

March 29, 2019

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

Lee D. Hoffman, Esq.
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103-3702

RE: **PETITION NO. 1313** – DWW Solar II, LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of a 26.4 megawatt AC solar photovoltaic electric generating facility on approximately 289 acres comprised of 5 separate and abutting privately-owned parcels located generally west of Hopmeadow Street (US 202/CT 10), north and south of Hoskins Road, and north and east of County Road and associated electrical interconnection to Eversource Energy's North Simsbury Substation west of Hopmeadow Street in Simsbury, Connecticut.

Dear Attorney Hoffman:

At a public meeting of the Connecticut Siting Council (Council) held on March 28, 2019, the Council considered and approved the Development and Management (D&M) Plan submitted for this project on January 31, 2019 with the following conditions:

1. Provide the total number of solar panels by output and associated solar panel specification sheets, selected post and racking equipment design/specification sheets, and inverter specification sheets;
2. Provide a bulk copy of the Spill Prevention, Control and Countermeasures Plan;
3. Identification of specific locations for fuel storage; and
4. Provide information regarding access to the stormwater basins for post-construction maintenance.

This approval applies only to the D&M Plan submitted on January 31, 2019 and supplemental data dated February 5, 2019, March 8, 2019, March 12, 2019, March 21, 2019 and March 27, 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 December 22, 2018, in the D&M Plan dated January 31, 2019 and in accordance with the supplemental data described above.

Enclosed is a copy of the staff report on this D&M Plan, dated March 28, 2019.

Thank you for your attention and cooperation.

Sincerely,

Melanie Bachman
Executive Director

MAB/RDM/lm

Enclosure: Staff Report dated March 28, 2019

c: Service List

The Honorable Eric Wellman, First Selectman, Town of Simsbury
Michael Glidden, Director of Planning and Community Development, Town of Simsbury



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

Petition No. 1313

DWW Solar II, LLC

Tobacco Valley Solar Project - Simsbury

Development & Management Plan

Staff Report

March 28, 2019

On December 22, 2017, the Connecticut Siting Council (Council) issued a Declaratory Ruling to DWW Solar II, LLC (DWW), pursuant to Connecticut General Statutes (CGS) §4-176 and §16-50k, for the construction, maintenance, and operation of a 26.4 megawatt AC solar photovoltaic electric generating facility located on approximately 289 acres comprised of 5 separate and abutting privately-owned parcels located generally west of Hopmeadow Street (US 202/CT 10), north and south of Hoskins Road, and north and east of County Road and associated electrical interconnection to Eversource Energy's North Simsbury Substation. DWW refers to the solar facility as the Tobacco Valley Solar Project (Project). A diagram of the Project site is included in Attachment A.

In its Decision and Order (D&O), the Council required DWW to submit a Development and Management Plan (D&M Plan) for the Project. On January 31, 2019, DWW submitted the Project D&M Plan to the Council and provided copies to the parties and intervenors. A copy was also provided to the Town of Granby, which is located within 2,500 feet of the Project site, on March 8, 2019. On March 8, 2019, the Town of Simsbury (Town) submitted comments on the D&M Plan to the Council. The Town comments are included in Attachment B. No other comments have been received to date.

On February 6, 2019, DWW submitted a supplement to the D&M Plan evidencing the issuance of the Federal Aviation Administration's *Determination of No Hazard to Air Navigation* letters for the Project.

On February 25, 2019, the Council issued interrogatories (Set 1) to DWW. DWW submitted responses to the Set 1 interrogatories on March 12, 2019. On March 8, 2019, the Council issued interrogatories (Set 2) to DWW requesting that DWW respond to the Town's March 8, 2019 comments. DWW submitted responses to the Set 2 interrogatories on March 21, 2019.

Project Modifications

The Project encompasses 5 parcels totaling 289 acres in northern Simsbury that consist of forested areas, wetlands and agricultural fields. The approved Project included a 156-acre project area, divided into three main solar field areas; as follows:

- a. North Solar Field, located generally north of the Eversource right-of-way and east of Munnisunk Drive (Parcels 1 and 2). The North Solar Field has two distinct sections- the main portion (NSF-M) and a separate southeast section (NSF-SE);
- b. Middle Solar Field, located south of the Eversource right-of-way and north of Hoskins Road (Parcels 3 and 4); and
- c. South Solar Field, located south of Hoskins Road (Parcel 5).

In its December 22, 2017 Opinion, the Council requested “...that DWW explore the possibility of further reducing or even eliminating the South Solar field on Parcel 5 by considering the use of higher wattage solar panels to produce the same amount of contractually-obligated electricity on a smaller Project footprint.”

Subsequent to the Council’s approval, DWW consulted with the Town and parties and intervenors during development of the D&M Plan. During the consultation process, DWW modified the site layout and infrastructure design that allowed for the elimination of the proposed solar arrays from Parcel 5. This change and other Project modifications are as follows:

- a) Removal of all solar facility equipment from Parcel 5. To compensate for the loss of land area to install solar arrays on Parcel 5, DWW has leased an additional 4.3-acre parcel of land (Parcel 6) from River Bend Development CT, LLC, the same owner as the original 5 parcels comprising the Project area. The Project area now totals approximately 293 acres;
- b) Reduction of the overall Project footprint from approximately 156 acres to 135 acres;
- c) Reduction of the amount of tree clearing by 11 acres;
- d) Use of a more efficient, quieter inverter than the one previously considered, and thus reducing the number of inverters from 14 to 11;
- e) Reduction in the amount of spacing between rows of solar panels from 13 feet to 6 feet to accommodate the smaller Project footprint while maintaining obligations of the Power Purchase Agreement; and
- f) Use of more efficient, commercially available 395 Watt and 400 Watt solar panels instead of the 340 Watt panels previously contemplated.

All of these project design changes have been included within the D&M Plan. Additionally, DWW included provisions within the D&M Plan for a publicly accessible walking path through the private Project site. The issue of the walking paths was previously addressed in the Council’s December 22, 2017 Opinion, which states “The installation of walking paths is not necessary for operation of the facility and thus the Council will not order the inclusion of walking paths within the D&M Plan. The walking paths may have to be eliminated to account for Project Site re-configuration...”

