



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

CERTIFIED MAIL RETURN RECEIPT REQUESTED

October 1, 2018

Matthew S. Cote, Esq.
Sherin and Lodgen LLP
101 Federal Street
Boston, MA 02110

RE: **PETITION NO. 1348** – Safari Energy, LLC, as agent for West Farms Mall, LLC, petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 2.019-megawatt AC solar photovoltaic electric generating facility located at West Farms Mall, 1500 New Britain Avenue, West Hartford and 500 South Road, Farmington, Connecticut.

Dear Attorney Cote:

At a public meeting held on September 27, 2018, the Connecticut Siting Council (Council) considered and ruled that the above-referenced proposal meets air and water quality standards of Department of Energy and Environmental Protection and would not have a substantial adverse environmental effect, and pursuant to Connecticut General Statutes § 16-50k, would not require a Certificate of Environmental Compatibility and Public Need, with the following conditions:

1. Prior to the commencement of construction, a final set of drawings of the solar facility stamped by a Professional Engineer duly licensed in the State of Connecticut shall be submitted to the Council;
2. Approval of any minor project changes be delegated to Council Staff;
3. 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;
4. 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, if applicable, and the Towns of West Hartford, Farmington, Newington and the City of New Britain;
5. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
6. 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;

7. 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
8. 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.

The Council also recommends that the petitioner proactively initiate the offer to train local fire and emergency departments and consider additional landscaping in the vicinity of the parking canopy area.

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 petition dated August 7, 2018 and additional information received September 7, 2018.

Enclosed for your information is a copy of the staff report on this project.

Sincerely,

Robert Stein
Chairman

RS/MP/lm

Enclosure: Staff Report dated September 27, 2018

- c: The Honorable Shari Cantor, Mayor, Town of West Hartford
- Matthew Hart, Town Manager, Town of West Hartford
- Todd Dumais, Town Planner, Town of West Hartford
- The Honorable Nancy Nickerson, Mayor, Town of Farmington
- William Warner, Town Planner, Town of Farmington
- The Honorable Erin Stewart, Mayor, City of New Britain
- Sergio Lupio, Director of License Permit & Inspections, City of New Britain
- The Honorable Roy Zartarian, Mayor, Town of Newington
- Craig Minor, Town Planner, Town of Newington
- Brendan Canavan, Safari Energy LLC



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Petition No. 1348

Safari Energy, LLC as agent for West Farms Mall, LLC

West Hartford and Farmington, Connecticut

Staff Report

September 27, 2018

Introduction

On August 8, 2018, Safari Energy, LLC, as agent for West Farms Mall, LLC (Safari or Petitioner), submitted a petition to the Connecticut Siting Council (Council) for a declaratory ruling (petition) pursuant to Connecticut General Statutes (CGS) §4-176 and §16-50k, for the construction, operation and maintenance of a 2.019-megawatt (MW) alternating current (AC) solar photovoltaic generating facility located at the West Farms Mall, 1500 New Britain Avenue, West Hartford and 500 South Road, Farmington, Connecticut. The facility is comprised of solar arrays to be installed on the roof of the mall building and on parking canopies in the southwest corner of an existing paved parking lot.

Pursuant to Regulations of Connecticut State Agencies (RCSA) §16-50j-40, on or about August 2, 2018, Safari notified Town of West Hartford officials and Town of Farmington officials, Town of Newington officials and City of New Britain officials as Newington and New Britain are within 2,500 feet of the proposed project, the Capitol Region Council of Governments, state officials and agencies, the property owner and abutting property owners of the proposed project.

The Council issued interrogatories to Safari on August 30, 2018. On September 7, 2018, the Petitioner submitted responses to Council interrogatories.

Municipal Consultation

On April 24, 2018 and May 3, 2018, Safari submitted the rooftop project site plans to Todd Dumais, Town Planner, Town of West Hartford and Brittany Bermingham, Planning Technician, Town of West Hartford. After review of the site plan materials, Mr. Dumais stated he had no concerns with the proposed facility; the proposed facility would not trigger any Special Development District zoning review or approval process; and the proposed facility would only be subject to receipt of a building permit to commence construction.

On July 3, 2018, Safari submitted the rooftop and canopy project site plans to the Town of Farmington. On July 19, 2018, Safari met with William Warner, Town Planner, Town of Farmington; Shannon Rutherford, Assistant Town Planner, Town of Farmington; and Bruce Cyr, Town Engineer, Town of Farmington. On July 23, 2018, Safari presented the project to the Farmington Inland Wetland Commission, and on July 30, 2018, Safari presented the project to the Farmington Planning and Zoning Commission.

On August 20, 2018, on behalf of the Farmington Planning and Zoning Commission, Farmington Town Planner, William Warner submitted comments to the Council. The comments requested the following:

1. A one for one replacement of any landscaping that is removed as part of the project;
2. No reduction in the overall number of on-site parking spaces; and
3. Parking lot lighting on and under the canopies shall be held to a minimum and the final photometric plan shall be reviewed and approved by the Farmington Planning and Zoning Commission. As represented by the applicant, the lighting should include the ability to dim the lights if glare is found to be unacceptable.

To date, the Council has not received any comments from the Town of West Hartford, the Town of Newington or the City of New Britain.

State Agency Comments

On August 9, 2018, the Council sent correspondence requesting comments on the proposed project from the following state agencies: Department of Energy and Environmental Protection (DEEP); Department of Agriculture (DOAg); Department of Public Health (DPH); Council on Environmental Quality (CEQ); Public Utilities Regulatory Authority (PURA); Office of Policy and Management (OPM); Department of Economic and Community Development (DECD); Department of Emergency Services and Public Protection (DESPP); Department of Consumer Protection (DCP); Department of Labor (DOL); Department of Construction Services (DCS); Department of Transportation (DOT); the Connecticut Airport Authority (CAA); and the State Historic Preservation Office (SHPO). The deadline for submission of state agency comments was September 7, 2018. By letter dated September 10, 2018, DEEP filed written comments, which are attached hereto. By letter dated September 19, 2018, DOAg filed written comments, which are attached hereto.

