrays totaling 2.28 MW DC or 1.72 MW AC on fixed rack systems oriented to the south. The southwestern array will have 6,404 solar panels. The southeastern array will have 756 solar panels. The ground-mounted arrays will have a total area of about 7.67 acres. A total of 9 acres will have to be cleared to accommodate the ground facility and minimize shading. These panels will be tilted on an angle of 25 degrees with the horizontal. The top edges of the ground-mounted solar panels will be approximately eight feet above ground level (agl). The bottom edges of the ground-mounted solar panels will be approximately two feet agl. The solar panel racking systems will be supported by steel mounting posts and concrete footings. The footings will be installed to a depth of five feet below grade.

One roof-mounted solar array with 1,296 solar panels is also proposed. It will total 0.469 MW DC or about 0.336 MW AC. The top edges of the rooftop solar array will be about 10 inches above the top of the roof. The bottom edges of the rooftop solar array will be about 2 inches above the top of the roof. The rooftop panels will also be fixed and oriented to the south, except at a smaller angle of about eight degrees above the horizontal. The structural design drawings associated with attaching the rooftop solar array to the building have been stamped by a Professional Engineer duly licensed in the State of Connecticut.

The solar electric system will be tied directly into the main electric infrastructure of BDC, resulting in a net metering application. Electric utility connections from the ground-mounted arrays to the building will be underground. Electric utility connections from the rooftop arrays will connect directly to the building's electrical system. BDC will first consume the electricity produced by the proposed solar facility. If BDC requires additional electricity, it will draw from the existing utility service. If BDC does not utilize all of the electricity produced by the solar facility, the surplus power will be fed back into the distribution system.

Consistent with Condition 1b of the Council's Decision, the project will include an eight-foot tall security fence surrounding each ground-mounted solar array. The electrical equipment pad will be located within the



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fenced area. The fencing will have a less than 2-inch anti-climb mesh. In addition, there will be a six to eight inch gap under the fencing to accommodate the migration of small animal species.

By letter dated August 22, 2016, DEEP has determined that the proposed project will not have any adverse impacts on any State-listed plant species.

DEEP's letter also listed five vertebrate species: blue-spotted salamander, a State-listed Species of Special Concern for the "complex" type and State-listed Endangered for diploid populations; alder flycatcher, a State-listed avian Species of Special Concern; smooth green snake, a State-listed Species of Special Concern; burbot, a State-listed fish Endangered Species; and northern leopard frog, a State-listed Species of Special Concern and has determined that the project developer's Rare Species Protection Program (RSPP) and a reduction in the project footprint will minimize adverse effects these species.

Consistent with Condition 1c of the Council's Decision, the Petitioner included smooth green snake habitat enhancement measures in the D&M Plan by proposing four-foot by eight-foot plywood sheets spaced 100 feet on center to be located south of both ground-mounted solar arrays.

As a result of the identification of the blue-spotted salamander complex in the vicinity of the site and the potential for spotted turtle and wood turtle to be present, the Petitioner's RSPP will be implemented during construction to avoid the potential for impact to these State-listed species. The RSPP includes several components, including but not limited to, contractor education, protective measures, periodic inspections, etc. Specifically, the RSPP notes that, as a protective measure for the blue-spotted salamander complex, tree clearing would occur between November 15th through February 1st, or alternatively, the environmental monitor shall perform daily sweeps if tree clearing is performed outside of the November 15th through February 1st window.

Finally, with respect to federally-listed species, the northern long-eared bat (NLEB) is a federally-listed Threatened Species which may occur in the vicinity of the site. However, APT has reviewed the U.S. Fish and Wildlife Service's *Northern Long-Eared Bat 4(d) Rule for Non-Federal Activities Key* and found that the proposed project will not result in an adverse impact to the northern long-eared bat. Notwithstanding, in the Petition, the Petitioner proposed conducting tree removal activities only between October 1 and March 31 when NLEB are in hibernation. This restriction will also serve to avoid disturbance to breeding bird species during periods of high bird activity.

In accordance with Condition 1f of the Council's Decision, the Petitioner has included the name and resume of the environmental inspector/monitor. Specifically, Dean Gustafson will serve as the environmental inspector/monitor for the project. Mr. Gustafson has 28 years of experience providing consulting services as a Professional Soil Scientist and Senior Wildlife Biologist.