STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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November 9, 2018

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

RE: **PETITION NO. 1323** - Windham Solar LLC 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 AC and two 1.0 Megawatt AC solar photovoltaic electric generating facilities on an approximate 43 acre parcel located at 134 Bilton Road, Somers, Connecticut. **Development and Mangement Plan.**

Dear Mr. Broyer:

At a public meeting of the Connecticut Siting Council (Council) held on November 8, 2018, the Council considered and approved the Development and Management (D&M) Plan submitted for this project on October 19, 2018, with the following condition:

1. Provide the number of the solar panels per generating facility and output, final inverter design and electrical interconnection, results of any soil surveys conducted on site for the Phase II Environmental Site Assessment and vegetative maintenance plan.

This approval applies only to the D&M Plan submitted on October 19, 2018 and additional information submitted on October 31, 2018 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 January 22, 2018 and in the D&M Plan submitted on October 19, 2018.

Enclosed is a copy of the staff report on this D&M Plan, dated November 8, 2018.

Thank you for your attention and cooperation.

Sincerely,

Robert Stein

Robert Stein
Chairman

RS/FOC/lm

Enclosure: Staff Report, dated November 8, 2018

c: The Honorable C.G. 'Bud' Knorr, Jr., First Selectman, Town of Somers
Jennifer Roy, Land Use Technician/Zoning Officer, Town of Somers
The Honorable Michael Ludwick, Mayor, Town of Enfield
Christopher W. Bromson, Town Manager, Town of Enfield
Raquel Ocasio, Assistant Town Planner, Town of Enfield
Christopher Little, Windham Solar LLC

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Petition No. 1323
Windham Solar LLC
Development &Management Plan
134 Bilton Road, Somers
Staff Report
November 8, 2018

On January 22, 2018, the Connecticut Siting Council (Council) issued a Declaratory Ruling to Windham Solar LLC (WS), pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance, and operation of a revised approximately 6.9 megawatt (MW) alternating current (AC) solar photovoltaic electric generating facility at 134 Bilton Road, Somers, Connecticut. In its Declaratory Ruling, the Council required WS to submit a Development and Management Plan (D&M Plan). On October 19, 2018, WS submitted its D&M Plan for this project.

The project will be on an approximately 64.6 acre parcel of property that straddles Somers, Connecticut (43.3 acres) and East Longmeadow, Massachusetts (21.3 acres) owned by the project developer. No component of the proposed facility would be in Massachusetts. The parcel is zoned A-1 Residential with adjacent parcels consisting of vacant and wooded land located to the west, north and south of the parcel and residences located east of the parcel. A house, barn, and concrete building exist on the property and would remain on the subject parcel.

The approved *revised* solar project includes four solar arrays totaling 6.9 MW within a 27.3 acre fenced area. The revised layout minimizes impacts to core forest and steep topography.

The Declaratory Ruling requires the following information to be included in the D&M Plan:

a. **A final site plan including, but not limited to, access road, grading details, quantity of cut and fill, locations of temporary and permanent stormwater/sediment trap basins, placement of soil stockpile and disposition areas, number of the solar panels per generating facility and output, confirmation of the number of acres of small core forest not cleared, underground electric wire detail, and final inverter design and electrical interconnection;**

   The final site plan provided illustrates the site design, solar array arrangement, clearing, perimeter fencing, roadway design, and storm water controls. This plan is consistent with the footprint approved by the Council on January 18, 2018.

   An approximate 600-foot long, 16-foot wide gravel access drive would be constructed along the south edge of the solar field from Bilton Road before turning north for a distance of approximately 1,960 feet centered in the solar field. The access road would also serve as a utility easement to connect the inverter, transformers, and switchgear pads.

   Eight temporary sediment trap/permanent storm water basins would be installed to direct and capture storm water flows.

   Disturbed soils would be spread through grading and used as needed for fill in areas outside designated disturbance areas.

   Approximately 24,192 solar panels would be installed. The number of the solar panels per generating facility and output, and final inverter design and electrical interconnection were not provided.

   Six acres of core forest will not be cleared and 8 acres of edge core forest will be cleared.

