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April 15, 2019

***VIA FEDERAL EXPRESS AND
ELECTRONIC MAIL***

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Ms. Melanie A. Bachman, Esq., Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06501

**Re: Petition of CP Middletown Solar I, LLC and CP Middletown Solar II, LLC
for a Declaratory Ruling that a Certificate of Environmental Compatibility
and Public Need is not Required for the Construction, Operation and
Maintenance of a 1 MW AC and a 0.986 MW AC Solar Photovoltaic Electric
Generating Facility Located off of Meriden Road (Route 66) in Middlefield
and Middletown, Connecticut.**

Dear Attorney Bachman:

This office represents CP Middletown Solar I, LLC and CP Middletown Solar II, LLC
("Petitioners"). On behalf of Petitioners, I have enclosed an original and fifteen (15) copies of
the above-mentioned Petition for Declaratory Ruling as well as the filing fee related thereto.

Please do not hesitate to contact me with any questions.

Very truly yours,

Jesse A. Langer

Enclosures

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**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

**RE: PETITION OF CP MIDDLETOWN SOLAR I, LLC AND
CP MIDDLETOWN SOLAR II, LLC FOR A DECLARATORY
RULING THAT A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED IS NOT REQUIRED
FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE
OF A 1 MW AC AND A 0.986 MW AC SOLAR PHOTOVOLTAIC
ELECTRIC GENERATING FACILITY LOCATED OFF OF
MERIDEN ROAD (ROUTE 66) IN MIDDLEFIELD AND MIDDLETOWN,
CONNECTICUT**

PETITION FOR DECLARATORY RULING

APRIL 16, 2019

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I. INTRODUCTION AND AUTHORITY FOR REQUESTED RELIEF

In accordance with General Statutes § 4-176 (a) and § 16-50k (a), as well as § 16-50j-39 of the Regulations of Connecticut State Agencies, CP Middletown Solar I, LLC (“CP Solar I”) and CP Middletown Solar II, LLC (“CP Solar II” and sometimes collectively “Petitioners”), respectfully seek a declaratory ruling from the Connecticut Siting Council (“Council”) that a Certificate of Environmental Compatibility and Public Need (“Certificate”) is not required for the construction, operation and maintenance of a 1.0 megawatt (“MW”) alternating current (“AC”) and a 0.986 MW AC ground mounted solar photovoltaic (“PV”) electric generating facility (“Project”) on land located off of Meriden Road (Route 66) in Middlefield and Middletown, Connecticut (“Site”).

General Statutes § 4-176 (a) provides that “[a]ny person may petition an agency . . . for a declaratory ruling as to the validity of any regulation, or the applicability to specified circumstances of a provision of the general statutes, a regulation, or a final decision on a matter within the jurisdiction of the agency.”¹ This provision “confers broad rights on *any member of the public* to file a petition for a declaratory ruling without the need to establish any specific, personal and legal interest in the matter.” (Emphasis in the original.) *Bingham v. Dept. of Public Works*, 286 Conn. 698, 706, 945 A.2d 927 (2008).

General Statutes § 16-50k(a) provide in relevant part that:

the council shall, in the exercise of its jurisdiction over the siting of generating facilities, approve by declaratory ruling . . . the construction or location 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 project meets air and water quality standards of the Department of Energy and Environmental Protection

¹ General Statutes § 4-166 (9) defines “person” to mean “any individual, partnership, corporation, limited liability company, association, governmental subdivision, agency or public or private organization of any character, but does not include the agency conducting the proceeding.”

As set forth herein, along with accompanying attachments, the proposed Project satisfies General Statutes § 16-50k(a) and will not have a substantial adverse environmental impact.

II. PETITIONERS AND CONTACT INFORMATION

CP Solar I and CP Solar II are Connecticut limited liability companies, both formed to develop, construct and operate the two PV facilities. They are wholly owned subsidiaries of Citrine Power LLC (“Citrine”), which is a Delaware limited liability company, with a business address of 55 Greens Farms Road, Suite 200-78, Westport, Connecticut, 06880. Citrine develops and invests in distributed generation renewable energy facilities, with an expertise in large scale commercial and industrial PV systems and small utility scale PV facilities. Citrine brings a unique combination of in-depth local market and regulatory knowledge, risk assessment and underwriting experience. This enables Citrine quickly to assess prospective projects and take the most viable ones through the development cycle.