DWW subsequently removed the walking paths from the D&M Plan based on access, safety and maintenance issues associated with the paths. By removing the walking paths, DWW was able to utilize space occupied by the proposed walking paths and slightly reconfigure the solar field to increase the buffer and distance from the solar arrays to abutting residences on Howard Street.

Development and Management Plan Requirements

The Council’s D&O requires the following information to be included in the D&M Plan:

- a. **A final site plan including, but not limited to, the solar field areas, solar array design, all access roads and access ways, grading details, soil stockpile and disposition areas, wildlife-friendly fence design, underground electric wire detail, and electrical utility corridor and interconnection;**

The D&M Plan contains detailed site plans that include the specified information; as follows:

Solar Field Areas

The Project includes the construction of solar photovoltaic arrays on approximately 135 acres of the approximate 293 acre site. The Project site consists of the North Solar Field located on Parcels 1 & 2 and

the Middle Solar field located on Parcels 3, 4 & 6. No solar facility equipment will be located on Parcel 5. A majority of four of the parcels (Parcels 1, 3, 5 & 6) have historically been used for tobacco farming while a majority of the other two parcels (Parcels 2 and 4) have historically consisted of undeveloped woodland.

Parcel 6 consists of an existing farm field that is contiguous to another existing farm field on Parcel 3. DWW performed an environmental assessment of the 4.3 acre Parcel 6 area and found no significant environmental features within the areas except for the potential presence of three reptile species (eastern hognose snake, eastern box turtle, wood turtle) listed on the Department of Energy and Environmental Protection (DEEP) Natural Diversity Database (NDDB). DWW has incorporated DEEP recommended protective measures for these three reptile species into the D&M Plan, as discussed in section h.

Solar Array Design

DWW will install approximately 124,202 panels rated at 395 and 400 watts. The solar panels will be mounted on a fixed metal racking system. The racking system will be arranged in rows east to west with the panels facing south, at a tilt of approximately 20 degrees. The racking system will be supported on pile foundations arranged in rows spaced approximately 6 feet apart. The panels will be approximately 3 feet above grade at the low end and approximately 10 feet above grade at the highest point. The panels are composed of low reflectance, crystalline silicon cells supported in anodized aluminum frames.

The panels will be connected with direct current wiring on the racking system, routed to combiner boxes and underground cables to each inverter. All cabling for the Project will either attach to the racking system (collector cable) or be buried underground (interconnection cable). Direct buried cable will be installed in 3 to 4 foot deep trenches.

Eleven combined 1,500 volt inverter and transformer skids will be mounted on steel piles or on concrete equipment pads that are spaced throughout the Project site. The electrical equipment will have a height of approximately 10 feet above grade. Concrete pads will have a foundation depth of approximately 4 to 5 feet below grade.

Post-construction Access Roads and Access Ways

The primary post-construction access point will be from a gated entrance on Country Road that accesses the southwest corner of the Middle Solar Field. This access point utilizes an existing, former agricultural access way that will be upgraded to meet current vehicle access needs.

A secondary post-construction access point will be from a gated entrance on County Road west of Litchfield Drive, utilizing an existing access road and gravel drive to access the NSF-M area. Both entrances will feature a split-rail fence design. Secondary 20-foot wide chain link gates will be installed within interior portions of the Project to control access to a network of gravel or compacted native material roads extending through the interior portions of the facility.

Approximately 11,350 linear feet of 20-foot wide gravel roads will be installed within the Project site, mostly along perimeter Project areas and through the center of the NSF-M area. Compacted soil access roads will be installed generally along the interior portion of the solar fields, and along perimeter areas near wetlands or sloping terrain.

New and existing gravel roads will be utilized to connect the different Project areas. Existing culverts along the existing gravel roads extending from County Road and between the Middle and North Solar fields were inspected and deemed acceptable to support construction equipment loading. If the culverts are subsequently deemed inadequate, they will be repaired/replaced through a D&M Plan modification request or another access route for construction vehicles that avoids the culvert would be used.

Grading Details

Generally, the Project will utilize existing surface grades except in locations where slopes exceed 10 percent. Most of the site grading will occur in three sections of the North Solar Field and two sections of the Middle Solar field. Grading will also occur to construct stormwater sediment basins.

Soil Stockpile and Disposition Areas

A Soil Management Plan is included in the D&M Plan for the handling and management of excess soils generated at the site. Stockpiles will be located within the defined limits of disturbance and in consultation with DWW's engineers. Two potential stockpile locations have been identified: one in the southeast section of the NSF-SE and one along Hoskins Road adjacent to the Middle Solar Field. Smaller stockpiles, one to two feet in height, will be windrowed adjacent to excavated concrete pad areas for eventual reuse during Project decommissioning.

The Soil Management Plan contains details for stockpile establishment, inspection, and maintenance. Active stockpiles will be topped with hay at the end of each work day. Stockpiles intended to be left dormant for more than 14 days will be stabilized with erosion control blankets and/or hydroseed. Provisions are also made for contaminated subsurface materials that, if discovered at the site, are properly managed.

Topsoil will be stripped and stockpiled from areas proposed for re-grading. Topsoil will be replaced over re-graded areas upon completion of mass earthwork activities. The D&M Site Plans depict locations for excess soil deposition within the solar field areas. Excess soil will be spread to a depth of one-foot.

Wildlife-friendly Fence Design

The solar facility will be surrounded by a 7-foot-high chain link fence for security. The chain-link fence will be raised above the ground surface by approximately 6 inches to allow for small wildlife movement.

Underground Electric Wire Detail

Electric cable will be direct buried to connect the panel arrays to electrical equipment pads. Direct buried cable will be placed in a 3 to 4-foot deep trench. Collection cables from various portions of the Project will connect to the switchgear at the edge of NSF-SE area. Cabling will be installed within the gravel road that extends between the Middle and North Solar Fields.

Electrical Utility Corridor and Interconnection

From the switchgear, an underground cable will be installed within a four-foot deep trench located within a 20-foot wide utility corridor to a hilltop point due north of the existing Eversource North Simsbury

Substation. A jack and bore construction method will be used to cross into the substation. Although more costly, the jack and bore method will eliminate difficulties associated with extending an overhead line down a steep slope and into the substation.

DWW will use a directional drill bore method to install the underground cable under the existing sanitary sewer located in the gravel road between the north and middle solar fields, with a minimum separation distance of 10 feet.