   The underground wire detail would be installed in a four foot deep by one and one-half foot wide trench.

b. Erosion and sedimentation control plan consistent with the *2002 Connecticut Guidelines for Erosion and Sedimentation Control, as amended,* including, but not limited to, seeding the site for stabilization purposes prior to installation of racking systems and panels;

The proposed locations of erosion and sediment (E&S) controls are shown on the plans including but not limited to silt fence, hay bales, erosion mat, stone check dams and swales. Such E&S controls would be installed prior to site disturbance.

c. Site clearing, grubbing, stabilization, and stormwater controls phasing plan;

Site clearing would allow for improved site access for investigative purposes for final electrical and structural racking design during the Fall of 2018 and Winter of 2019. Removing the vegetation will allow for better access for geotechnical investigation for foundation design, archeological investigation per State Historic Preservation Office requirements and other reconnaissance site visits to finalize the projects electrical design.

Approximately 28.2 acres of total clearing is required to accommodate the 27. 3 acre fenced solar array area. See attached figure titled Site Plan.

The site clearing methods will be identical to the methods described in the clearing request associated with Petition No 1220 approved by the Council on August 31, 2018. For mowing/brush cutting, WS would attach a mower to a skid steer (or skid loader), a small, rigid-frame engine-powered machine (similar in appearance to a "Bobcat") with lift arms that can be used to attach a variety of tools or attachments. Other equipment-mounted cutting devices may be used for tree removal. (See attached photographs.) Chainsaws may also be utilized for some manual tree clearing operations.

As a vehicle with tracks instead of tires, the skid loader exerts an average ground pressure of approximately 4.2 pounds per square inch (psi) unloaded. This is much less than the average pressure exerted on the ground by an average person's foot, which is on the order of 16 psi. Thus, WS contends that "tire ruts" are not expected to be a concern.

WS contends that perimeter silt fence is not required for tree or brush clearing given that no grading, stump removal or earthwork is proposed. WS further contends that DEEP's General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (General Permit) would not be required for such clearing. Additionally, such clearing does not fall within the recommendations of the 2002 E&S Guidelines (Chapter 4 – Large Construction Site Sequences and Special Treatments).

Trees would be cut within 1-foot of existing grade and brush would be cut within 6-inches of existing grade. A rock construction entrance would be installed for the clearing operations to minimize the tracking of soil off-site and to establish a dedicated entrance to the site. Consistent with the General Permit, WS would proceed with grading and grubbing of the site and such grading would not expose more than 5 acres of soil before seeding the site for stabilization purposes prior to installation of racking systems and panels.

d. A stormwater management plan consistent with the *2004 Connecticut Stormwater Quality Manual*;

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 Stormwater Pollution Control Plan (SWPCP) was submitted to Department of Energy and Environmental Protection (DEEP) for the project's General Permit on August 29, 2018. On October 31, 2018, DEEP issued a permit of authorization for the project.

e. Plans to comply with the recommendations outlined in Department of Energy and Environmental Protection (DEEP) "Stormwater Management at Solar Farm Construction Projects" dated September 8, 2017;

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

f. Final protection measures and/or seasonal restriction timelines for all DEEP-identified Natural Diversity Database (NDDB) species, as recommended by DEEP;

Initially, the DEEP Natural Diversity Database (NDDB) indicated the bobolink and the northern harrier occurred on or within the vicinity of the subject parcel. Prior to submitting for the DEEP General Permit, WS's consultant (Fitzgerald & Halliday, Inc.) conducted a bird survey at the subject parcel on August 1, 2018 to assess the presence of bird species listed on the DEEP NDDB. Three species investigated on site are as follows: the alder flycatcher and bobolink (species of special concern) and the northern harrier (endangered species). Fitzgerald & Halliday conclude the site is absent of the three species, or a suitable breeding habitat; therefor, there is no adverse impacts anticipated from the construction of the solar facility at the site. The report has been submitted to DEEP. By letter dated October 5, 2018, DEEP indicated that, per its review of the NDDB, no negative impacts to state-listed species would be expected.

g. Results of any soil surveys conducted on site for the Phase II Environmental Site Assessment;

The Phase II Environmental Site Assessment was conducted in June 2018 and activities are currently ongoing.

h. Post-construction restoration plan; and

WS would employ the construction sequence and E&S control measures to stabilize disturbed area after construction as outlined on Sheet No. 15 of the D&M Plan.

i. Vegetation Maintenance Plan.