Public Act 17-218

Effective July 1, 2017, Public Act 17-218 requires “for a solar photovoltaic facility with a capacity of two or more megawatts, to be located on prime farmland or forestland, excluding any such facility that was selected by DEEP in any solicitation issued prior to July 1, 2017, pursuant to section 16a-3f, 16a-3g or 16a-3j, the DOAg represents, in writing, to the Council that such project will not materially affect the status of such land as prime farmland or DEEP represents, in writing, to the Council that such project will not materially affect the status of land as core forest.”

Under CGS §16a-3k, “core forest” means unfragmented forest land that is three hundred feet or greater from the boundary between forest land and nonforest land, as determined by the Commissioner of DEEP and “prime farmland” means land that meets the criteria for prime farmland as described in 7 Code of Federal Regulations 657, as amended from time to time.

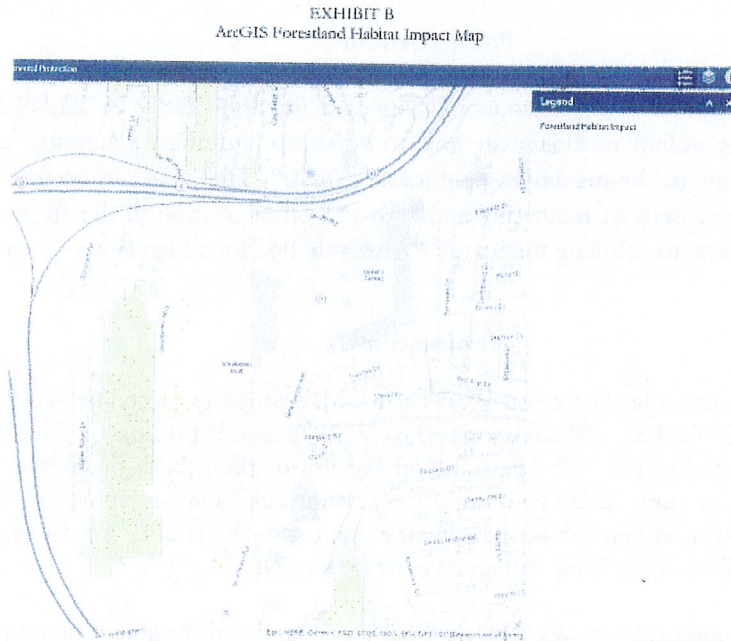
Projects selected by DEEP under certain competitive energy solicitations are exempt from the provisions of Public Act 17-218. However, projects selected in other competitive energy solicitations, such as the state’s Low and Zero Emissions Renewable Energy Credit (LREC/ZREC) Program, and projects located on brownfields or landfills or on rooftops and carports, such as the subject project, are not exempt.

Public Act 17-218 requires a project developer to seek a letter from DOAg **or** DEEP¹. Public Act 17-218 does not provide any deadline for DOAg or DEEP to issue a letter to the Council prior to the expiration of the Council’s 180-day statutory decision-making timeframe for a petition under the Uniform Administrative Procedure Act.

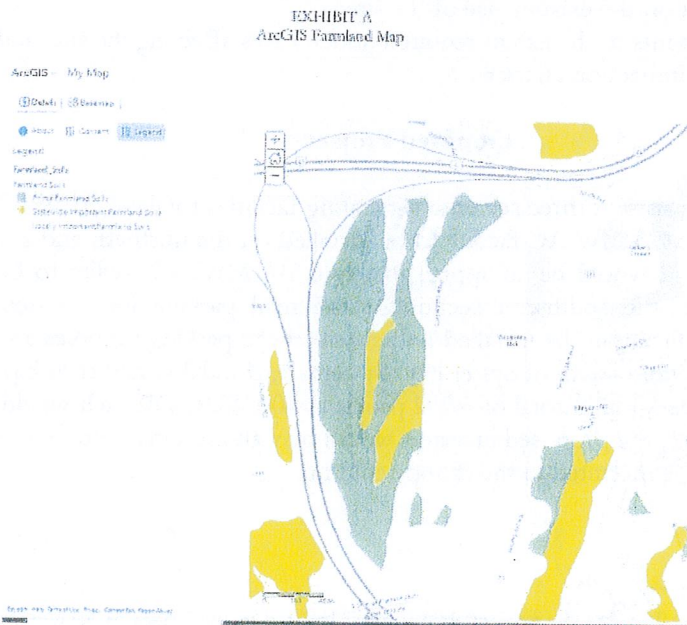
On August 30, 2018, the Council issued an interrogatory inquiring about whether or not Safari obtained a letter from DEEP or DOAg and requested submission of any correspondence submitted to and/or received from DEEP and/or DOAg relative to the proposed facility. Safari responded that the facility is proposed to be constructed on an existing, paved parking area serving a commercial shopping mall. There is no core forest nor prime farmland at the proposed location of the facility.

¹ Page 2 of September 10, 2018 DEEP correspondence indicates that, “For this project to move forward writings from both DEEP and DOAg are required.” This is inaccurate. Public Act 17-218 explicitly states “...the DOAg represents in writing **OR** DEEP represents in writing...”

To demonstrate the absence of core forest at the site, Safari submitted an ArcGIS online map utilizing the DEEP Forestland Habitat Impact Tool:



To demonstrate the absence of prime farmland at the site, Safari submitted an ArcGIS online map utilizing the United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) prime farmland soils mapping tool:



In the comments dated September 10, 2018, DEEP represented that, “[T]his project will not materially affect the status of such land as core forest.” In the comments dated September 19, 2018, DOAg represents that the project will not materially affect prime farmland.