Citrine owns and develops renewable energy facilities in the states of Connecticut, Illinois, New Jersey and the Commonwealth of Massachusetts. Collectively, the Citrine team has financed more than \$140 million of solar assets and has either developed or purchased more than fifty (50) PV facilities. Citrine’s PV facilities are on located on roofs, parking lots or on vacant, unused land such as landfills and brownfields. Power generated from these facilities is sold to a variety of customers, including the public service companies, municipalities, schools, businesses and residences via power purchase agreements, community solar arrangements or virtual net metering agreements. Citrine is an active developer of community solar (i.e. shared solar) projects in Massachusetts, New Jersey and Illinois and is working towards participating in the similar programs in Connecticut.

All correspondence may be addressed to Petitioners' counsel as follows:

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III. THE PROPOSED PROJECT

A. Site Selection

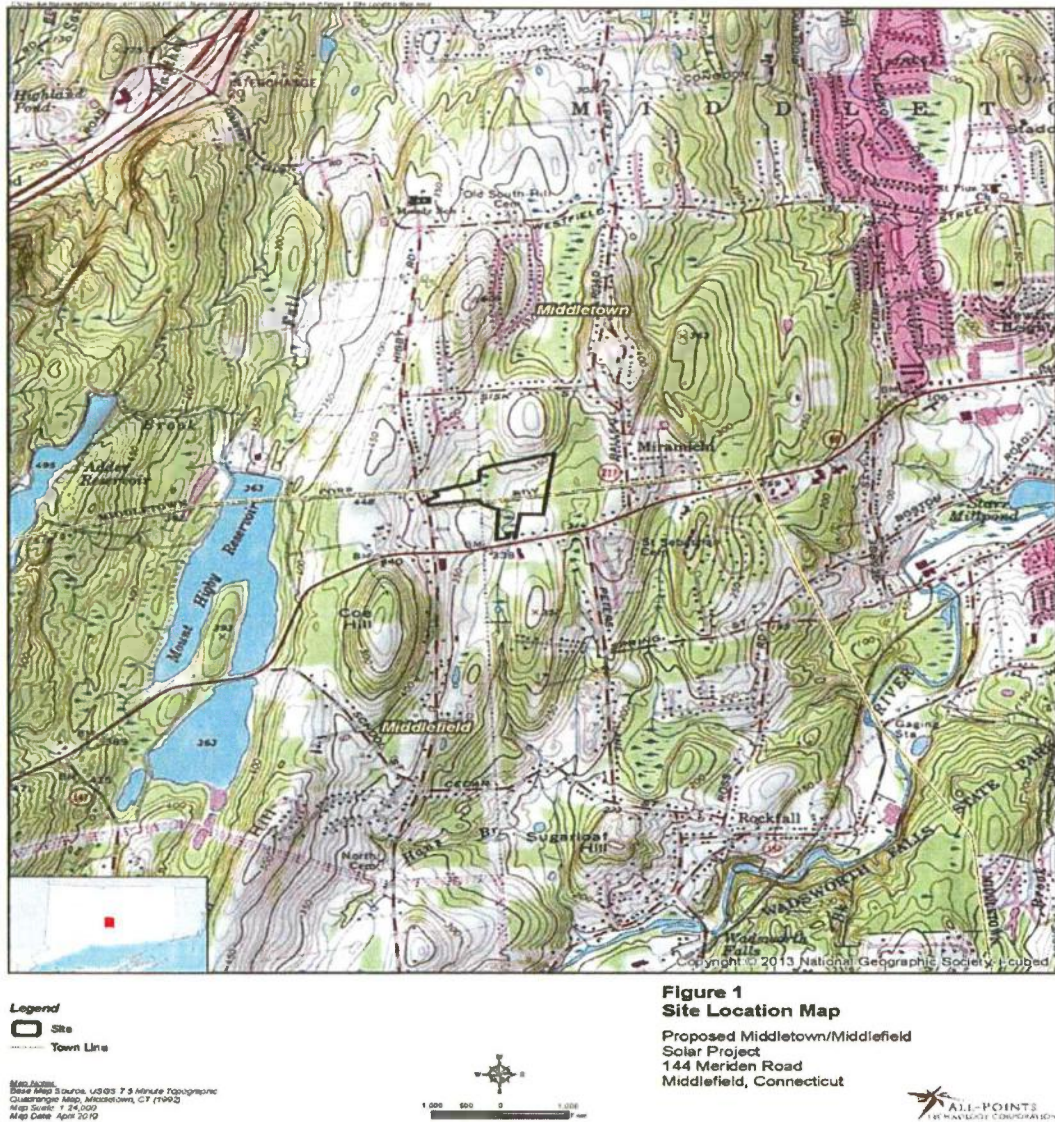
Petitioners selected the Site initially based on suitability for a PV facility, which takes into account the size of the PV facility contemplated, existing grades and surrounding topography. Additional important factors include the proximity of a potential site to the electric grid for interconnection, congruence with local planning and zoning and the willingness of the property owner. Once a potential suitable site is located, Petitioners assess the potential adverse impacts to environmental and natural resources, as well as scenic and historical values, and meet with the property owner, local land use and municipal officials as to the desirability, benefits, and cooperation for the development of a PV facility for the selected location. For this Site, Petitioners performed an extensive search and assessment, and obtained input and approval of local officials and the property owners, culminating in the selection of the Site. As set forth herein, the Site would have a minimal impact on the environment and historical and scenic values, while also providing a benefit to the public.

