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November 5, 2019

Melanie Bachman, Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

RE: PETITION NO. 1385 - Cobb Road, LLC Petition for Declaratory Ruling that No Certificate of Environmental Compatibility and Public Need is Required for the Proposed Construction, Operation and Operation of a solar photovoltaic electric generating facility at 20-1 Short Hill Road in Old Lyme, Connecticut

Dear Ms. Bachman:

I appreciate this opportunity to file comments on the proposed Cobb Road LLC project. I am the Secretary of the Board of Trustees of the Old Lyme Land Trust (OLLT), which owns two large preserves abutting 20-1 Short Hills Road, the Lay Preserve to the west/northwest, and the Upper Three Mile River Preserve to the east. The short time window between the notice and the comment filing date presents a challenge to an all-volunteer organization whose board meets only once a month. I file these comments therefore, as an individual. They should not be taken as representing the view of the OLLT Board of Trustees.

I do not oppose this project. I do find it frustrating that the State's well-intentioned efforts to encourage solar power lead to the destruction of core forests (in this case, eighteen acres). This is seemingly in direct opposition to goals of the State's Open Space and Watershed Land Acquisition program which helped fund the OLLT's purchase of the abutting Lay and Upper Three Mile River Preserves. But I recognize these are difficult goals to balance and respect the property owner's rights. The alternative may be more residential sub-division without the solar benefits.

The site appears to have been well chosen. It is relatively flat, already partially cleared, near the Eversource distribution line, and placed within a continuous tree buffer. I am hopeful that the solar field will not be visible to OLLT preserve visitors in any season. The site plan also seems well considered. But that plan needs to be monitored and enforced.

My primary concern is potential storm water runoff towards the Lay Preserve, which lies downhill to the west. This should be the Siting Commission's concern as well, particularly given the State's funding towards the Lay property purchase. I hope the infiltration basins and outflows are graded to allow water flow into the basins from the solar field and appropriate outflow as intended. It is unclear, however, whether the proposed contouring will actually achieve the intended result.

As the Erosion and Control (EC) plans appear to specify, the infiltration basins should be cleaned post-construction. (EC-3, Note 17.) I would also like assurance that the outflows are maintained on an on-going basis to disperse the flow as intended.

Some other aspects of the plan and petition concern me because they are vague or non-committal. These include the following:

Bonding/Letter of Credit

The Petitioner states that the Project has been “designed to to meet the CTDEEP’s *Appendix I Stormwater Management at Solar Array Construction Projects*.” (Petition at 9.) It’s my understanding that this Appendix includes a requirement for a letter of credit from the developer. Oral commitments to such a letter of credit were made during the public walk October 29, 2019, but will there be enforcement of this commitment? The Site Plan states only that “A bond or letter *may* be required to be posted with the governing authority for the erosion control installation and maintenance.” (EC-3, Note 3, emphasis added.)

Herbicide Use

I don’t believe the use of herbicides was addressed other than a statement that the Petitioner “would consider” utilizing herbicides only when necessary and then with spot treatment rather than aerial application. (Petition at 27.) Will there be such restrictions placed on the use of herbicides?

Proper Seeding

Post-construction, the Petitioner intends to create a wildflower meadow in the transition zones. I agree with the Comments by the Council on Environmental Quality that this effort is commendable, but would like assurance that the seed is spread in accordance with all the pertinent recommendations cited by the supplier, including watering “if conditions are drier than usual.” (Notes at DN-1.) Improper application is likely to lead to the spread of invasive plants and threaten the abutting preserves. Similar concerns apply to the seeding of the area beneath the solar panels.

Post-construction Site Monitoring

There is nothing substantive in the plan or the Petition regarding post-construction monitoring. This was affirmed during the public walk by representatives of the Petitioner, Site Council and CTDEEP. No bond or letter of credit is applicable post-construction. During the public walk, attendees were simply told that any problems subsequently appearing on abutting properties should be reported to CTDEEP or Cobb Road LLC.

At a minimum, the Siting Council should require the Petitioner to issue a publicly available annual inspection report noting any problems with environmental conditions or the stormwater management system. This report should not pose a burden since the Petitioner states that it will be doing these inspections at some “designated frequency.” (Petition at 10.) The report should include a specific plan of correction, not only of those “issues deemed readily repairable” but also any issues that due to their severity may *not* be so readily repairable. Indeed, the latter are likely to be of most concern and danger to abutting property owners. The owners should at least receive notification of the problem.

Fire Protection

The Petition states that the Petitioner has had initial conversations with the Old Lyme Fire Department Chief to review the project. (Petition at 13.) Such an informal conversation (which I now understand was conducted between the property owner and the Chief, not the Petitioner or its professional consultant), seems quite inadequate. This is a significant commercial power generation facility scheduled to operate for a twenty-five year period on property that is not

directly accessible by public roads. The fire protection requirements should not be less than those required for a residential subdivision. The Petitioner should be required to obtain a formalized written agreement with the Old Lyme Fire Department.

Thank you for your consideration.

Respectfully,



Anne Galliher