Public Benefit

The project would be a distributed energy resource facility as defined in CGS § 16-1(a)(49). CGS § 16a-35k establishes the State’s energy policy, including the goal to “develop and utilize renewable energy resources, such as solar and wind energy, to the maximum practicable extent.” The 2018 Connecticut Comprehensive Energy Strategy emphasizes growth of renewable and zero-carbon generation in the state and region. The proposed facility will contribute to fulfilling the State’s Renewable Portfolio Standard as a zero emission Class I renewable energy source.

Project Site

Safari proposes to construct the solar facility on West Farm’s Mall property owned by West Farms Mall LLC and located within West Hartford and Farmington². The West Hartford portion of the subject property is zoned a Special Development District. The Farmington portion of the subject property is zoned Business Restricted District. The site is surrounded by a ring of vegetation, including an approximately 23-acre open space³ to the west and an approximately 8-acre Eversource parcel to the south. To the north of the site is Interstate 84. To the east of the site is New Britain Avenue (Route 71).

The site was selected based upon it being West Farms Mall’s own land and the ability to use the electricity on-site. The site was selected based on a number of factors, including, but not limited to, the following:

- a) solar resources;
- b) topographic characteristics for efficient facility design and construction;
- c) proximity to electrical infrastructure and roadways;
- d) areas of existing development to minimize environmental impacts;
- e) minimizing the impact on the existing use of the site;
- f) consent of existing tenants to the extent required under leases affecting the site; and
- g) minimizing the visual impact on abutters.

Proposed Project

The proposed solar facility consists of three separate generating facilities totaling 2.0195 MW AC. System 1 would be an approximately 0.5195 MW AC facility to be installed on the northern and southern portions of the roof of the mall. System 2 would be an approximately 0.516 MW AC facility to be installed on new overhead parking canopies in the southwest section of the mall parking lot. System 3 would be an approximately 0.984 MW AC facility to be installed on new overhead parking canopies also in the southwest portion of the mall parking lot (and south of System 2). Systems 1, 2 and 3 would each have 1,684, 1,716 and 3,392 solar panels, respectively. Thus, a total of 6,792 panels at 400 Watts DC each would provide a total of 2.7168 MW DC⁴. For System 1, the proposed inverters would be wall-mounted. For System 2 and System 3, the proposed inverters would be mounted to the canopy column.

² A de minimus portion of the site (but not the project footprint) is located in the Town of Newington.

³ The proposed project would not impact this open space area.

⁴ The Petition cover page has a minor typo that indicates a total output of 2.7618 MW DC. The correct value is 2.7168 MW DC.

For System 1, the rooftop solar panels would be mounted using a combination of ballasted racking systems and roof attachments. The solar panels would be oriented towards the south at an angle of about five degrees from the horizontal. Such solar panels would reach a maximum height of 10 inches above the top of the roof. The bottom edge would be about 5 inches above the top of the roof.

For System 2 and System 3, the solar panels would be mounted to the top of new steel parking canopies which would be supported by steel columns that would be drilled approximately 10 to 15 feet into the ground. The solar panels would be oriented towards the south at an angle of about five degrees from the horizontal. The top edge of the solar panels or maximum height would be about 12 to 13 feet above ground level. The minimum clearance under the canopy would be about 9 feet, which is intended to accommodate passenger vehicles. Proper signage would be installed to discourage a higher profile vehicle from attempting to park under such canopies.

The canopies have been strategically placed to avoid any conflicts with existing underground utilities. The canopies would be located over existing parking stalls with the columns located (to the extent practicable) on the spine of the parking spaces on the painted markings, so as not to interfere with existing parking.

Since part of the facility would be located on the roof of the mall and the other portion would involve canopies that vehicles would enter and exit, no fencing is proposed. The proposed solar facility would utilize existing access to the mall property. No new access drives would need to be constructed.

All of the electricity generated by the proposed facility would be used on-site and applied towards offsetting the electricity⁵ used by the mall and its tenants. The power output from each inverter⁶ would feed into the three-phase 480-Volt electrical distribution system at the mall. No new feeders would be required to connect to Eversource's existing distribution system on the street. Wiring and other losses would reduce the total power output of the facility by about five percent at the points of interconnection.

The solar panels would be approximately 19 percent efficient and would degrade by about 0.5 percent per year as the solar panels age.

By letter dated August 1, 2018, Eversource noted that the system impact study was completed and provided a "Contingent Approval" (based on the final size of the solar facility) that requires replacement of an existing capacity bank on Eversource's distribution system. Eversource will also require that final connections to customer switchgear be done outside the metering cabinet, and Eversource will require a detailed drawing prior to authorization to energize the solar facility.

From groundbreaking to full operation would require approximately seven months. Approximately 10 to 20 passenger vehicles would make daily trips to the site, plus weekly deliveries of construction materials. Construction materials would be stored within the project limits and away from adjacent wetlands and watercourses, drainage ways, and steep slopes. The exact location of construction materials storage would be determined by Safari and mall personnel. Construction work hours would typically be 7:00 AM to 5:00 PM, Monday through Friday.

Safari anticipates that the solar panels would be cleaned (without chemicals) annually to ensure maximum production. Safari does not recommend snow removal due to safety concerns, and facility production estimates take this into account.

Public Safety

⁵ The mall has a peak load of roughly in excess of 5 MW AC.

⁶ The inverter output is 480 Volt AC, so transformers are not proposed.