B. The Site

The Site consists of six (6) lots, totaling approximately thirty (30) acres, which straddle Middlefield and Middletown. The two (2) northerly lots are located in Middletown and the four (4) southerly lots are located in Middlefield. The Site is situated northeast of the intersection of

Higby Road and Meriden Road (CT Route 66), west of Ballfall Road (CT Route 217) and south of Sisk Street. See Figure 1, *Site Location*. These parcels are undeveloped and privately owned. The surrounding area is a mix of agricultural, residential and undeveloped, wooded land with limited commercial development along Meriden Road (CT Route 66). Please see the Detailed Site Drawings appended hereto as Attachment 1.

Figure 1 – Site Location



The Site is undeveloped and consists of three (3) large open fields. The Site topography mainly slopes from northwest to southeast, with elevations ranging from approximately 360 feet AMSL on the northern side of the Site, to approximately 316 feet AMSL on the eastern side of the Site. The access point to the interior portions of the Site is over an existing sand and gravel farm road, originating off of Meriden Road (CT Route 66) to the south. The access extends north into the Site where it connects with the open fields. Electric transmission lines (circa 1965) extend through the western portion of the Site in a north/south direction. The Site and surrounding area are characterized by hilly landscapes of intermediate elevation with smaller localized ridge systems to the west and east, consisting of elevations between 300 and 800 feet Above Mean Sea Level ("AMSL").

The Site was used historically for farming, although it is currently inactive and periodically mowed throughout the growing seasons. No active cultivation has occurred on the Site for the past thirty (30) years. The Site has not been the subject of any known development plans. Additionally, there is no record of any agricultural or development rights purchased by the State. The State does have the right to drain stormwater off Route 66 and flood the wetland areas in the southern portion of the Site up to the 330 foot (NGVD 29) elevation mark.

C. The Project

The Project would consist of two adjacent PV facilities, both of which are subject to lease agreements with the property owner:

- A 1 MW AC PV facility, owned by CP Solar I, which would be located entirely within Middletown, and is subject to a Virtual Net Metering Agreement ("VNM Facility"), and;
- A 0.986 MW AC PV facility, owned by CP Solar II, which would be located within both Middletown and Middlefield, and will be subject to a wholesale tariff with Eversource ("Wholesale Facility").

The VNM Facility and the Wholesale Facility are sometimes referred to collectively as “PV Facilities.”

The Project would cover approximately 8.7 acres of the Site (“Project Area”), with the VNM Facility located on the western portion of the Project Area. The Project Area consists primarily of two (2) of the unused fields to the east of the transmission lines. Both PV Facilities are expected to consist of 370 watt modules, and include thirty-nine (39) 50kW string inverters, one (1) 36kW inverter, two (2) switchboards and two (2) transformers with attendant concrete equipment pads. Please see the Equipment Specifications appended hereto as Attachment 2. The modules would be attached to a ground mounted, pile-driven racking system. See Attachments 1 and 2.

