

<p><b>PETITION NO. 1312</b> - Candlewood 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 a 20 megawatt AC (26.5 megawatt DC) solar photovoltaic electric generating facility located on a 163 acre parcel at 197 Candlewood Mountain Road and associated electrical interconnection to Eversource Energy’s Rocky River Substation on Kent Road in New Milford, Connecticut.</p>	<p>} Connecticut          } Siting          } Council          December 21, 2017</p>
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**Decision and Order**

Pursuant to Connecticut General Statutes (CGS) § 16-50k(a), CGS §4-176 and the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the construction, maintenance, and operation of a 20 MW Solar Photovoltaic Project on a 163 acre parcel at 197 Candlewood Mountain Road and associated electrical interconnection to Eversource Energy’s Rocky River Substation on Kent Road in New Milford, Connecticut would not have a substantial adverse environmental effect, would meet all applicable U.S. Environmental Protection Agency and Connecticut Department of Energy and Environmental Protection (DEEP) Air and Water Quality Standards, and therefore, the Council will issue a declaratory ruling for the proposed solar photovoltaic electric generating project.

Unless otherwise approved by the Council, the facility shall be constructed, operated, and maintained substantially as specified in the Council’s record in this matter, and is subject to the following conditions:

1. The Petitioner shall prepare a Development and Management Plan (D&M) for this site in compliance with Sections 16-50j-60 through 16-50j-62 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Towns of New Milford, Brookfield and New Fairfield for comment and all parties and intervenors on the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
  - a. A final site plan including, but not limited to, the solar array, fence design, and the electrical interconnection line and corridor;
  - b. Consideration of locating a portion of the solar panels within the approximately 5-acre open field area and associated visual screening of such panels as necessary;
  - c. Construction hours and days of the week;
  - d. Construction traffic measures;
  - e. Erosion and sedimentation control plan consistent with the *2002 Connecticut Guidelines for Erosion and Sedimentation Control* including, but not limited to, seeding the site for stabilization purposes prior to installation of racking systems and panels;
  - f. Site clearing, grubbing, stabilization, and stormwater controls phasing plan;
  - g. A stormwater management plan consistent with the *2004 Connecticut Stormwater Quality Manual*, including an analysis on the potential impact of driveways on stormwater flows, including but not limited to, potential diversion of stormwater away from wetlands;
  - h. Plans to comply with the recommendations from DEEP outlined in “Stormwater Management at Solar Farm Construction Projects” dated September 8, 2017;
  - i. FAA marking/lighting plan, as necessary;
  - j. Vegetation Management Plan including, but not limited to, provisions for frequency of mowing and vegetation maintenance that incorporate any DEEP-required seasonal restrictions, post-construction site inspections on a quarterly basis, and removal of any accumulated sediment and debris that could affect stormwater patterns;
  - k. Decommissioning plan;
  - l. Plans to comply with the SHPO’s recommended precautionary measures as specified in the letter dated November 28, 2017; and

- m. Final wildlife protection measures and/or seasonal restriction timelines for all DEEP-identified Natural Diversity Database species except for golden-winged warbler.
2. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed within three years from the date of the mailing of the Council's decision, this decision shall be void, and the facility owner/operator shall dismantle the facility and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's decision shall not be counted in calculating this deadline. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The facility owner/operator shall provide written notice to the Executive Director of any schedule changes as soon as is practicable;
3. Any request for extension of the time period to fully construct the facility shall be filed with the Council not later than 60 days prior to the expiration date of this decision and shall be served on all parties and intervenors;
4. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
5. The facility owner/operator shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v;
6. This Declaratory Ruling may be transferred, provided the facility owner/operator/transferor is current with payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v and the transferee provides written confirmation that the transferee agrees to comply with the terms, limitations and conditions contained in the Declaratory Ruling, including timely payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v; and
7. If the facility owner/operator is a wholly owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the facility within 30 days of the sale and/or transfer.

We hereby direct that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed in the Service List, dated December 12, 2017, and notice of issuance published in The Danbury News Times.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.