The proposed project would comply with the National Electrical Code, the National Electrical Safety Code and any applicable National Fire Protection Association codes and standards. The proposed facility would have a protection system to shut down or isolate the facility in the event of a fault or abnormal grid disturbance.

The proposed facility would not provide backup power to the mall in the event of a power outage.

The proposed project limits would be located approximately 1.6 miles southeast of the Hurlbrink Heliport. Due to the distance, there would be no impact on air navigation. A glare analysis was not conducted because Federal Aviation Administration (FAA) guidelines only require a glare analysis when the project is located on an airport or flight path. Lastly, no notice to the FAA is required because the height of the facility is under 200 feet.

The facility would not be expected to generate offsite noise, glare, vibrations, or emissions.

Safari offers training to all fire and emergency departments if requested. The first responders would have the same access to the mall site that they currently have. There would be standard disconnects and signage to alert and direct first responders to de-energize the system. An emergency key box could be provided for first responders upon request.

The structural design of both the rooftop and canopy solar installations would comply with the Connecticut State Building Code. If approved, Council staff suggests that a final set of drawing stamped by a Professional Engineer be submitted to the Council prior to construction.

The proposed project is expected to meet the DEEP noise standards at the site property boundaries. Construction-related noise is exempt from DEEP Noise Control Standards.

Environmental Effects and Mitigation

Historic and Recreational Resources

The nearest historic area from the proposed site is the Newington Junction West National Historic District, located approximately 1.2 miles east of the proposed site. The historic area and the proposed site are separated by residential neighborhoods, and the proposed solar canopies would not be visible from the historic district due to the distance.

The nearest recreational area is Wolcott Park, located approximately one mile northeast of the proposed site. The proposed solar canopies would not be expected to be visible from this recreational area due to the distance and intervening residential neighborhoods and a shopping center.

Visibility

The nearest off-site residence is approximately 40 feet north of the boundary of the mall site, but nearly 700 feet from any proposed rooftop solar panels. The nearest residence to the proposed location of the parking canopies is 570 feet to the west, but it is screened by a significant off-site tree buffer located to the west. This tree buffer to the west and south of the mall property would be expected to substantially screen views of the proposed canopy portion of the facility. The mall property also has on-site tree landscaping around much of the perimeter of the property. Additional landscaping is not proposed.

For the proposed canopy portion of the facility, the top edge of the solar panels or maximum height would be about 12 to 13 feet above ground level. At slightly over one story tall, the proposed parking canopies would still be much shorter than the existing multi-floor mall building.

The proposed rooftop portion of the solar facility would reach a maximum height of about ten inches above the existing rooftop of the mall. Thus, it would have a minimal effect on the maximum height of the building structure.

The mall parking lot already has area lighting. Five existing light poles would be removed in the canopy area. Lighting would be installed under the proposed parking canopies. Safari's proposed lighting plan would meet the applicable codes. Such lighting would be designed to be dimmed upon request from local officials or mall personnel. These lit canopy areas would be screened by existing off-site vegetation to the west and south.

Agriculture

Per the NRCS map and the September 19, 2018 letter from DOAg, the proposed project will not impact any prime farmland soils.

Wetlands

There are no wetlands, watercourses, or vernal pools located within the project area. However, there is a stream channel running along the western edge of the site flowing in a southerly direction with wetlands located to the south, including an existing retention pond that provides stormwater management for the mall. No work would be performed in those areas. However, as a precaution, Safari would install erosion and sedimentation controls consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control. The downgradient limit of work would be surrounded by a silt barrier to intercept and retain sediment. These barriers would protect existing downstream wetlands and waterways from any excess sediment. Downgradient catch basins would also be surrounded by silt sacks. Barriers would be inspected at least weekly and within 24 hours of the end of a storm of 0.5 inches of rain or greater.

Wildlife

The proposed project would not be located within the shaded area of the DEEP Natural Diversity Database (NDDDB). The project would be located on a rooftop and an existing paved parking lot. As such, no impacts to sensitive species or their associated habitats would be expected to result from the proposed project.

Forest and Parks

Construction of the proposed facility would require the removal of approximately 39 trees located on existing landscape "islands" in the parking lot area where the proposed solar parking canopies would be installed. Additionally, operation of the facility would require the trimming or removal of an additional 25 trees abutting the footprint of the proposed parking canopies to the southeast to prevent interference with the insolation (sun exposure) to the facility.

Air Quality

The project would not produce air emissions as a result of operation. Operation of the proposed project over 30 years would result in a net reduction of roughly 2,007 metric tons of carbon dioxide per year. Given that the number of trees to be removed would translate into a relatively small equivalent area in acres, a carbon debt payback analysis would not be applicable/meaningful. The solar project would not produce air emissions of regulated air pollutants or greenhouse gasses during operation.

Water Quality

Only construction of the canopy portion of the project would involve any disturbance of land area. About 260 square feet would be disturbed for the proposed canopy columns, and about 3,483 square feet would be disturbed for trenching. In total, this would be well under one acre, and thus, a DEEP General Permit would not be required. A grading plan would not be applicable because ground work would be performed in paved areas.

The proposed facility would be located within the Federal Emergency Management Agency (unshaded) Zone X, an area outside of the 100-year and 500-year flood zones.

The proposed project would not be located within a DEEP-designated Aquifer Protection Area

Stormwater

A DEEP General Permit is not required because of the limited area of land disturbance. The proposed rooftop System 1 would not impact roof storm drains and would not impact or impede the flow of water on the roof of the mall. As such the installation of System 1 would have no effect on the existing code compliance status of the existing rooftop drainage system.