A final vegetation maintenance plan will be prepared with the final electrical layout and the projects overall operations and maintenance plan. This plan will be submitted to the Council later for review and approval once the electrical facility is designed. The provisions outlined within the DEEP General Permit require that the site be stable per the requirements set forth by the 2002 CT Guidelines for Erosion and Sedimentation Control.

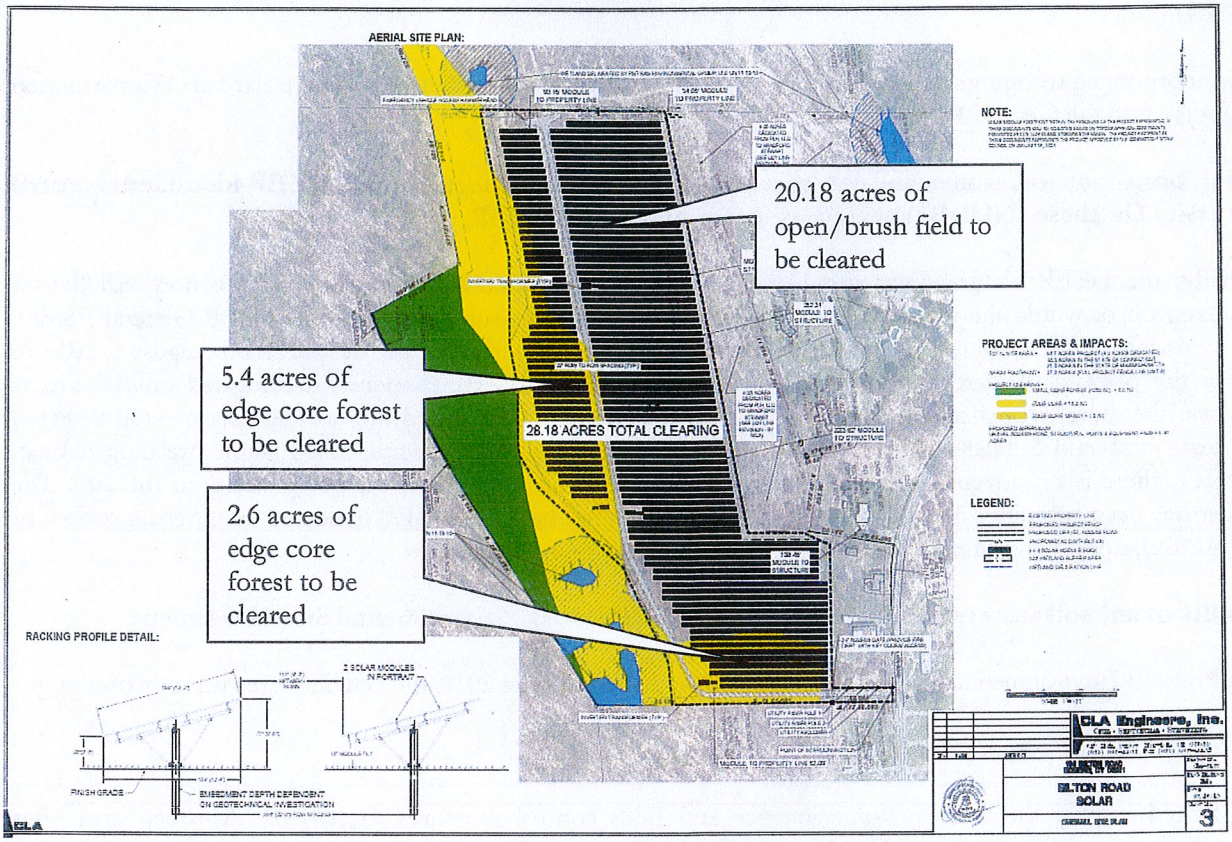
Work hours would typically be 7:30 AM to 5:30 PM, Monday through Friday and 8:00 AM to 12:00 PM, Saturday which is consistent with the Town of Somers zoning regulations.