DWW consulted with the Independent System Operator of New England (ISO-NE) and Eversource regarding the interconnection. ISO-NE advised DWW to proceed through an Eversource interconnection process, with ISO-NE participating as an affected party. Through this process it was determined that some minor equipment upgrades to the Eversource North Simsbury Substation will be required to interconnect the Project. Due to changes in inverter technology, DWW is continuing to update certain system specifications in consultation with Eversource and ISO-NE.

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

The D&M Plan contains erosion and sediment (E&S) control measures consistent with the 2002 *Connecticut Guidelines for Erosion and Sedimentation Control*. E&S controls include, but are not limited to, silt fence, compost filter socks, straw wattles, crushed-stone construction entrances/exits, erosion control blankets, stone check dams, 18 temporary sediment traps/basins, and temporary swales, as well as inspection and maintenance protocols. Accumulated sediment within the basins will be removed and used on the site prior to final seeding.

The temporary sediment traps/basins and associated diversion channels will be removed once construction is complete and the area stabilized with 80 percent vegetated cover, as determined by DWW's qualified inspector/design engineer.

Additional temporary sediment traps may need to be installed during construction depending upon final phasing of improvements. Depending on field conditions, sections of compacted native soil roads may be converted to stable gravel roads, if necessary, as determined by the qualified inspector/design engineer.

c. Resource Protection Plan that include details for site clearing, grubbing, and stabilization details, including two rows of sedimentation barriers proximate to any wetland/watercourse area;

The Resource Protection Plan includes provisions for the establishment of project development limits. Approximately 19.2 acres of trees will be cleared to develop the Project. Tree clearing will be accomplished by surveying and marking the clearing limits and any associated grubbing areas. Tree harvesters will be stationed within the grubbing limits and will be capable of extending beyond the grubbing limit to remove trees in order to minimize soil disturbance. In some cases, trees may be hand cut with chain saws and recovered with cables. Stumps from trees in areas outside of the physical solar array development will remain in place to reduce unnecessary soil disturbance.

Cleared trees and root balls will be tub-ground to create material for wood mulch berms that will be installed at the Project limit of disturbance only in areas where trees were cleared. The mulch berms will measure approximately 1.5 feet high by 4 feet wide. Perimeter silt fence will be installed immediately upslope of the berm as an additional E&S control barrier.

Construction areas which are disturbed by mass earthwork operations will be reseeded within 10 days of completion of earthwork. Areas around sediment traps/basins will be seeded and protected within 10 days of installation.

Construction traffic will utilize the existing farm paths around the fields or a designated access route to minimize soil compaction in the farm fields.

Any erosion problems within exposed soil areas will be controlled using temporary diversions, and by filling and grading any erosion gullies that form. Gully areas may be hydro-seeded or stabilized using erosion control blankets. Construction equipment operation in agricultural fields will be suspended during rain events and for 24 hours after one-inch rainfall events over a 24-hour period.

A qualified inspector and/or soil scientist will periodically inspect disturbed areas that have not been finally stabilized, erosion and sediment control measures, all structural controls, soil stockpile areas, and locations where construction vehicles access the site. Shaker plates will also be used at the construction entrances to assist in the removal of dirt from wheels of construction vehicles. Wheel washes will be established if the gravel entrance pads and shaker plates are ineffective.

Some work areas are within 100-foot wetland buffers. The qualified inspector and/or soil scientist will determine in the field whether two rows of sedimentation barriers (silt fence and compost filter sock) are necessary for down-gradient wetland resource protection.

An existing, eroded gully that leads to a wetland associated with Munnisunk Brook was identified in a wooded area north of the North Solar Field. Compost filter socks will be placed at intervals of 100 feet across the gully, outside of the Project construction limits, to reduce erosion.

Upon completion of construction, all disturbed areas will be re-seeded within 10 days. Vehicles will not be permitted to traverse areas that have been re-seeded.

- d. Site construction phasing plan with details of each clearing /earthwork phase. If phases are greater than five acres, a detailed rationale shall be provided as to why work phases should exceed five acres;**

Pursuant to CGS §22a-430b, DEEP retains final jurisdiction over stormwater management. Stormwater management includes site construction phasing.

DWW has developed and submitted a construction sequence with its DEEP General Permit application. The construction sequence includes, but is not limited to, the following:

- 1) Install stabilized gravel vehicle construction pads at the existing farm road intersections with Hoskins Road and County Road;
- 2) Survey and clear wooded areas. Most of the tree clearing areas are scattered around the Project site perimeter, occurring in small areas ranging from 0.1 acre to 1.0 acre in size, except for a 6.0 acre area at the northern extent of the Project site;
- 3) Create mulch berms and install perimeter silt fence;
- 4) Install temporary sediment traps and basins in accordance with the approved Stormwater Pollution Control Plan (SWPCP);

- 5) Establish designated vehicular traffic access roads (gravel, or compacted native soil) to be used for primary construction access. Efforts will be made to minimize vehicular trafficking across non-designated areas;
- 6) Perform mass earthwork and install perimeter fence to serve as construction barrier. Topsoil will be removed and stockpiled for designated re-grading areas;
- 7) Drive piles for solar panel racking, starting from north end of the Project site, proceeding south towards Hoskins Road;
- 8) Install rack framing approximately one week after pile driving commences. As construction proceeds, it is anticipated that approximately 13 acres of piles will be ready for framing at any one time;
- 9) Install solar panel modules on the rack frames. Reseed and re-grade all areas disturbed by construction traffic within the array areas as early as possible;
- 10) Upon completion of construction, re-seed all disturbed areas within 10 days and prevent vehicular traffic in these areas;
- 11) Install final landscaping; and
- 12) Remove temporary erosion and sediment controls or convert temporary features into permanent stormwater controls as indicated in the approved SWPCP.

A Town sewer easement with an underground sanitary sewer line extends along a portion of the existing gravel road between the north and middle solar field areas. DWW will install steel plates, covered with gravel, on the portion of the road above the sewer line as an additional protective measure. DWW will coordinate work in this area with the Town.

- e. **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;**

Pursuant to CGS §22a-430b, DEEP retains final jurisdiction over stormwater management.

Final site development plans consistent with the *2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control* (2002 E&S Guidelines) and the *2004 Connecticut Stormwater Quality Manual* have been developed. A final SWPCP was submitted to DEEP for the project's General Permit application on January 15, 2019. After the General Permit application filing, DWW discussed the Project with DEEP. DWW anticipates a General Permit for the Project to be issued before March 31, 2019.

