



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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September 1, 2016

Kenneth C. Baldwin, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597

RE: **PETITION NO. 1178** – Fusion Solar Center, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, operation and maintenance of a ground-mounted 20 megawatt solar photovoltaic electric generating facility located on Potash Hill Road, Sprague, Connecticut.

Dear Attorney Baldwin:

At a public meeting of the Connecticut Siting Council (Council) held on September 1, 2016, the Council considered and approved the Development and Management (D&M) Plan submitted for this project on July 1, 2016, with the following conditions:

1. Use of off-road construction equipment that meets the latest EPA or California Air Resources Board standards, or in the alternative, equipment with the best available controls on diesel emissions, including, but not limited to, retrofitting with diesel oxidation catalysts, particulate filters and use of ultra-low sulfur fuel;
2. Compliance with the provisions of Section 22a-174-18(b)(3)(C) of the Regulations of Connecticut State Agencies that limit the idling of mobile sources to 3 minutes;
3. Council staff recommends that approval of requested significant changes to the approved D&M Plan be delegated to Council staff in accordance with Regulations of Connecticut State Agencies §16-50j-62(b). In accordance with that section, if advance written notice is impractical, the Petitioner shall provide verbal notice of the changes and shall submit written specifications to the Council within 48 hours after the verbal notice; and
4. A copy of the final Stormwater Pollution Control Plan stamped by a Professional Engineer, duly licensed in the State of Connecticut, shall be provided to the Council.

This approval applies only to the D&M Plan submitted on July 1, 2016 and supplemental data dated August 18, 2016. Requests for any changes to the D&M Plan shall be approved by Council staff in accordance with Regulations of Connecticut State Agencies (RCSA) §16-50j-62(b). Furthermore, the project developer is responsible for reporting requirements pursuant to RCSA §16-50j-62.

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction. All work is to be implemented as specified in the Council's decision on the petition dated September 22, 2015 and in the D&M Plan dated July 1, 2016, and supplemental information dated August 18, 2016.

Enclosed is a copy of the staff report on this D&M Plan, dated September 1, 2016.

Thank you for your attention and cooperation.

Sincerely,

Handwritten signature of Robert Stein in black ink, with the initials "RS" written at the end.

Robert Stein
Chairman

RS/MP/lm

Enclosure: Staff Report dated September 1, 2016

- c: The Honorable Catherine A. Osten, First Selectman, Town of Sprague
- Joseph Smith, Zoning Enforcement Officer, Town of Sprague
- Honorable Roy Piper, First Selectman, Town of Canterbury
- Melissa Gil, Land Use Director, Town of Canterbury
- Honorable Thomas W. Sparkman, First Selectman, Town of Lisbon
- Robert D. Adams, Chairman, Planning and Zoning Commission, Town of Lisbon
- Nelson Teague, Fusion Solar Center, LLC, c/o Coronal Development Services, LLC



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Petition No. 1178

Fusion Solar Center, LLC

Potash Hill Road, Sprague

Development and Management Plan

Staff Report

September 1, 2016

On September 17, 2015, the Connecticut Siting Council (Council) issued a Declaratory Ruling to Fusion Solar Center, LLC (FSC or Petitioner) that no Certificate of Environmental Compatibility and Public Need is required for the construction, maintenance, and operation of a 20 megawatt (MW) alternating current (AC) solar photovoltaic generating facility located at Potash Hill Road in Sprague, Connecticut. As required by the Council's decision on this petition, FSC submitted a Development and Management (D&M) Plan for the project on July 1, 2016. Copies of the D&M Plan were provided to the Town of Sprague on or about July 1, 2016. No comments have been received to date.

The project will be located entirely on the eastern-most 85 acres of the 57 Potash Hill Road property (owned by Estelle Houle and Gale Boardman) and all of the 111 Potash Hill Road property (owned by Allen and Charlotte Rainville). Both properties are located in residential zones and are directly north of Potash Hill Road. Currently, the subject properties are open hay fields and wooded, with two existing structures located on the 111 Potash Hill Road parcel.

Land uses adjacent to the project and within the immediate locale are mostly dominated by agricultural production, industrial manufacturing (including the former Fusion Paperboard site), and to a lesser extent, by residential development and open space.

The solar field will include 93,000 photovoltaic modules, on a fixed rack system oriented to the south and at an angle of 25 degrees above the horizontal. The maximum height of the top edges of the solar panels will not exceed 10 feet.

The Petitioner will access the site from Potash Hill Road via a 12-foot wide gravel access drive that will continue as a perimeter maintenance/access drive around the project area, with a total length of roughly 7,600 feet linear feet.

Approximately 10 equipment pads will be installed at the facility at various points along the maintenance/access drive. The facility will interconnect with Eversource's overhead electric distribution on Potash Hill Road via an overhead line from the project site that would utilize roughly five new 40-foot poles, with the final design subject to Eversource.

The project will be surrounded by a seven-foot chain link fence topped with barbed wire. FSC has re-examined the chain link fence and is amenable to reducing the mesh size from the standard two-inch to 1.75-inch as an anti-climbing measure. There would be no separate fencing around the electrical equipment pad because the entire facility would be fenced. The total project area is approximately 144 acres, of which, roughly 134 acres will require tree clearing.

Minimal grading will be required for the installation of the solar racks due to FSC's use of pile-driven or ground screw foundations. No significant cut or fill operations will be expected.

The project will be registered under the DEEP's General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities at least 30 days prior to commencing any construction activities.