Recommendations

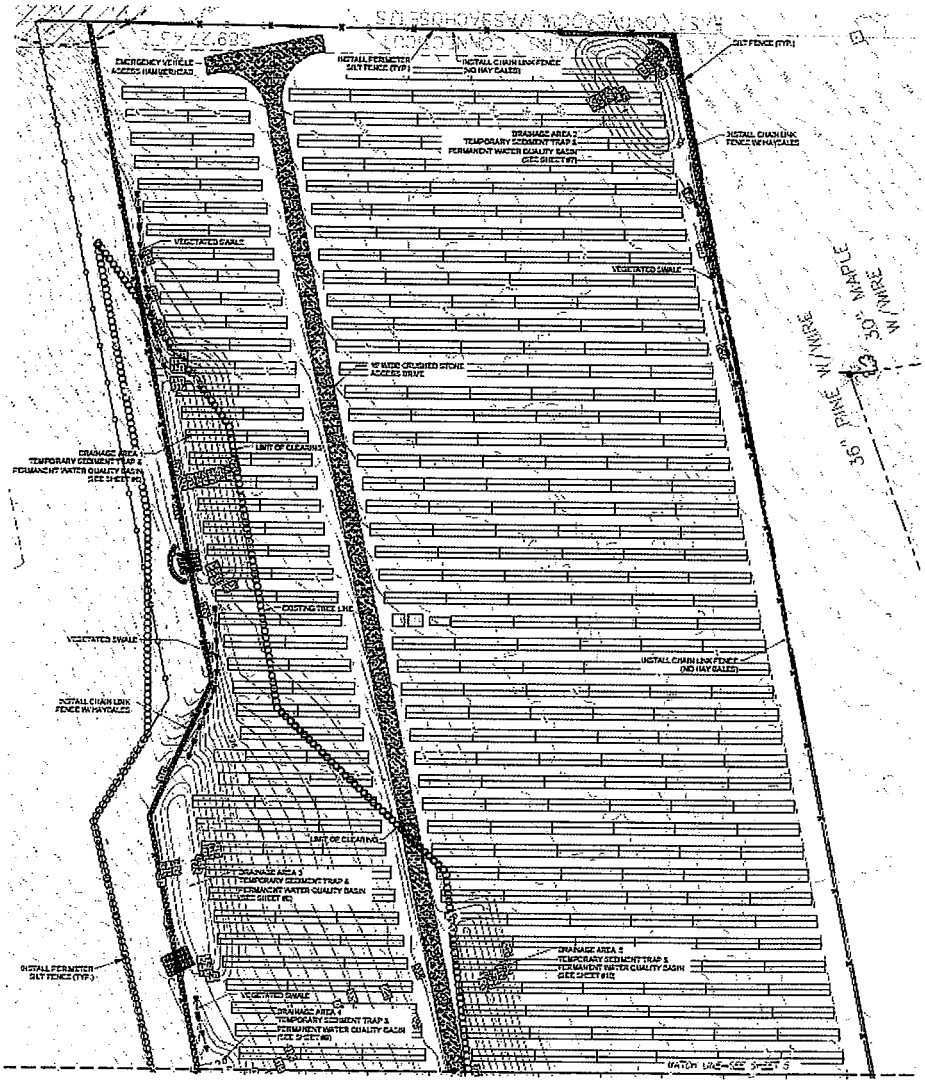
Council staff recommends approval of the D&M Plan with the following conditions:

1. Provide the number of the solar panels per generating facility and output, final inverter design and electrical interconnection, results of any soil surveys conducted on site for the Phase II Environmental Site Assessment and vegetative maintenance plan.

Site Plan


AERIAL SITE PLAN:
20.18 acres of open/brush field to be cleared
5.4 acres of edge core forest to be cleared
2.6 acres of edge core forest to be cleared
28.18 ACRES TOTAL CLEARING
NOTE:
PROJECT AREAS & IMPACTS:
LEGEND:
RACKING PROFILE DETAIL:
3 SOLAR MODULES IN PORTRAIT
FINISH GRADE
EMBEDMENT DEPTH DEPENDENT ON GEOTECHNICAL INVESTIGATION
LCA Engineers, Inc.
ELTON ROAD SOLAR
3

Grading and Erosion/Sediment Controls – North site



Grading and Erosion/Sediment Controls – South site

Skid Loader

Equipment Mounted Cutting Device