Under post-construction conditions, most of the stormwater runoff within the Project area will continue to flow overland and off of the Project site. Vegetated buffer strips around the perimeter of the site will promote natural infiltration into the highly-absorbent soil. The majority of the temporary sediment traps/basins (15 of 18) will remain in place as permanent water quality basins, and the ground cover change from a tilled soil to grass and low plantings will reduce runoff flow and promote infiltration. The permanent stormwater basins will be inspected and cleaned, as necessary, after storm events exceeding one inch in 24 hours for the first three months following the completion of construction.

No work is proposed within any inland wetland or watercourse. Most work in the vicinity of wetlands will maintain a minimum 100-foot undisturbed buffer with the exception of work in existing disturbed farm fields that are closer to wetlands.

The SWPCP requires an inspection of the Project E&S controls by the engineer of record at specified intervals and weekly inspections by qualified inspector.

- f. Plans to comply with the recommendations outlined in DEEP's "Stormwater Management at Solar Farm Construction Projects" dated September 8, 2017;**

DWW incorporated recommendations outlined by DEEP's "Stormwater Management at Solar Farm Construction Projects" into the General Permit application.

- g. Agricultural Protection Plan to reduce impacts to farmland soils during construction and operation of the facility, and restoration of the site at the end of its useful life if future use of the site will be agriculture;**

Approximately 93.5 acres of Prime Farmland soils are present within the Project site. The Project will alter approximately 13.4 acres of Prime Farmland soils. DWW has developed an Agricultural Soil Protection Plan in consultation with a Department of Agriculture representative. The plan includes, but is not limited to, soil testing, construction practices, pre-and post-construction vegetative cover, topsoil protection, and decommissioning procedures.

- h. Final plant and wildlife protection measures and/or seasonal restriction timelines for all DEEP-identified Natural Diversity Database species, as recommended by DEEP;**

DWW has incorporated recommendations from DEEP, dated March 5, 2018 regarding species listed on the Natural Diversity Database that may occur within the Project limits. The recommended practices include, but are not limited to, site clearing time limits, habitat avoidance, inspections by qualified personnel, installing barriers to prevent activity within specific habitat areas, and enhanced erosion and sediment controls to protect adjacent habitat.

- i. Preventative measures for breeding birds and forest roosting bats, including clearing restrictions or field surveys with subsequent avoidance measures;**

There will be a time of year restriction for tree clearing between May 15 and August 31 to prevent disturbance to tree nesting birds. This restriction is also inclusive of a June 1 to August 31 tree clearing restriction to protect bat species. Large diameter trees favored by bat species will be retained where possible. Bat houses mounted on wood posts will be established in tree clearing areas that are outside of the solar field perimeter fence.

- j. Identification of barns to be retained at the Project Site;**

Two barns along Hoskins Road and two barns adjacent to the North Solar Field will be retained. One barn within the NSF-M footprint will be removed. DWW has developed a quarterly inspection protocol for the barns.

k. Identification of areas for fuel storage and equipment refueling outside of the aquifer protection area;

The D&M Plan Resource Protection Plan contains provisions to avoid refueling within 200 feet of wetlands and watercourses. Refueling will not be allowed within the designated the aquifer protection area. Additionally, for any hazardous materials used or stored within the Aquifer Protection Zone, a Hazardous Materials Management Plan will be developed and submitted to the Town.

Specific locations for fuel storage were not provided.

l. Compliance with Department of Public Health Public Water regulations and consultation the with the Department of Public Health to develop a Project Aquifer Protection Program;

DWW consulted with representatives from the Drinking Water Section of the Connecticut Department of Public Health (DPH) concerning the construction of the Project. Portions of the Project are within an Aquifer Protection Area. DWW will adhere to procedures within the DPH's *General Construction Best Management Practices for Sites within a Public Drinking Water Supply Area* document, dated July 2014.

m. Construction schedule, including, work days and hours;

Construction of the Project is expected to take 6-8 months and is expected to begin in spring 2019. Work hours will generally be between 6:30 AM and 5:30 PM Monday through Friday, although expanded hours/days may be required to meet critical Project milestones.

n. Construction traffic management measures;

A traffic management plan is included within the D&M Plan.

The primary construction entrance will be located on the northeast side of Hoskins Road, east of the County Road intersection. A secondary construction entrance will be located on Hoskins Road to access the temporary laydown area on Parcel 5.

It is anticipated that the primary construction trailer and staging area will be located between the two existing barns that front the Hoskins/County Road area. Additionally, a 2 to 3 acre construction parking and construction staging/laydown area will be established on the eastern portion of Parcel 5, south of Hoskins Road. It will be located 150 feet from an abutting residential property and will be enclosed by silt fencing. The area will be restored upon Project completion.

DWW will close two abandoned water monitoring wells located on Parcel 5 in accordance with the Regulations of Connecticut State Agencies Section 25-128-57.

Twenty employees per day are anticipated to be on the site during the first month of construction. After the first month, up to 200 employees per day are expected on site, arriving at 6:30 AM and departing at 5:30 PM. It is anticipated that the majority of employees will park their personal vehicles at the temporary laydown area on Parcel 5 and walk or use construction vehicles to access various Project construction areas. Construction area caution road signs will be posted on County Road and Hoskins Road.

Squadron Line School, a public elementary school, is located approximately 2,000 feet west of the proposed site construction access points. All truck/equipment deliveries will be directed to approach the Project site from the east (Hoskins Road) to avoid an increase in truck traffic driving past the school. DWW will attempt to arrange equipment/supply deliveries to avoid school drop off/pickup times.

Grading equipment (i.e. earth movers, bulldozers, excavators, front end loaders, rollers) will be delivered during the first month of construction. Truck deliveries are expected to peak at up to 20 per day during the second and third months of construction.

DWW will continue to work with the Town regarding traffic control.

o. Visual Mitigation Plan, including but not limited to, landscape plantings and fencing, where appropriate;

The Visual Mitigation Plan includes a variety of plantings in areas adjacent to residential properties and along Hoskins Road and County Road. The Hoskins Road-County Road area will also include a 2 to 3-foot high berm with plantings as well as split rail fencing. The berm will not substantially modify site drainage patterns.