The Project would be surrounded by a seven (7) foot high chain link fence to provide security as well as address National Electric Code requirements. Entrance to the Site would be through a sixteen (16) foot wide locked chain link gate with a site identification sign and lock box access for trained emergency personnel.

Access to the Project Area would be from the south over the existing sand and gravel road originating from Meriden Road (CT Route 66) where it extends north and connects to the Project Area. Citrine would provide minor upgrades to the access, which would be extended farther north approximately 580 feet to the proposed location of the equipment pads.

1. Utilities and Interconnection

Utilities would extend overhead and connect to the utility distribution lines on Meriden Road (CT Route 66). Petitioners have received interconnection agreements from The Connecticut Light and Power Company *d/b/a* Eversource Energy (“Eversource”) and the PV Facilities are currently in the design phase of the interconnection process.

2. Construction

Subject to regulatory approvals, Petitioners anticipate construction over approximately four (4) months in late summer and fall of 2019. Construction would commence with initial site preparation work, consisting of clearing and mowing, access improvements, and the installation of erosion control measures. The installation of the racking, modules and attendant mechanicals would follow. Fencing and Site stabilization and landscaping would conclude the construction. Please see the Construction Schedule and Hours appended hereto as Attachment 3.

3. Operation & Maintenance

Citrine would retain a reputable third party contractor experienced with the operation and maintenance of similar PV facilities. That contractor will monitor the PV Facilities, which would include continuous remote monitoring, routine maintenance, annual inspections, vegetation management and landscaping, as well as emergency response. Daily monitoring would be conducted via an internet based data acquisition system, which has the capability to send alarms identifying communication and power generation issues to the extent they occur. Please see the Operations & Management Plan appended hereto as Attachment 4.

4. Decommissioning

The Project is designed with a useful life of at least twenty-five (25) years. At the end of that useful life, Citrine would remove all of the equipment in accordance with the Project's Decommissioning Plan. The decommissioning process would start with all above grade equipment followed by a restoration of the Project Area to pre-construction conditions. Citrine would also remove the fencing, utility lines and improvements to the access road if the property owner elects not to maintain them for other purposes. Please see the Decommissioning Plan appended hereto as Attachment 5.

IV. PROJECT BENEFITS

The Project will further the public policy of the State and benefit the public in several ways. First, the Project will generate much of its power at peak times, when demand for electricity is high, thus providing the electric grid with flexible peaking capacity to ensure stability. This comports with Connecticut's energy policy, codified at General Statutes § 16a-35k, which declares the need to "develop and utilize renewable energy resources, such as solar and wind energy, to the maximum practicable extent." The Project would also assist the State in meeting its mandated obligations under the Renewable Portfolio Standard as a result of ZREC agreements with Eversource.

Second, the Project would reduce carbon, thus contributing to the State's carbon-reduction strategies. Based on the United States Environmental Protection Agency's carbon reduction calculator, the construction and operation of the Project would be the equivalent of a reduction in 498 passenger vehicles driven annually or the energy use of 281 residences annually. Please see the Carbon Reduction Analysis appended hereto as Attachment 6.

Third, the VNM Facility would further the State's virtual net metering program, which incentivizes the use of renewable energy by allowing municipalities and certain other end-use customers to assign surplus energy production to other metered accounts. General Statutes § 16-244u. As referenced in Part III.C, *supra*, the VNM Facility is subject to a virtual net metering agreement with the Towns of Weston and Wilton.²

² The Wholesale Facility is on the virtual net metering waitlist with the Town of Wilton as the municipal host customer.

Finally, the Project offers local benefits in that it would make productive use of unused land. It would also provide additional tax benefits to the host municipalities for this unused property. Additionally, the Project can be used for education about renewable energy.