System 2 and System 3 solar panels to be located on parking canopies would provide drainage as stormwater would fall through the approximately $\frac{3}{4}$ -inch gaps around the perimeter of each solar panel. Stormwater would then flow onto the pavement similar to the rainfall outside of canopy areas. It would remain in the same catchment area as it does today and flow to the nearest catch basin into the mall's existing conveyance system. Safari does not expect any changes to existing drainage patterns. The canopies would be strategically located such that columns do not interfere with the existing drainage network. The proposed project does not include any relocation of existing drainage pipes, manholes, or catch basins. Drainage at the proposed canopies would not be expected to adversely impact vehicles underneath or water quality.

Decommissioning

West Farms Mall, as owner of the facility and the site, may opt to leave the facility up beyond its useful life. As such, it would not be required to submit a decommissioning plan.

Conclusion

The project is a distributed energy resource with a capacity of not more than sixty-five megawatts, meets air and water quality standards of the DEEP, and would not have a substantial adverse environmental effect. The proposed project will not produce air emissions, will not utilize water to produce electricity, was designed to minimize environmental impacts, and furthers the State's energy policy by developing and utilizing renewable energy resources and distributed energy resources.

DEEP has determined that this project would not materially affect core forest, and DOAg has determined that this project would not materially affect prime farmland.

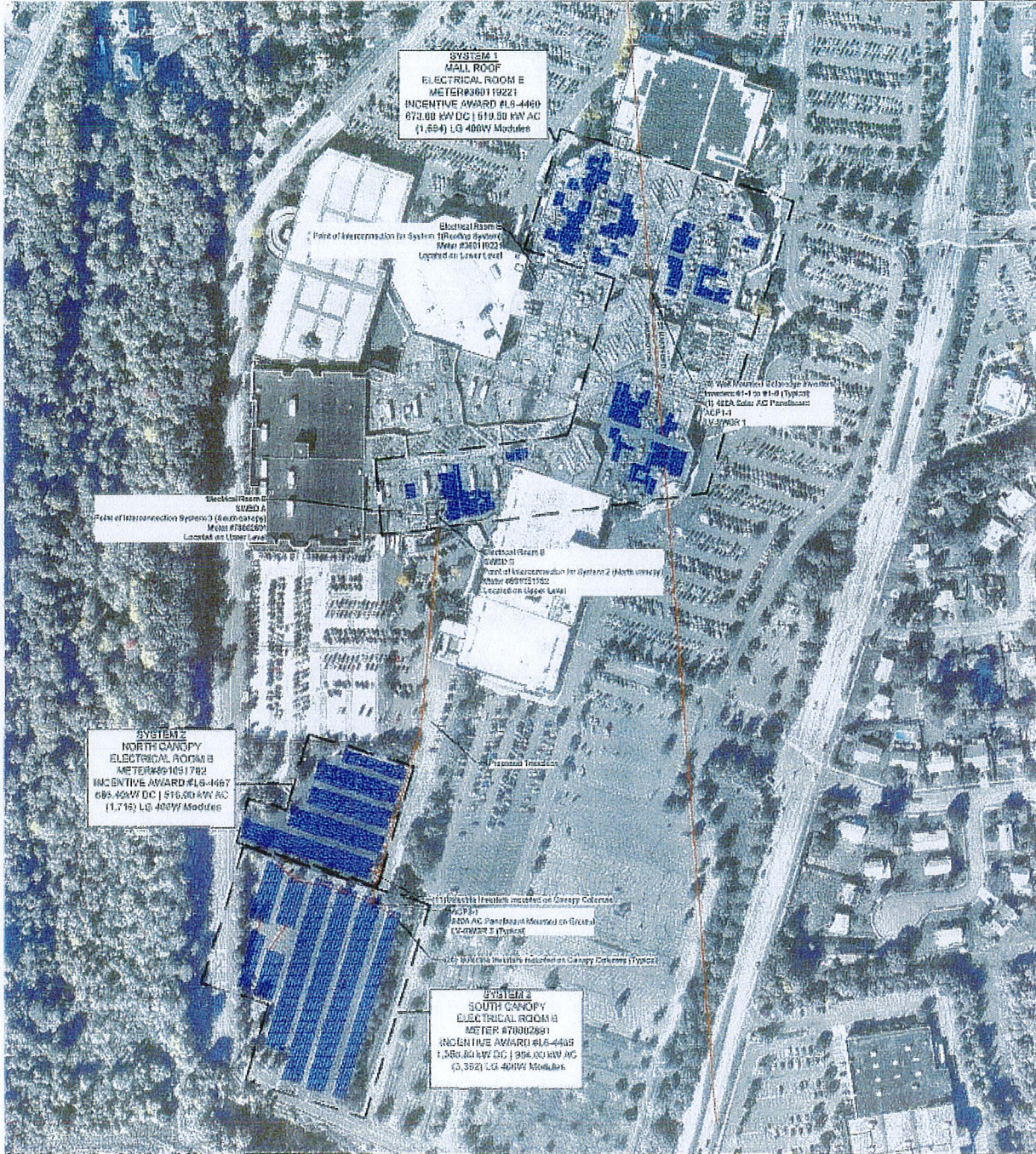
Recommendations

Staff recommends approval of the revised project with inclusion of the following conditions:

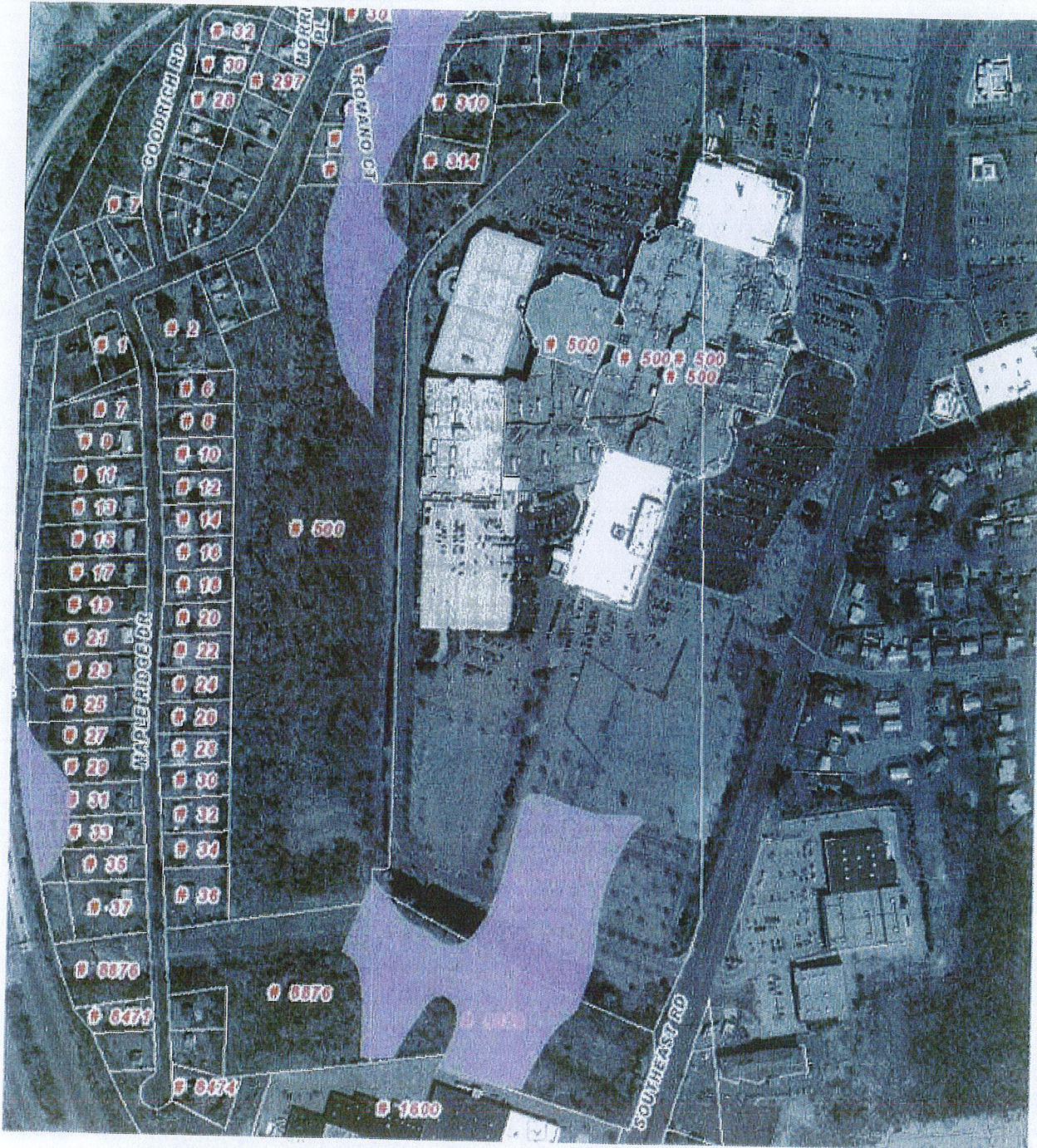
1. Prior to the commencement of construction, a final set of drawings of the solar facility stamped by a Professional Engineer duly licensed in the State of Connecticut shall be submitted to the Council; and

2. Approval of any minor project changes be delegated to Council Staff.

Proposed Site Plan



Wetland Map (from Town of Farmington GIS records)



Proposed Parking Canopies



ATTACHMENTS

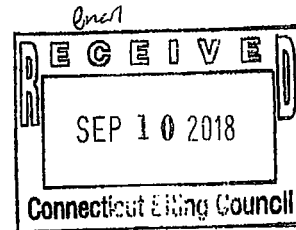
DEEP Comments to Council, dated September 10, 2018

DOAg Comments to the Council, dated September 19, 2018



September 10, 2018

Robert Stein, Chairman
Connecticut Siting Council
10 Franklin Square
New Britain, Connecticut 06051



RE: 2.019-MW Solar Photo-voltaic Generating Facility
Safari Energy, LLC, West Farms Mall
1500 New Britain Avenue, West Hartford and 500 South Road, Farmington, CT
Petition No. 1348

Dear Chairman Stein:

The Department of Energy & Environmental Protection (DEEP) has reviewed the above referenced Petition for Declaratory Ruling for the proposed construction, maintenance and operation of a 2.019 megawatt AC solar photovoltaic electric generating facility located at West Farms Mall, 1500 New Britain Avenue, West Hartford and 500 South Road, Farmington, Connecticut. DEEP offers the following comments for your consideration.

By way of background, DEEP hosted a public meeting on July 9, 2018 in the Gina McCarthy Auditorium, DEEP Headquarters, 79 Elm Street, Hartford to demonstrate the DEEP Forestland Habitat Impact Map. This meeting was also broadcast as a Core Forest Screening Tool Webinar. Using DEEP's Forestland Habitat Impact Map, DEEP was able to create a map (attached) of the general vicinity of West Farms Mall, the proposed location of the 2.019 megawatt AC solar photovoltaic electric generating facility at issue in the petition. After comparing the attached map to the application presented to the Siting Council by Safari Energy, LLC, as agent for West Farms Mall, LLC DEEP offers the following analysis.

According to Public Act 17-218ⁱ, “. . . (iii) for a solar photovoltaic facility with a capacity of two or more megawatts, to be located on prime farmland or forestland, excluding any such facility that was selected by the Department of Energy and Environmental Protection in any solicitation issued prior to July 1, 2017, pursuant to section 16a-3f, 16a-3g or 16a-3j, the Department of Agriculture represents, in writing, to the council that such project will not materially affect the status of such land as prime farmland or the Department of Energy and Environmental Protection represents, in writing, to the council that such project will not materially affect the status of such land as core forest.”