The proposed visual screening plan meets the Town's basic zoning requirements and was designed to meet the intent of Simsbury's Guidelines for Community Design that provide for landscape context and compatibility with existing surroundings.

p. Post-construction restoration plan, including appropriate seed mixes, plantings, one-acre of model pollinator habitat, and proposed use/management of the non-Project field area on Parcel 5;

A mixture of low-growing, cool season fescues will be used within the solar field areas. As a group, fescues have wide ecological tolerances for soil moisture levels, fertility, and light levels. Seeding methods and rates will be determined at time of application. If practicable, the permanent seed mix may be drilled into the solar field areas prior to the installation of posts. Subsequent soil damage from construction will be re-graded and over-seeded as construction progresses.

Areas outside of the perimeter security fence, cool season conservation grass mixes, blended with warm season grasses and native forbs to enhance diversity, will be sown. Areas cleared, but not grubbed may be difficult to convert to grass cover depending on the depth of the forest litter layer. Natural regeneration from the underlying soil seed bank will be monitored to determine if supplemental measures are required to establish specified vegetative cover. In areas where landscape plantings are proposed, native species will be used to the extent possible to enhance wildlife value.

A 1.8-acre Pollinator Habitat Area (PHA) will be established adjacent to the southeast section of the Middle Solar Field. DWW will use the Northeastern Native Seed Mix which has been developed in partnership with the Xerces Society to produce a high quality perennial mix that is highly attractive to pollinators. This seed mix has been modified to select species native to Connecticut and that have tolerance of drought conditions.

Once established, approximately one-third of the PHA will be mowed in the fall after asters and goldenrods go to seed. The remaining, uncut two-thirds of the PHA will provide cover and foraging habit for wildlife.

In accordance with the Project settlement agreement between the DWW, the Town and parties and intervenors, DWW will purchase Parcel 5 as part of the Project for use as temporary staging and laydown during the construction of the Project or during periods of major maintenance (such as the replacement of panels and/or inverters) and decommissioning. After completion of temporary staging, Parcel 5 will be maintained as grassland, subject to occasional mowing, or for use as pollinator habitat and/or agricultural purposes, consistent with its prior use as an agricultural site.

- q. **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 plans to remove and dispose of any accumulated sediment and debris that could affect stormwater patterns;**

Mowing within the solar field areas may be conducted one or more times per year, depending on growing conditions. Due to the anticipated heavy weed seed bank present in the existing agricultural soils, more frequent mowing may be required during the establishment of permanent grass cover so that weeds are cut before they flower and produce seed.

Outside of the security fence, brush mowers will be used to control regrowth, as necessary. Trees in the perimeter forest and shrub zones that have exceeded their height limitations will be trimmed or cut by chain saw, as necessary. The vegetation outside of the perimeter security fence will be inspected annually with mowing or selective removal conducted, when necessary. These operations will be performed in the fall after the migratory bird breeding season.

An invasive species survey will be performed prior to clearing and a licensed applicator will be retained to prepare and implement a site-specific control treatment plan. It is anticipated that countermeasures to control invasive plant species may be required once every three to five years during the operation of the Project.

The Project contains structural stormwater management facilities including sediment basins and traps, and swales. A post-construction inspection and maintenance program has been developed to ensure the continued effectiveness of the structural water quality controls. The program is included within DWW's General Permit application.

- r. **Decommissioning Plan to include a listing of all materials to be removed, methods of removal, and any above-ground and subsurface materials to remain.**

A Decommissioning Plan is included within the D&M Plan and provides details for the following decommissioning procedures;

- 1) disconnection from the utility power grid;
- 2) Solar modules will be disconnected, collected, and either shipped to another project, salvaged, or sent to a collection program;
- 3) Solar module racking system will be removed and recycled offsite;
- 4) Fencing will be removed and will be recycled offsite;
- 5) Subsurface materials will be removed; and
- 6) Restoration of soil in compliance with the D&M Plan, including agricultural soil restoration.