V. COMMUNITY OUTREACH

A. Collaboration with State and Local Officials

Representatives of Citrine have collaborated with the Town of Middlefield and the City of Middletown on an on-going basis. Beginning in September 2018, and through March 2019, Citrine met with the City of Middletown Officials, including the Mayor, Assessor, Town Planner, Economic Development Coordinator, and Energy Coordinator. During this same time Citrine met with the Town of Middlefield officials, including the First Selectman and Town Planner. Additionally, the Towns of Weston and Wilton support the Project as it would promote renewable energy and allow for important cost savings. Please see the Municipal Support Letters appended hereto as Attachment 7.

B. Congruence with Local Zoning and Planning

The lots in Middlefield are located within in the Route 66 Design District #1 (DD-1) and those in Middletown are situated in an R-15 Residential Zone (R-15).

Middlefield's DD-1 Zone is intended "to encourage the orderly development of the district for primarily retail and office use while retaining the rural community identity which characterizes Middlefield." Middlefield Zoning Regs., Article II, § 5.06.01. Uses permitted by special permit include varied commercial and municipal endeavors, including banking, restaurants, retail, offices, municipal buildings and uses, medical care facilities and hotels. Middlefield Zoning Regs., Article II, § 5.06.03. The Middlefield Zoning Regulations do not specifically address utility scale PV facilities. However, the Middlefield Plan of Conservation

and Development (“Middlefield POCD”) devotes an entire section encouraging the promotion of energy conservation and the need for renewable energy and measures that reduce energy consumption. Middlefield POCD, § 8 (2017).

Middletown’s R-15 is a residential zone which allows for other uses via special exception including natural resource extraction and public utility buildings and structures. Middletown’s zoning ordinance does not specifically address PV facilities. Middletown’s Plan of Conservation and Development (“Middletown POCD”) also does not address PV facilities or renewable energy directly; however, it does warn about global warming and the need to reduce greenhouse gas emissions; Middletown POCD, p. 4 (2010); and recommends the need for “clean industries” because of Middletown’s poor air quality. See *Id.*, p. 44.³

C. Notice to Abutters, Agencies and Officials

In accordance with §§ 16-50j-40 of the Regulations of Connecticut State Agencies, on or about April 16, 2019, Petitioners sent a notice of its intent to file this Petition, via certified mail, return receipt requested, to each person appearing as a record owner of the host properties, those appearing as a record owner of properties which abut the proposed Site and the appropriate municipal officials and government agencies. The service list of abutters and a sample letter to the abutters are appended hereto as Attachment 8; the service list of agencies and officials, as well as the letters sent to the municipalities, are appended hereto as Attachment 9.

VI. NO SUBSTANTIAL ADVERSE ENVIRONMENTAL EFFECT

General Statutes § 16-50k(a) provides in part that a Certificate is not required if an electric generating facility meets the air and water quality standards of the Department of Energy and Environmental Protection (“DEEP”) and does not have a substantial adverse environmental

³ Middletown’s POCD was approved in 2010; the City is preparing an update for 2020.

effect. Petitioners and their consultants interfaced with the relevant agencies, evaluated the potential environmental impacts and integrated mitigation measures into the Project design where necessary. To that end, All-Points Technology Corporation, P.C. (“APT”) prepared a comprehensive Environmental Assessment (“EA”) concerning the potential adverse environmental impacts, which is appended hereto as Attachment 10.

A. Public Health and Safety

The Project would meet or exceed all applicable safety requirements for construction, interconnection and operation applicable to electric generation. The PV Facilities would not consume any raw materials, would not produce any by-products and would be unstaffed during normal operating conditions.

Each employee or consultant working on the Project would:

- Receive required general and Site specific health and safety training;
- Comply with all health and safety controls as directed by local and state requirements;
- Understand and employ the Site health and safety plan while on the Site;
- Know the location of local emergency care facilities, travel times, ingress and egress routes; and
- Report all unsafe conditions to the construction manager or owner representative.

Additionally, as set forth in Attachment 4, Petitioners will coordinate with municipal first responders concerning responses to emergencies at the PV Facilities.

Construction equipment would be required to access the Site during normal working hours. After construction is complete and during operation, traffic at the Project would be minimal. The PV Facilities would be fenced and gated, with limited access to authorized personnel only.

The solar modules are designed to absorb incoming solar radiation and minimize reflectivity, such that only a small percentage of incidental light would be reflected off the panels. This incidental light is significantly less reflective than common building materials, such as steel, or the surface of smooth water. The panels would be tilted up toward the southern sky at a fixed angle of twenty (20) degrees, further reducing reflectivity.

