



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

September 5, 2017

Steve Broyer
Senior Project Manager
Ecos Energy
222 South 9th Street, #1600
Minneapolis, MN 55402

RE: **PETITION NO. 1137** – Windham Solar, LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the construction, maintenance, and operation of five 1.0 MW Solar Photovoltaic Renewable Energy Generating facilities located at 1 Williams Crossing Road, Lebanon, Connecticut.

Dear Mr. Broyer:

At a public meeting held on August 31, 2017, the Connecticut Siting Council (Council) considered and approved the request to amend the above referenced facility, as indicated in the submittal to the Council dated July 6, 2017.

All work is to be implemented as specified in the request to amend and associated site plans dated July 6, 2017 and is subject to the following conditions:

1. Implementation of DEEP recommended wood turtle protection guidelines during construction, in accordance with DEEP's letter of June 29, 2017;
2. Consultation with local emergency responders in regards to potential construction and operational emergency response hazards;
3. Removal of the previously identified abandoned underground storage tank in the farmstead area and registration of the tank with DEEP's Underground Storage Tank Program;
4. Notification/coordination with the Town of Lebanon regarding the installation of, and inspection of, erosion and sedimentation control measures; and
5. Approval of any minor project changes be delegated to Council staff.

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction.

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

Very truly yours,

Robert Stein
Chairman

Enclosure: Staff Report dated August 31, 2017

RS/RDM/lm

- c: The Honorable Betsy Petrie, First Selectman, Town of Lebanon
Philip Chester, AICP, Town Planner, Town of Lebanon
Honorable Richard L. Matters, First Selectman, Town of Franklin
Ronald Chalecki, Zoning Enforcement Officer, Town of Franklin
Honorable Ernest S. Eldridge, Mayor, Town of Windham
James E. Finger, Town Planner, Town of Windham
James Rivers, Town Manager, Town of Windham



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Petition No. 1137

Windham Solar LLC - Lebanon, Connecticut
Request to Amend Declaratory Ruling

Staff Report
August 31, 2017

Introduction

On March 5, 2015, the Connecticut Siting Council (Council) approved a Petition filed by Windham Solar, LLC (WS) for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need (Certificate) is required for the construction, operation and maintenance of a 6.1 megawatt (MW) Solar Photovoltaic Generating facility located at 1 Williams Crossing Road in Lebanon, Connecticut.

On July 7, 2017, WS submitted a request to amend the declaratory ruling (request to amend) to the Council for modifications to the project to account for recent technological advancements and electric easement requirements from Eversource. The request to amend includes an expansion of the solar field into the Town of Franklin and a reduction in the output of the facility from 6.1 MW to 5.0 MW.

A field review of the site was conducted on August 15, 2017 with Council member Robert Hannon, Council staff member Robert Mercier, and WS representative Steve Broyer and other WS construction representatives. No residents or Town officials attended the field review.

WS notified the Towns of Lebanon, Franklin and Windham (within 2,500 feet), State agencies, and abutting property owners of the amended project on or about June 30, 2017. WS published notice of the amended project in the *Willimantic Chronicle* on June 30, 2017.

Municipal Consultation

The Town of Lebanon reviewed the original project in late 2014 - early 2015 and WS incorporated Town recommendations into the original petition filing to the Council.

After the Council's approval, WS redesigned the project and submitted the amended project plans to the Town of Lebanon and the Town of Franklin for comment. The amended project was reviewed and approved by the Town of Lebanon Planning and Zoning (P&Z) Commission on April 17, 2017 with the condition that landscaping be installed and a black vinyl chain link fence be used to enclose the project in certain areas. A copy of the P&Z approval letter dated April 21, 2017 is included within the request to amend. The Town of Franklin Planning Department provided initial comment to WS on June 2, 2017 and indicated that the project site plan would be reviewed at a future Franklin P&Z Commission meeting. The Town of Franklin P&Z Commission discussed the amended project at its July 18, 2017 meeting. As a result of that meeting, the P&Z Commission submitted correspondence to the Council on August 15, 2017 requesting that the project comply with the Town's zoning setback requirement for a C-2 Zone district.