Petition 1348 is not a proposed “. . . facility that was selected by the Department of Energy and Environmental Protection in any solicitation issued prior to July 1, 2017, pursuant to section 16a-

3f, 16a-3g or 16a-3j...” Therefore, in order for this project (that has a capacity of two or more megawatts) to move forward through the declaratory ruling process, it requires a writing from DEEP “that such project will not materially affect the status of such land as core forest.” In addition, a writing is required from the Department of Agriculture to ensure that “such project will not materially affect the status of such land as prime farmland.” For this project to move forward writings from both DEEP and the Department of Agriculture are required. Based upon DEEP’s review of Petition 1348, and provided any Siting Council approval is substantially similar to this application, DEEP represents that this project will not materially affect the status of such land as core forest.

In addition, according to the project narrative, “The Facility is a renewable energy generation facility that will use solar photovoltaic modules to convert solar radiation to electricity. The Facility will be comprised of solar arrays located on the roof of the mall building and a solar canopy system located on the existing parking lot in the southwest corner of the existing paved parking lot. The roof system will consist of 1,684 solar modules totaling 519.5 kW (AC) and the solar canopy system will consist of 5,108 solar modules totaling 1.5 MW (AC). The Facility, with the roof and canopy systems combined, totals 2.019 MW (AC).” The fact that this project is proposing to use rooftops and a solar canopy system located on an existing parking lot—rather than siting these solar facilities on core forests or prime farmland—is to be applauded. DEEP appreciates the way this applicant has designed this project to avoid negative impacts to the landscape as it develops a renewable energy facility.

Thank you for the opportunity to review this project. If there are any questions regarding these comments, please contact me at 860-424-3631 or Christopher.Martin@ct.gov if there are any questions.

Respectfully yours,



Christopher Martin
Director of Forestry Division

Attachment: (1)

AN ACT CONCERNING THE INSTALLATION OF CERTAIN SOLAR FACILITIES ON PRODUCTIVE FARMLANDS, INCENTIVES FOR THE USE OF ANAEROBIC DIGESTERS BY AGRICULTURAL CUSTOMER HOSTS, APPLICATIONS CONCERNING THE USE OF KELP IN CERTAIN BIOFUELS AND THE PERMITTING OF WASTE CONVERSION FACILITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

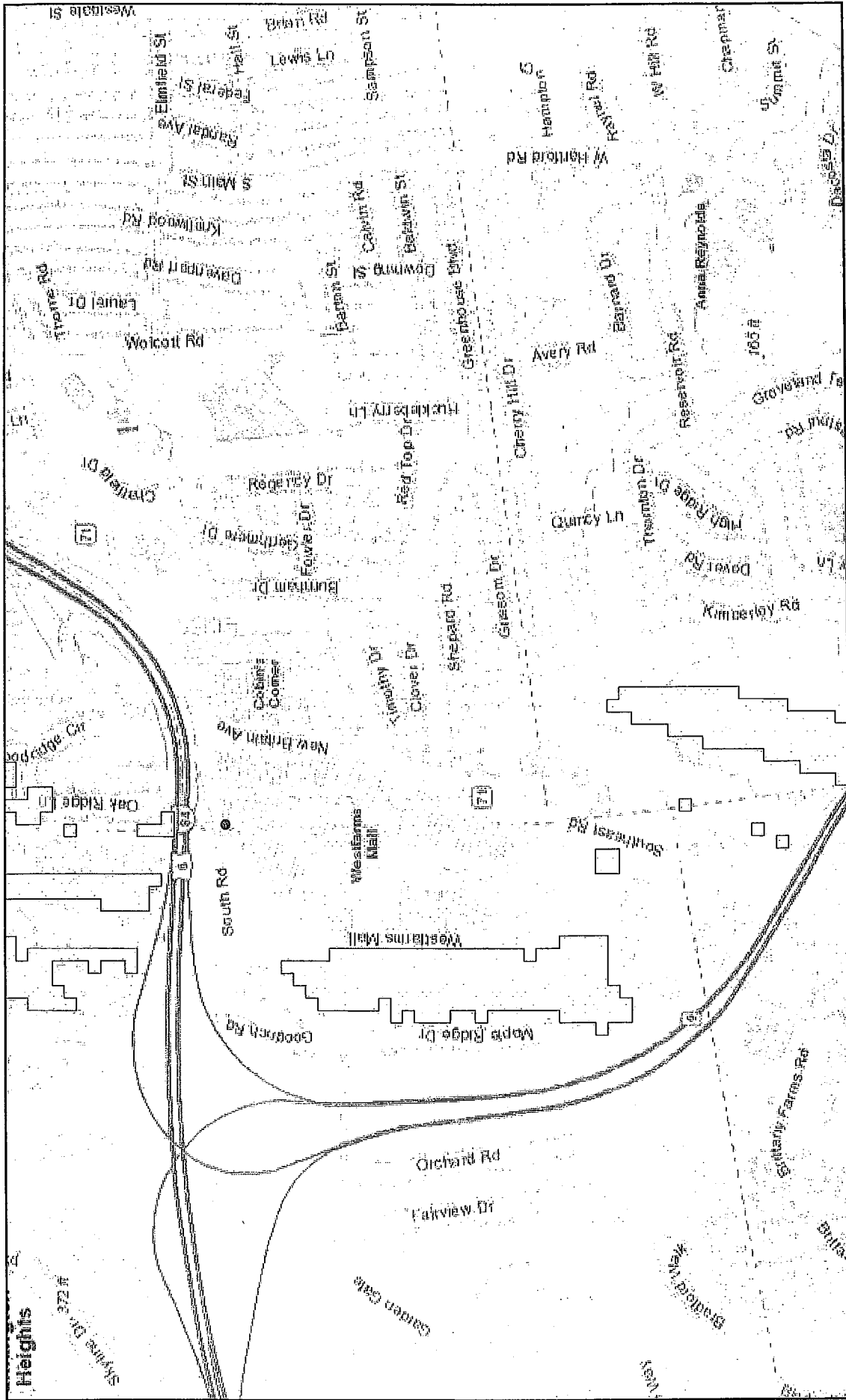
Section 1. (NEW) (Effective July 1, 2017) For purposes of sections 1 and 2 of this act and section 16-50k of the general statutes, as amended by this act: (1) "Core forest" means unfragmented forest land that is three hundred feet or greater from the boundary between forest land and nonforest land, as determined by the Commissioner of Energy and Environmental Protection; and (2) "prime farmland" means land that meets the criteria for prime farmland as described in 7 CFR 657, as amended from time to time.