The Project is not an anticipated source of noise in light of the Project location and minimal noise generating equipment. The only equipment proposed for the Project that would generate noise consists of the fans associated with the inverters. While no noise study was completed for the Project, based on the specified inverters to be used, their locations relative to property boundaries and previous studies completed with similar inverters, sound levels are expected to be below the applicable noise ordinance standards for daytime hours. It is important to note that the inverters are inactive at night.

Petitioners have submitted the Project location to the Federal Aviation Administrative (“FAA”) to confirm whether additional notification or coordination with the FAA is required. Petitioners will provide the FAA’s response upon receipt.

B. Air Quality

The PV Facilities would not generate any emissions. Rather, as discussed in Part IV, *supra*, the Project will contribute to carbon reduction. There will be some potential minimal air emissions incident to construction activities, primarily from the construction vehicles used during installation. These emissions will be temporary and should not require an air permit. See Attachment 10.

C. Water Resources

The groundwater underlying the Site is classified by DEEP as “GA.” This classification indicates groundwater within the area is presumed to be suitable for human consumption without treatment. The Site is not located within a mapped preliminary or final Aquifer Protection Area (“APA”). The nearest APA is located approximately 3.75 miles east of the Site. There is one (1) watercourse located on the western portion of the Site, which is an unnamed tributary to the Coginchaug River, designated as a Class A surface water body. The nearest major surface water body, Mount Higby Reservoir, is located approximately 0.4 miles from the western extent of the Site and is designated Class AA.⁴ See Attachment 10.

The Site is located in “Major Drainage Basin 4 (Connecticut River), Regional Basin 46 (Mattabesset River), Sub-Regional Drainage Basin 4607 (Coginchaug River), and Local Drainage Basin 4607-11 (Unnamed tributary to the Coginchaug River).” Based on a review of the United States Federal Emergency Management Agency Flood Insurance Rate Map, the Site is located in a Zone X area, which is defined as an area of minimal flooding. See Attachment 10.

1. Wetlands

There are two (2) wetlands identified on the Site, neither of which would be directly impacted by the Project.

Wetland 1 consists of a large forested wetland located in the east central portion of the Site. This wetland extends to the east off-Site with delineated portions of the wetland representing the headwater wetlands for this system. Wetland 1 is a broad perched wetland system that experiences seasonal saturation with interior areas that seasonally flood. This wetland is characterized by a perched local water table with an interior flooded depression

⁴ The reservoir is approximately 0.4 miles from the Project area. See Attachments 1 and 10.

resulting from a stone wall impoundment. The far western extent of the delineated wetland boundary spreads into the maintained open field with evidence of historic disturbance ranging from vegetation removal, stone wall construction, and periodic rutting. A complex of vegetation classes results from regular mowing of the open hayfield to the east. Transitional areas range from fully mowed wet meadow vegetation to the west, scrub/shrub intermediaries, and core forested areas to the east. Small pockets of emergent vegetation exist along the wetland boundaries.

Wetland 2 consists of a large forested wetland system complex with an interior intermittent watercourse, bordering floodplain wetlands, broad perched wetlands, and two areas of inundation that may represent potential vernal pools. This resource is located along the western Project Area boundary extending from the far north and draining southward. This complex system of wetland resources results in bordering forested areas, depressional areas with temporary flooding, and perched, seasonally saturated areas. The intermittent watercourse extends from the west draining east until it runs up against the eastern wetland boundary where it turns south draining out under Meriden Road via an existing culvert crossing. The Site's existing access road generally parallels the southeastern end of the wetland and forms the boundary with the toe of its fill slope. This large wetland is dominated by a mix of cover types including mature forest, bordering areas of scrub/shrub, and broad emergent wetlands. The interior intermittent watercourse is characterized by a channel ranging in width from four (4) to six (6) feet. The channel bottom is comprised of stone/cobble and areas of sandy/mucky material and is fairly sinuous with several wide meanders through the Site. The stream channel is fairly direct with a lack of braids.