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Affirmative Action / Equal Opportunity Employer

Approved Project

The approved project is located on an approximate 44 acre property located along the Lebanon-Franklin town line, west of Route 32 and south of Williams Crossing Road. The property was formerly used as a farm and contains a 2.6 acre farmstead area, consisting of several buildings and an abandoned farmhouse, located at the junction of Route 32 and Williams Crossing Road. Thirty-nine acres of the parcel are located in Lebanon and are zoned industrial. The remaining 4 acres of the parcel are located in Franklin and are zoned commercial, C-2.

The approved project consists of a 22.3-acre solar field on the Lebanon portion of the parcel. The solar field is divided into six separate generating units, five 1.0 MW units and one 1.1 MW unit, with associated transformer pads. A switchgear interconnection pad is located in the northwest corner of the parcel, along Williams Crossing Road. Project access extends south from Williams Crossing Road through a gated entrance into the center of the solar field.

Amended Project

The amended project consists of a 22.2-acre solar field consisting of 21.1 acres within the Town of Lebanon and 1.1 acres within the Town of Franklin. The solar field would be divided into five 1.0 MW units, each connected to a transformer/inverter pad. Due to technology changes, the arrangement of the solar modules on each panel has changed from two modules in portrait to four modules in landscape. The number of solar modules for the project has been reduced from 20,400 to 18,000 modules. The string inverter technology has also changed which allows four more modules to be attached to each string inverter.

The interconnection design has changed from a single switchgear pad in the northwest corner of the parcel to a loop system that connects all of the inverters/transformers within a 60-foot wide Eversource easement located in the central portion of the solar field. This will allow Eversource to directly monitor the output from each 1.0 MW solar field unit rather than measuring the collective output from the total project. This type of easement was not originally contemplated in the original petition due to different inverter technology specified at that time, but is now necessary per the interconnection agreement with Eversource.

The solar modules cannot be located within the easement area resulting in a reconfiguration of the original solar field layout by slightly modifying the fence line along the northwest side of the project area and by extending the east side of the solar field by 1.1 acres onto the Town of Franklin portion of the parcel. Additionally, the southern extent of the project area was reduced to account for the reduction in the number of solar modules. WS may consider an extension of the solar field into this southern area in the future if a need arises.

Due to the changes in the project footprint, the property line setback from the fence line in the northwest portion of project area ranges from 37.7 feet to 50 feet rather than the previous distance of a uniform 50 feet. The abutting parcel to the northwest is used for agriculture.

The fence line along the east side project area ranges from 20 to 35 feet from the property line and abuts a railroad right-of-way and an elevated portion of the Route 32 right-of-way. The solar racking/modules would be 34.2 feet from the property line at their closest point. In its August 15, 2017 correspondence, the Town of Franklin requested that the Council consider the Town's 75-foot setback for permanent structures from a right-of-way in C-2 Zone district.

The Eversource easement would feature a 20-foot wide gravel access road that is generally within the footprint of the previously approved access road extending from Williams Crossing Road. WS also proposes to construct a new 16-foot wide, 650-foot long gravel access road extending from Route 32 southeast of the farmstead area for secondary emergency access. The new access road would join the main gravel access road in the northern portion of the solar field. Approximately 50 feet of the access road would be paved at the entrance along Route 32. WS has obtained preliminary approval from the CT Department of Transportation for new access on Route 32 with the condition that vehicle exits be limited to right turns only.

Consistent with the previously approved project, the solar field would be enclosed by a seven-foot tall chain link fence with a six-inch wildlife passage along the lower edge. A black vinyl coating would be used on the fence along the northeast and eastern fence lines, as recommended by the Town of Lebanon.