As required in the Council's Decision dated September 17, 2015, FSC included its Stormwater Pollution Control Plan (SPCP) dated July 1, 2016. The SPCP also serves as a stormwater management plan. Stormwater runoff generated by the proposed solar array and other impervious structures will continue to sheet flow towards pervious areas with improved grass cover. The grassed areas adjacent, between, and around the solar arrays will act as filter strips which reduce runoff flow velocities and promote infiltration and filtration. Permanent grass lined channels will capture runoff and direct water to infiltration basins. Additionally, dry swales have been designed to capture and filter runoff before discharging to nearby wetlands intermittently to mimic pre-development flow. If approved, staff recommends that a copy of the final SPCP, stamped by a Professional Engineer duly licensed in the State of Connecticut, be provided for the Council's records.

No public water supply wells or aquifer protection areas are located in a one-half mile radius of the site.

One large wetland complex (i.e. Wetland 1) with six vernal pools is located to the east. The closest distance from the solar panels to Wetland 1 is approximately 32 feet. The closest distance from the fence to Wetland 1 is approximately 18 feet. FSC has included a Wetland Protection Program including compliance with the *2002 Connecticut Guidelines for Erosion and Sedimentation Control* (2002 Guidelines).

FSC also included its Erosion and Sedimentation Control Plan consistent with the 2002 Guidelines. The E&S Control Plan includes, but is not limited to, silt fence, as well as temporary diversion ditches that connect to sediment basins. FSC will also utilize a rock construction entrance at the beginning of the access drive off of Potash Hill Road.

No work is proposed within the Vernal Pool Envelopes of any vernal pools. Development within the Critical Terrestrial Habitat areas would not exceed 25 percent for any vernal pools. Thus, the project is compliant with Klemens and Calhoun 2002 Best Development Practices.

By letter dated June 12, 2015, DEEP has determined that the clustered sedge (a State-designated Threatened Species), the northern long-eared bat (a State-designated Endangered Species and federally-designated Threatened Species), and the wood turtle (a State-designated Species of Special Concern) may occur in the vicinity of the proposed project. DEEP also noted that bald eagles nest along the Quinebaug River, several miles east of the project.

Suitable habitat for the clustered sedge does not appear to exist within the project area. No adverse impact to the bald eagle is expected because of the distance. The northern long-eared bat (NLEB), a federally-listed Threatened Species and State-listed Endangered Species (as stated above) may occur in the vicinity of the site. However, there are no known maternity roost trees in Connecticut, and the nearest NLEB hibernaculum is located in North Branford, approximately 40 miles to the southwest. While DEEP initially recommended a seasonal restriction for tree clearing, DEEP was provided the NLEB assessment that was performed per U.S. Fish and Wildlife Service's rules and included in the D&M Plan. By email dated April 1, 2016, DEEP indicated that the project would not likely result in adverse impacts to NLEB, and no further action is required. Thus, no seasonal restriction is necessary to protect the NLEB.

While it is unlikely that the wood turtle would utilize the project area, the potential exists for the wood turtle to utilize portions of the adjacent wetland. Accordingly, as required in the Council's Decision dated September 17, 2015, FSC has included its Wood Turtle Protection Plan (WTTP). In the D&M Plan, the WTTP is provided and combined with a wetland protection plan. This plan includes isolation measures,

erosion and sedimentation control recommendations, contractor education plans, petroleum and materials storage and spill prevention plans, herbicide and pesticide restrictions, and reporting requirements.

The D&M Plan also includes General Breeding Bird Protection Measures (GBBPM). The GBBPM require additional protective measures, such as requiring an avian survey, if construction activities take place during the peak nesting period of May 1st through August 15th. FSC's tree clearing will occur between September 2016 and April 2017. Thus, the proposed tree clearing will not conflict with the peak nesting period, and no additional protective measures, such as an avian survey, will be required.

The D&M Plan also includes a Bobolink Protection Program (BPP). The BPP notes that, ideally, the hayfield vegetation should be removed during the non-breeding season (i.e. September to April) in order to prevent attraction of bobolink during spring migration and spring-summer breeding season. Consistent with the BPP, FSC plans to remove hayfield vegetation during the non-breeding season of September to April.

Visibility of the project will be minimal due to existing surrounding tree cover on the north, east, and west sides of the project. The only area of possible visibility will be the southern boundary of the site as viewed from Potash Hill Road. Accordingly, in order to minimize these visual impacts, in its D&M Plan, FSC proposes to plant 525 Nellie Stevens Holly trees with initial heights of about four feet each on the subject property and roughly parallel with Potash Road.

FSC expects that construction will commence on or about September 1, 2016 and will be completed by October 31, 2017. Typical construction hours and days of the week would be Monday through Friday, 7:00 a.m. to 7:00 p.m. Any noise related to construction will be exempt per DEEP noise regulations. Operation of the (completed) project is expected to meet the DEEP noise standards at the property boundaries.

All of the D&M Plan requirements set forth in the Council's Decision for Petition No. 1178 are in compliance; therefore, Council staff recommends approval with the following conditions:

- a) Use of off-road construction equipment that meets the latest EPA or California Air Resources Board standards, or in the alternative, equipment with the best available controls on diesel emissions, including, but not limited to, retrofitting with diesel oxidation catalysts, particulate filters and use of ultra-low sulfur fuel;
- b) Compliance with the provisions of Section 22a-174-18(b)(3)(C) of the Regulations of Connecticut State Agencies that limit the idling of mobile sources to 3 minutes;
- c) Council staff recommends that approval of requested significant changes to the approved D&M Plan be delegated to Council staff in accordance with Regulations of Connecticut State Agencies §16-50j-62(b). In accordance with that section, if advance written notice is impractical, the Petitioner shall provide verbal notice of the changes and shall submit written specifications to the Council within 48 hours after the verbal notice; and
- d) A copy of the final Stormwater Pollution Control Plan stamped by a Professional Engineer, duly licensed in the State of Connecticut, shall be provided to the Council.