The existing access road, which currently parallels Wetland 1, will require minimal upgrading. All clearing and grading limits for the PV Facilities' infrastructure (solar arrays and associated equipment) would maintain a minimum setback of approximately ninety (90) feet to the west of Wetland 1. The Project-related activity located proximate to Wetland 1 is limited to the removal of one (1) mature tree. The Project was redesigned to minimize clearing requirements in this area. There would be some minor improvements to the existing access road within thirty-eight (38) feet of Wetland 2. However, outside of the roadway work, a minimum setback of seventy-three (73) feet will be maintained to Wetland 2.

To further promote protection of wetland resources during construction, safeguards have been developed to avoid unintentional impacts to these resources. By implementing these management techniques, the Project development would further mitigate the potential for adverse impacts to wetland resources.

Potential short term temporary impacts associated with the Project's construction activities would be minimized by the proposed sedimentation and erosion controls which would be installed and maintained during construction activities in accordance with the 2002 *Connecticut Guidelines for Soil Erosion and Sediment Control*. Potential long-term secondary impacts to wetland resources possibly associated with the operation of this Facility are minimized by the following factors: the development would be unstaffed (generating negligible traffic); using an existing gravel access drive reduces the creation of impervious surfaces; and treating the majority of the ground beneath the solar arrays with native grass/vegetation provides ample opportunity for surface water to infiltrate or slow prior to discharge to surrounding resources. See Attachment 10.

2. Vernal Pools

Three (3) separate possible areas were identified within Wetlands 1 and 2 that contain the necessary topographic and hydrological conditions to potentially support vernal pool breeding habitat. Each potential vernal pool habitat identified is located outside the Project Area and would not be directly impacted. Due to the time of year of wetland delineations, APT could not evaluate vernal pool breeding to confirm whether these areas are in fact vernal pools. APT is currently performing a formal vernal pool assessment to determine the presence or absence of vernal pool breeding activity within these potential vernal pool locations. The results of the field survey and assessment will be provided to the Council upon completion. See Attachment 10.

3. Stormwater

The Project would result in relatively little ground disturbance, mostly attributable to the removal of a wind-row of trees in the center of the Project Area and improvements to the existing access. The amount of ground disturbance would be limited to approximately 0.95 acres. The proposed electrical trench would be situated in the same area as the wind-row of trees to minimize ground disturbance. The ground mounted racking system would be installed by posts driven into the ground; however, this would not result in a change to the existing ground cover. Interconnection would occur via overhead utility poles. Because the ground disturbance generated by construction of the Project would be less than one (1) acre, the Project does not require a *General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities* from DEEP. Please see the Stormwater Report appended hereto as Attachment 11.

4. Water Quality

The Project would not require any potable water uses or sanitary discharges, nor are any liquid fuels associated with the operations of the Project. To safeguard the above referenced water resources from potential impacts during construction, Petitioners are committed to implementing erosion control protective measures. See Attachments 1 and 10. These protective measures would include monitoring of established erosion and sediment controls that will be installed and maintained in accordance with the 2002 *Connecticut Guidelines for Soil Erosion and Sediment Control*. Therefore, with the incorporation of adequate protective measures, stormwater runoff from the Project development would not result in an adverse impact to water quality associated with the water resources located on or proximate to the Site.

D. Vegetation and Soils

The Project Area consists primarily of Open Field habitat. A small margin of Upland Forest – the window of trees separating the Open Fields – would also be impacted by the Project to reduce shading. The installation of the PV Facilities, and the minor improvements to the existing access associated with the Project development would alter these habitat types slightly.

Open Field habitats typically need to be at least ten (10) acres to support rare bird species. The two existing open fields within the Project Area are less than this threshold, each respectively being approximately 7.4 and 6.6 acres. The Open Field habitat type will not be lost in its entirety as a similar habitat exists on and off-Site to the north and southwest.

The Project would have minimal impact on forested habitat, limited to the removal of a single, narrow wind-row located in the center of the Project Area and the removal of one tree along the central-eastern limits of the Site northwest of Wetland 1. This would constitute a removal of approximately 0.55 acres of forest, limited to areas located in “edge” forest habitat

along the Site's open field areas. No 'core' forested habitat will be impacted by the Project. Due to the minimal amount of upland forest being impacted by the Project, and the abundance of adjacent 'edge' upland forested habitat located within and surrounding the Site, it is not anticipated that the Project will result in a significant negative impact to upland forest habitat.