Environment, Cultural and Scenic Values

The project would directly disturb 15.5 acres of the site for stump removal, stone wall/pile removal, brush clearing and site grading to create grades of 14 percent or less. Site disturbing activities would occur in four phases with each phase consisting of five acres or less. Five temporary sedimentation basins would be established during construction phasing. Each phase would be enclosed by sedimentation barriers. Exposed soils would be kept to a minimum through the use of temporary seeding or the application of wood chip cover. Upon completion of construction activities, the site would be seeded with a seasonally appropriate seed mix.

Consistent with the previously approved project, the amended project footprint maintains a 100-foot buffer from all delineated wetland areas. Perimeter silt fencing would be installed outside of the 100-foot buffer area. A reinforced silt fence would be installed along the southeast edge of the construction area to provide additional protection to wetlands that are down gradient from construction areas.

WS has prepared a detailed Stormwater Pollution Control Plan for the amended project that has been submitted to DEEP as part of DEEP's General Permit for the Discharge of Stormwater and Dewatering Wastewaters filing.

WS received an updated DEEP Natural Diversity Database (NDDB) determination on June 29, 2017 indicating that the project area is within the range of the wood turtle, a state listed species of special concern. WS would adhere to DEEP's recommend Wood Turtle Protection measures detailed within the NDDB determination letter.

Visibility of the amended project would be essentially the same as the previously approved project with the exception of the expansion area into the Town of Franklin portion of the parcel, abutting Route 32. To address visibility concerns expressed by both towns, WS would install evergreen plantings in the northwest corner of the project area to provide screening from an abutting agricultural parcel, along the northeast fence line near Williams Crossing Road, and along the eastern fence line to provide screening from Route 32.

During development of the original petition, the State Historic Preservation Office (SHPO) recommended that WS conduct a cultural resource assessment of the proposed project. After the Council's approval of the original petition, WS conducted additional survey work at the project site and determined that the 19th century farmstead on the property does not meet criteria for listing within the National Register of Historic Places. Additionally, certain areas of the project site were surveyed for archeological sensitivity through soil borings, and of those areas, only a few had intact soils that could contain archeological deposits. Further surveys of these areas were recommended by the archeological consultant. A copy of the cultural resources report was sent to SHPO for comment on July 6, 2017. WS or the Council has not received comments from SHPO to date.