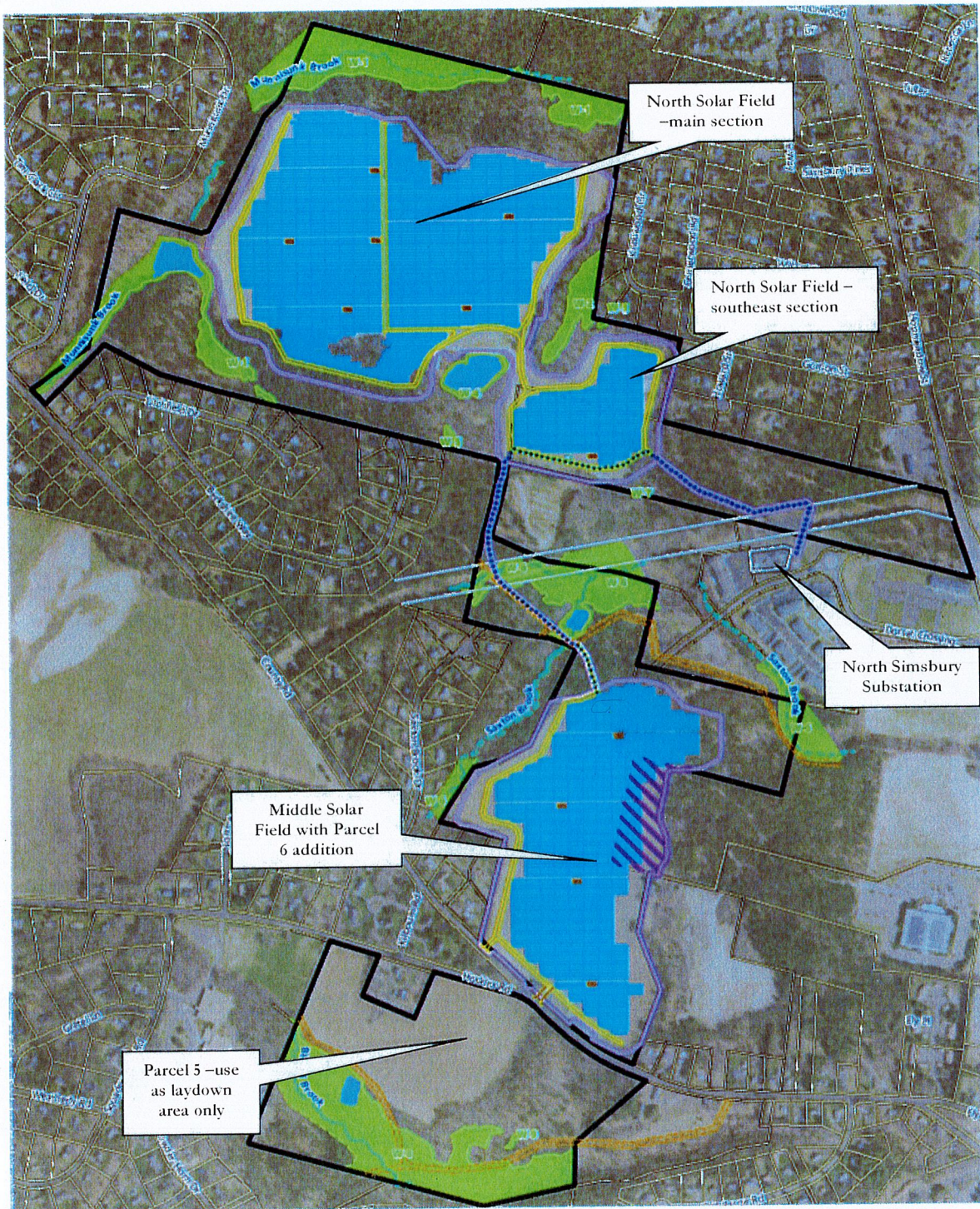
Recommendations

If approved, staff recommends following conditions:

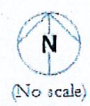
1. Provide the total number of solar panels by output and associated solar panel specification sheets, selected post and racking equipment design/specification sheets, and inverter specification sheets;
2. Provide a bulk copy of the Spill Prevention, Control and Countermeasures Plan; and
3. Identification of specific locations for fuel storage.

ATTACHMENT A

Project Site Layout



- | | | | | | | | |
|--|-------------------------|--|--------------------------|--|---------------|--|--|
| | Property Boundary | | Wetland Resource Area | | Solar Array | | Proposed Road |
| | Lease Area | | Farm Pond | | Equipment Pad | | Temporary Access Point - Construction Only |
| | Limit of Work | | Delineated Wetland Edge | | Substation | | Sewer Easement |
| | Adjacent Parcels | | Approximate Wetland Edge | | Switchgear | | Potential Cable Route |
| | Town Boundary | | Stream | | | | |
| | Existing Eversource ROW | | Approximate Stream | | | | |



ATTACHMENT B

Town of Simsbury comments dated March 8, 2019

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

| | |
|-----------------------------------|-------------------|
|) | |
| DWW SOLAR II, LLC PETITION FOR) | PETITION NO. 1313 |
| DECLARATORY RULING THAT NO) | |
| CERTIFICATE OF ENVIRONMENTAL) | |
| COMPATIBILITY AND PUBLIC NEED) | |
| IS REQUIRED FOR A 26.4 MEGAWATT) | |
| AC SOLAR PHOTOVOLTAIC ELECTRIC) | March 8, 2019 |
| GENERATING FACILITY IN SIMSBURY) | |
| CONNECTICUT) | |
|) | |

**TOWN OF SIMSBURY'S COMMENTS TO
DEVELOPMENT AND MANAGEMENT PLAN**

The Town of Simsbury ("Town") respectfully submits the following comments concerning to DWW Solar II, LLC's ("DWW") Development and Management Plan ("D&M Plan") and requests responses from DWW.

Exhibit B – Storm Water Pollution Control Plan and Site Plans

1. Please include a certification by the Owner and Engineer in the Storm Water Pollution Control Plan ("SWPCP").
2. Please include a statement in the SWPCP that the contractor and sub-contractors who will build the project have not been chosen yet and will be identified in the General Permit registration.
3. The SWPCP does not specify a construction schedule.
4. The SWPCP does not include a discussion of methods for "disconnection and reduction of runoff associated with solar panel arrays, avoidance of concentration of stormwater" as required by the Connecticut Department of Energy and Environmental Protection ("DEEP") guidance for "Stormwater Management at Solar Farm Construction Projects."
5. The SWPCP should state that if modifications to the SWPCP or Permit Registration are required to meet the requirements of the General Permit, any such changes will be submitted for the review and written approval of DEEP.
6. The SWPCP should state that in the event that a violation of the General Permit or the SWPCP, or other adverse impacts to wetlands, streams or other receiving waterbodies are identified, construction activities will immediately cease and the site will be stabilized until problems have been corrected.

7. The SWPCP should state that inspection checklists and reports will be provided to DEEP electronically within ten (10) days of the inspection. The Town request copies of these checklists and inspection reports.

8. Wheel washes at construction exits are not included. The SWPCP should state that wheel washes will be added if required to maintain roadways at site exits free of soil.

9. The water quality designations of the receiving water bodies should be described in the SWPCP, including a discussion of whether the water bodies are "impaired" or "high quality."

10. Please add the following to page 8, Construction Sequence No. 8: "All trapped sediment will be handled, sampled and disposed off-site in accordance with the project Soil and Materials Management Plan".

11. There is an incomplete sentence on Page 9 concerning "Hydroseeding."

12. Please add the following to page 10, Maintenance, third bullet: "All trapped sediment will be handled, sampled and disposed off-site in accordance with the project Soil and Materials Management Plan".

13. Section 7, Turbidity Monitoring – Monitoring of stormwater for turbidity does not meet the requirement of the General Permit Section 5(a)(4) which states that "...discharge shall not cause or contribute to an exceedance of the applicable Water Quality Standards in the receiving water." In addition, if the receiving waters are "high quality," the monitoring does not meet General Permit requirements (Section 5(a) (5)). To meet this requirement, stormwater should be tested for turbidity, pesticides, herbicides and metals at a minimum.

14. The Maintenance/Evaluation Checklist should include spaces for the following information: (a) weather conditions including precipitation information; (b) a description of the stormwater discharge(s) from the site; (c) any water quality monitoring performed during the inspection; and (d) space for the authorized professional's signature and professional stamp.

15. Temporary sediment traps and basins will in some cases be permanent water quality basins as indicated in the SWPCP. These features were designed based on the 10-year storm event and construction duration of 8-months for basins. The Town has the following comments concerning these features:

- a. Construction may extend into the Spring of 2020 per Exhibit N: Traffic Management Plan. How does a longer construction period impact the basin size?
- b. Permanent water quality traps and basins should be included in the calculations of the Stormwater Report to understand the outflow characteristics during all storm events including the 100-year storm.