According to the Connecticut Environmental Conditions Online Resource Guide, the Project Area contains both Prime Farmland soils and Statewide Important Farmland soils. The Project Area has been managed as a hay field over the past thirty (30) years. Routine mowing and harvesting have subjected the area to compaction from equipment and vehicles, as access corridors are clearly evident throughout the field. No plowing or crop rotation has occurred in the Project Area for several decades. Acknowledging that the Project has a useful life, Petitioners have designed a minimally intrusive method for construction of the PV Facilities. The combination of relatively level ground and pile-driven mounts for installation mitigates the need for substantive grading of the Project Area.

E. Wildlife

APT consulted with the United States Fish and Wildlife Service ("USFWS") and DEEP with respect to the potential impact of the Project on wildlife. DEEP confirmed the presence of the eastern box turtle in the general area of the Site and recommended the implementation of a series of construction related protection strategies. APT has developed protection program involving training, exclusion zones and monitoring to prevent unintentional impacts to the eastern box turtle. See Attachment 10.

Additionally, APT performed an evaluation of possible threatened or endangered species under the Federal Endangered Species Act ("ESA"). The northern long-eared bat ("NLEB") is a listed threatened species known to occur in Connecticut. NLEB tend to roost in trees with a

diameter at breast height (“DBH”) of three (3) inches or greater. Because the proposed Project would result in the removal of trees greater than three (3) inches DBH, a determination of compliance with the ESA is required. APT reviewed compliance mapping of known locations of maternity roosts and known habitat resources for NLEBs. This map revealed that there are currently no known NLEB maternity roost trees in Connecticut and that the nearest NLEB habitat resource to the Project Area is located in North Branford, approximately thirteen (13) miles to the south. In accordance with the USFWS authorities, the Project would not likely result in an adverse effect or unintentional killing of NLEB and does not require a permit from USFWS. A letter stating such was sent to USFWS on April 3, 2019; thus, no further consultation with USFWS is required for the proposed Project.

F. Historic and Archaeological Resources

Heritage Consultants, LLC prepared a Phase 1A Cultural Resources Assessment Survey for the Project and submitted it to the State Historic Preservation Office (“SHPO”) for review and comment. The Phase 1A revealed areas within the Project Area that are considered as having moderate or high archaeological sensitivity. The SHPO responded on April 8, 2019, and recommended the undertaking of a Phase 1B professional cultural resources assessment and reconnaissance survey prior to Project development. The results of the Phase 1B will be submitted to the Council upon completion. See Attachment 10.

G. Scenic Values

The Project would be set back from Meriden Road (Route 66), Higby Road and Nutmeg Court. The solar modules and racking would not exceed a height of approximately eight (8) feet above the ground. The proposed overhead electric utility poles required for interconnection with the existing electric distribution system on Meriden Road (Route 66) would be the tallest new

features introduced at approximately thirty-five (35) to forty (40) feet high. There would be some limited views of small portions of the Project from Meriden Road (Route 66) and Nutmeg Court, but otherwise the Project is set back sufficiently from abutting properties and proximate roads, along with existing intervening vegetation, so that the Project would not be visible from most locations off the Site. There are no State or locally-designated scenic roads or other scenic areas located on or proximate to the Site. Additionally, there are no recreational areas located on or proximate to the Site. The EA includes photo-simulations from Meriden Road (Route 66) and Nutmeg Court.

VII. CONCLUSION

This Petition and the appended attachments demonstrate that the Project satisfies the requirements of General Statutes § 16-50k(a). The Project would meet DEEP's air and water quality standards and would not have a substantial adverse environmental effect. Citrine has designed the Project to minimize environmental effects. The net effect of the Project would result in a benefit to the State because of the production of renewable energy, participation in the State's virtual net metering and ZREC programs and productive use of currently unused property. Citrine, therefore, respectfully requests that the Council grant this Petition that a Certificate is not required for the construction, operation and maintenance of the Project.

Respectfully submitted by,

CP MIDDLETOWN SOLAR I, LLC and CP
MIDDLETOWN SOLAR II, LLC

By:



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