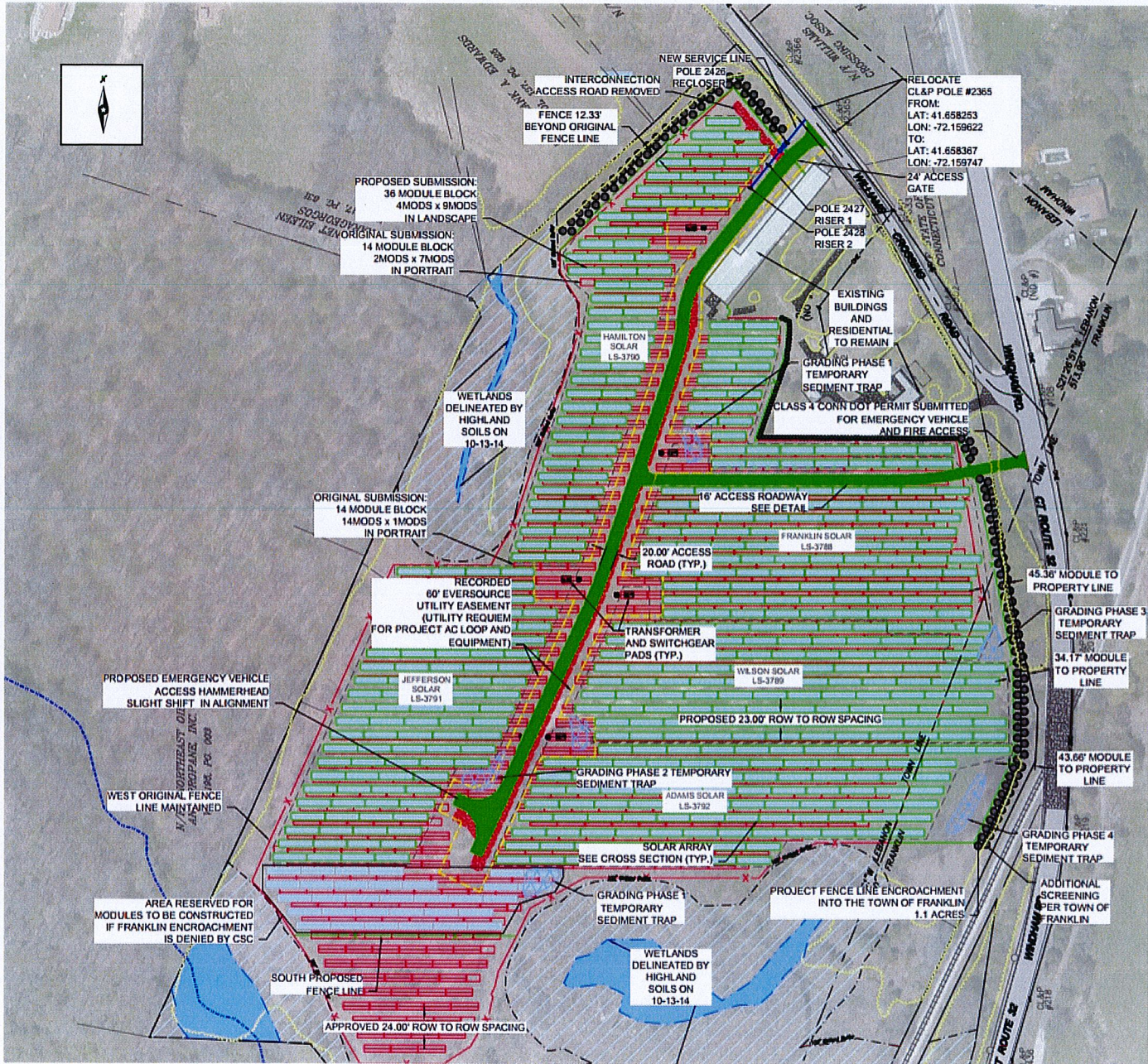
WS intends to remove most of the farmstead buildings given their poor condition. A large abandoned chicken coup may remain pending further structural evaluation and used for equipment storage. A previously identified abandoned underground storage tank in the farmstead area will also be removed in accordance with DEEP criteria.

Amended Project Recommendations

Staff recommends inclusion of the following conditions:

1. Implementation of DEEP recommended wood turtle protection guidelines during construction, in accordance with DEEP's letter of June 29, 2017;
2. Consultation with local emergency responders in regards to potential construction and operational emergency response hazards;
3. Removal of the previously identified abandoned underground storage tank in the farmstead area and registration of the tank with DEEP's Underground Storage Tank Program;
4. Notification/coordination with the Town of Lebanon regarding the installation of, and inspection of, erosion and sedimentation control measures; and
5. Approval of any minor project changes be delegated to Council staff.

Site Layout: Red is previously approved project layout
Green is amended project layout



PROJECT AREAS & IMPACTS:

TOWN OF LEBANON PARCEL 219-19 = 39.04 ACRES
TOWN OF FRANKLIN PARCEL 53-3-1 = 3.99 ACRES
TOTAL PARCEL AREA = 44.03 ACRES

SOLAR ARRAY FOOTPRINT (FENCE LIMITS) = 22.2 AC
ARRAY FOOTPRINT ON PARCEL 219-19 = 21.1 AC
ARRAY FOOTPRINT ON PARCEL 53-3-1 = 1.1 AC

PROPOSED IMPERVIOUS:
GRAVEL ACCESS ROADS = 0.93 AC
EQUIPMENT PADS = 0.05 AC