16. A rip-rap spillway extending to Hoskins Road is proposed for SB-16 as the primary discharge from the sediment basin. Peak flow rates are calculated as 3.66 cfs for a 10-year storm, and 11.85 cfs for a 25-year storm. The Town has the following comments concerning this feature:

- a. The concentration of flow to the culvert inlet will require additional work between the spillway and inlet to ensure soil erosion does not occur on Hoskins Road.
- b. Is the 24" CPP culvert under Hoskins Road sufficient to convey existing flows as well as the proposed concentrated discharge from SB-16?
- c. In the event that the capacity of the existing 24" CPP culvert is reduced via increases in peak flows from the proposed spillway, stormwater will discharge over Hoskins Road rather than to the culvert. Provide alternative solutions.
- d. The existing conditions analysis of drainage area BB-1 describes this 19 acre area as draining to a swale near the intersection of Hoskins Road and County Road. However, the topography provided suggests the area drains to a low spot behind the existing barn and ponds prior to discharge to Hoskins Road. As such, the analysis may overstate the discharge to Hoskins Road. The analysis and design should be revised to reflect this condition.

17. Please define "damaging rainfall events" under the section entitled "Water Quality and Quality Controls Long Term Maintenance" of the SWPCP.

18. The proposed temporary sediment basins and the permanent water quality basins should be reviewed for appropriate countermeasures downstream of these facilities so to eliminate possible down-gradient erosion issues. Outlet protection, pipe and spillway, should be designed to a 25-year storm at a minimum.

19. Construction sequencing outlined by the SWPCP indicates all E&S Control features will be installed prior to the start of work. Will the engineer of record inspect prior to the start of topsoil removal, grading, and stockpiling?

20. The gravel road to remain is within an existing sanitary sewer easement. Construction traffic between the two major solar fields is proposed along this road as well as the electric interconnect.

- a. Construction access and utility connections will encroach into sewer easements. Work within sewer easements requires coordination with the Town's Water Pollution Control Authority ("WPCA").
- b. How will the contractor protect the existing sanitary sewers and sewer manholes?
- c. Do the existing gravel roads require improvement in order to protect the existing sanitary sewer main from construction vehicle loads?
- d. Has the contractor coordinated this work with the WPCA?
- e. What is the proposed separation distance between the electric interconnect duct bank and existing sanitary sewer?
- f. Identify all proposed electric and existing sanitary sewer and culvert crossings. Minimum concrete encasement of the proposed electric duct bank is ten (10) feet on either side of crossing.

21. The SWMP and other documents do not address the contingency of winter construction as part of the project. This contingency should be included as part of the D&M Plan.

22. Aquifer Protection Zone (AQZ) should be indicated on the construction plans to provide guidance on storage of fuels and equipment with the potential to contaminate the AQZ.

23. Is demolition of the proposed sediment traps and basins to remain planned as part of the decommission plan?

24. It appears that solar panels are located throughout the permanent sediment basins.

a. Do these panels follow the proposed grade or are the heights of the panels to remain consistent with the panels behind the limits of the basin?

b. Access to the basins will be limited due to the panels and support posts. How will the basins be stabilized and maintained over the long-term?

25. Some erosion and sedimentation control measure should be provided during construction of the gravel parking area on the southern parcel or for any expansion of the laydown area on this parcel.

26. According to Site Protection and Sequence section, a tub grinder will be used for mulching of felled trees. Where will this be located on the within the site? How long with this be operated on site?

27. The site plan does not provide erosion and sediment control and grading information for area of utility connections to sub-station (Casterbridge Crossing).

28. The site plan does not provide a restoration plan for construction laydown area located in the southern field off Hoskins Road after construction.

29. According to the site plan, storm water basins will be cleaned on an annual basis. The Town recommends that basins are inspected and cleaned after each storm event that is greater than 1 inch of precipitation.

30. Temporary basins are to be removed once contributing area has 80% stabilization. The Town recommends that removal is strictly based on opinion and direction of qualified inspector and design engineer.

31. The site plan should demarcate the limits of Area Aquifer protection.

32. The Town would like more clarification on tree clearing measures for the construction access points. Please provide information on the plans that demonstrate location and extent of clearing along Hoskins Road.

33. Please include requirements of Health and Safety Plan (HASP) required as part of the project.

34. All work within a Town right-of-way requires an encroachment permit from the Engineering Department.

35. The Town would request a clarification on the reconfiguration of the proposed trail. The Town values the inclusion of a walking trail, but is unclear of why the reconfiguration was proposed. It appears that the trail ends on private property not under the control of DWW or the site owner. Trail termination points from the site should be at a public road or existing public trail with appropriate access.

Exhibit C – Soil and Materials Management Plan

36. Monitoring wells are identified on Figure 2 of the Soils and Materials Management Plan. These wells should be identified and protected as part of the project.

37. Please identify stockpile location and appropriate E&S protections anticipated as part of the project.

38. Figure 1 should be revised to include the new lease area.

Exhibit H – Agricultural Soil Protection Plan

39. Section 4 of the plan states that cover crop will be maintained during construction. Without a detailed phasing plan, it is unclear based on the site plan how this will be accomplished. Please clarify

40. Section 7 discusses how soils that are disturbed for trench work will be windrowed in order to preserve state. Where will these be located? Will location of the windrows of stored soil have effects on drainage patterns or was this taken into consideration when developing storm water management plans?

Exhibit K – Resource Protection Plan

41. The Resource Protection Plan (“RPP”) describes a Spill Prevention and Control Plan (SPCP) (*i.e.*, a Spill Prevention, Control and Countermeasures Plan, [“SPCCP”]) that will be “maintained on site”. The D&M Plan should include the specifics of an SPCP/SPCCP.