Sec. 2. (NEW) (Effective July 1, 2017) In any solicitation issued under section 16a-3f, 16a-3g, 16a-3h or 16a-3j of the general statutes, as amended by this act, after July 1, 2017, the Commissioner of Energy and Environmental Protection shall consider the environmental impacts of any proposal located in the state that is received in response to such solicitation, including, but not limited to, the impacts to prime farmland and core forests and the reuse of sites with limited development opportunities such as brownfields and landfills, as identified by the commissioner.

Sec. 3. Subsection (a) of section 16-50k of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2017):

(a) Except as provided in subsection (b) of section 16-50z, no person shall exercise any right of eminent domain in contemplation of, commence the preparation of the site for, commence the construction or supplying of a facility, or commence any modification of a facility, that may, as determined by the council, have a substantial adverse environmental effect in the state without having first obtained a certificate of environmental compatibility and public need, hereinafter referred to as a "certificate", issued with respect to such facility or modification by the council. Certificates shall not be required for (1) fuel cells built within the state with a generating capacity of two hundred fifty kilowatts or less, or (2) fuel cells built out of state with a generating capacity of ten kilowatts or less. Any facility with respect to which a certificate is required shall thereafter be built, maintained and operated in conformity with such certificate and any terms, limitations or conditions contained therein. Notwithstanding the provisions of this chapter or title 16a, the council shall, in the exercise of its jurisdiction over the siting of generating facilities, approve by declaratory ruling (A) the construction of a facility solely for the purpose of generating electricity, other than an electric generating facility that uses nuclear materials or coal as fuel, at a site where an electric generating facility operated prior to July 1, 2004, and (B) the construction or location of any fuel cell, unless the council finds a substantial adverse environmental effect, or of any customer-side distributed resources project or facility or grid-side distributed resources project or facility with a capacity of not more than sixty-five megawatts, as long as: [such] (i) Such project meets air and water quality standards of the Department of Energy and Environmental Protection, (ii) the council does not find a substantial adverse environmental effect, and (iii) for a solar photovoltaic facility with a capacity of two or more megawatts, to be located on prime farmland or forestland, excluding any such facility that was selected by the Department of Energy and Environmental Protection in any solicitation issued prior to July 1, 2017, pursuant to section 16a-3f, 16a-3g or 16a-3j, the Department of Agriculture represents, in writing, to the council that such project will not materially affect the status of such land as prime farmland or the Department of Energy and Environmental Protection represents, in writing, to the council that such project will not materially affect the status of such land as core forest. In conducting an evaluation of a project for purposes of subparagraph (B)(iii) of this subsection, the Departments of Agriculture and Energy and Environmental Protection may consult with the United States Department of Agriculture and soil and water conservation districts.

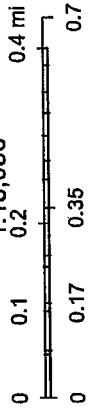
Forestland Habitat Impact Map - West Farms Mall



9/10/2018 8:18:31 AM

Forestland Habitat Impact

1:18,056



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Web AppBuilder for ArcGIS DEEP Wildlife Division



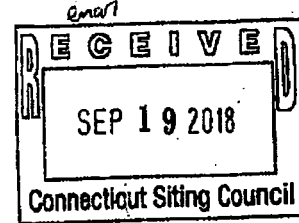
STATE OF CONNECTICUT
DEPARTMENT OF AGRICULTURE
Office of the Commissioner



Steven K. Reviczky
Commissioner

860-713-2501
www.CTGrown.gov

September 19, 2018



Robert Stein, Chairman
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

RE: 2.019-MW Solar Photo-voltaic Generating Facility Safari Energy, LLC, West Farms
Mall 1500 New Britain Avenue, West Hartford and 500 South Road, Farmington, CT
Petition No. 1348

Dear Chairman Stein:

The Department of Agriculture (DOAG) has reviewed the above referenced Petition for Declaratory Ruling for the proposed construction, maintenance and operation of a 2.019 megawatt AC solar photovoltaic electric generating facility located at West Farms Mall, 1500 New Britain Avenue, West Hartford and 500 South Road, Farmington, Connecticut. DOAG offers the following comments for your consideration.

Pursuant to Public Act 17-218i, the Department of Agriculture represents to the council that such project will not materially affect prime farmland.

This project is proposing to use rooftops and a solar canopy system located on an existing parking lot; rather than siting these solar facilities on prime farmland is to be applauded. DOAG appreciates the way this applicant has designed this project to avoid negative impacts to the landscape as it develops a renewable energy facility.

Thank you for the opportunity to review this project. If there are any questions regarding these comments, please contact me at 860-713-2526 or Jason.bowsza@ct.gov if there are any questions.

Sincerely,

Steven K. Reviczky
Commissioner