- a. The SPCP/SPCCP should include a response plan for containment of fuel or chemical releases, including the placement of spill response equipment on site at all times with personnel trained to use that equipment.
- b. An emergency contact should be identified in the SPCP/SPCCP and on permanent signs posted at entrances to the site. This contact should be available 24 hours per day, seven days per week.
- c. The SPCP/SPCCP should describe a single area designated for vehicle refueling and routine equipment maintenance.
- d. The SPCP/SPCCP should include a description for vehicle/equipment refueling, minor servicing and storage methods on/within containment structures.
- e. The SPCP/SPCCP should specify the following: any major equipment repair will be conducted off site; on-site storage of fuel is discouraged; paints, fuels and other hazardous materials will be removed from the site during non-work hours or stored in a

secure location to prevent vandalism; and, trash receptacles will be covered at all times and not cleaned with water on site.

42. Wheel washes at construction exits are not included. The RPP should state that wheel washes will be added if required.

43. Section 2.3 of the RPP states that vehicle refueling may occur onsite. Aside from refueling more than 200 feet from any wetland or watercourse, the RPP should prohibit refueling or similar activities within an Aquifer Protection Zone. The Town recommends that refueling activities not be located in areas identified by DEEP Level "A" Mapping of Aquifer Protection.

44. Section 2.4, Pre-Construction, Construction and Post-Construction Monitoring – Monitoring of stormwater for turbidity, pesticides, herbicides and metals should be completed. This section should also include a brief discussion of drinking water well sampling/testing and refer the reader to the exhibit that contains the drinking water well testing protocol.

45. In addition to re-fueling, potential of repairing structures within the aquifer protection area needs to be addressed.

46. Section 5 states existing culverts/wetland crossings will be inspected to determine that they can support construction equipment. Please identify which culverts that will be reviewed.

47. Section 7.1 states that traveling along saturated soils will be avoided. Will this also apply to frozen ground conditions?

48. Please indicate the location of the fencing required for protection of moth habitat on the construction plans.

Exhibit N – Traffic Management Plan

49. Although the Town understands that the parcel south of Hoskins Road will be used as a temporary laydown area, when necessary, the plan states that it will also be used for employee parking. Given the large number of employees expected, the Town is concerned with the volume of vehicular and foot traffic. A temporary bituminous walk to the north side of Hoskins may be appropriate. Additionally, the Town would like more clarification on the traffic safety measures DWW will implement to accommodate that vehicular and foot traffic.

50. The Town would like more clarification on the phasing of the project.

51. The Town would like more clarification on the location of deliveries and the traffic measures DWW will implement related thereto. The plan indicates that up to twenty deliveries a day will occur. The Town would request that those deliveries not be made during school drop off and pick up. Will materials for the entire project be coming from the east (Route 10/202)?

52. The Town would like more clarification on tree clearing measures for the construction access points. Section 4 refers to areas of tree clearing along Hoskins Road. Please provide plans that demonstrate location and extent of clearing.

53. The Town would like more clarification on DWW will access the northern portions of the project and associated traffic measures. To what extent will DWW use the existing access road north of Litchfield Drive? Will there be any access from Hopmeadow Street?

54. The Town would request that DWW curtail, i.e. delayed start and early finish, for any weekend construction activities. The Town would request that construction activities be limited to weekdays only and between 7:00a.m. and 5:00p.m., which are the hours to which the Town and The Connecticut Light & Power Company *d/b/a* Eversource Energy (“Eversource”) agreed in Eversource’s Temporary Access Permit.

55. Will there be any construction impact to the abutting Cambridge Crossing housing development currently underway?

56. Will there be another area for staging of construction materials adjacent to the entrance near Litchfield Drive and County Road. If so, please provide drawings illustrating those locations.

57. Please explain how DWW may use the existing County Road access to the site for emergencies or any other use to complete the proposed project?

59. In anticipation of the intensity of truck traffic anticipated as part of the project, we would request that a sweeper be required on a full time basis during construction of the project.

60. Propose controls for construction entrances should be extended to a length of one hundred feet (100’) at all access locations to the site during construction in consideration of the expected amount of truck traffic.

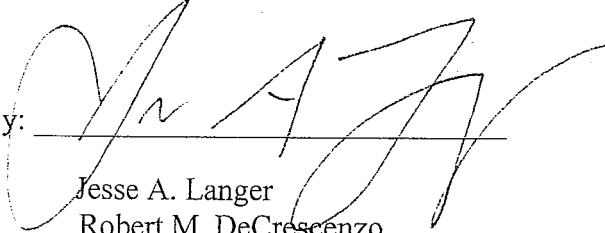
Exhibit P – Vegetation Management Plan

61. Were types of soils considered when choosing the species of grasses for the permanent vegetative cover? The soil map report makes comments that the soil characteristics should be taken into consideration when choosing the appropriate vegetative cover.

[signature and certification pages to follow]

Respectfully submitted by,

THE TOWN OF SIMSBURY

By: 

Jesse A. Langer

Robert M. DeCrescenzo

UPDIKE, KELLY & SPELLACY, P.C.

One Century Tower

265 Church Street

New Haven, CT 06510

(203) 786-8310

Email: jlanger@uks.com

Email: bdecrescenzo@uks.com

CERTIFICATION

I hereby certify that on this day that the foregoing was delivered by electronic mail and regular mail, postage prepaid, in accordance with § 16-50j-12 of the Regulations of Connecticut State Agencies, to all parties and intervenors of record, as follows:

Counsel for DWW Solar II, LLC

Lee D. Hoffman
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103-3702
lhoffman@pullcom.com

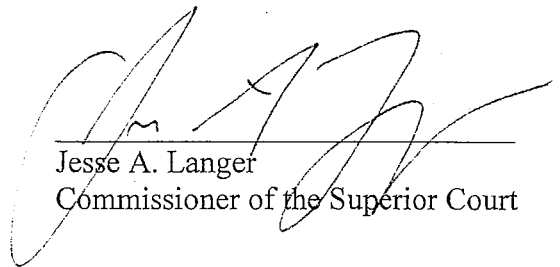
Aileen Kenney
Deepwater Wind, LLC
VP, Permitting and Environmental Affairs
56 Exchange Terrace, Suite 300
Providence, RI 02903
akenney@dwwind.com

Connecticut Department of Agriculture

Jason Bowsza
Department of Agriculture
450 Columbus Boulevard
Hartford, CT 06103
Jason.Bowsza@ct.gov

Certain Abutting Property Owners

Alan M. Kosloff
Alter & Pearson, LLC
701 Hebron Avenue
Glastonbury, CT 06033
akosloff@alterpearson.com



Jesse A. Langer
Commissioner of the Superior Court