



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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CERTIFIED MAIL RETURN RECEIPT REQUESTED

November 13, 2015

Philip M. Small, Esq.
Brown Rudnick LLP
185 Asylum Street, 38th Floor
Hartford, CT 06103

RE: **PETITION NO. 1181** – SolarCity Corporation petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction and operation of a 4.93 Megawatt Community Shared Solar Photovoltaic Electric Generating facility located at 9 Stott Avenue & 292 Plain Hill Road, Norwich, Connecticut.

Dear Attorney Small:

At a public meeting held on November 12, 2015, the Connecticut Siting Council (Council) considered and ruled that the above-referenced proposal 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:

- The Petitioner prepare a Development and Management Plan for this site in compliance with sections 16-50j-60 through 16-50j-62 of the Regulations of Connecticut State Agencies that shall be served on the City of Norwich for comment and submitted to and approved by the Council prior to facility construction and shall include:
 - a. A final plan of site development to include specifications for the solar panels, supporting infrastructure, electrical equipment, equipment compound, access and maintenance roads, utility connections, and landscaping;
 - b. Construction details for site clearing, site phasing, grading, water drainage, and erosion and sedimentation controls consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended;
 - c. A final Drainage Report and associated site plans stamped by a Professional Engineer;
 - d. The Wetland Protection Program as provided in Petition Exhibit 2, Appendix G;
 - e. Construction work hours and days of work;
 - f. The Wildlife Impact Mitigation Measures, dated August 2015;
 - g. Identification of an assigned environmental monitor for the project;
 - h. A facility decommissioning plan; and
 - i. The certification form for filling Wetland number 3 related to U.S. Army Corps of Engineers Programmatic General Permit.

- 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;
- 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 City of Norwich;
- Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
- 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;
- 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
- 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.

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 25, 2015 and additional information received on September 30, 2015.

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

Very truly yours,



Robert Stein
Chairman

RS/CH/lm

Enclosure: Staff Report dated November 12, 2015

- c: The Honorable Deb Hinchey, Mayor, City of Norwich
John Bilda, Acting City Manager, City of Norwich
Peter Davis, City Planner, City of Norwich
Robert Miller, SolarCity Corporation
The Honorable Richard L. Matters, First Selectman, Town of Franklin
Ronald Chalecki, Zoning Enforcement Officer, Town of Franklin



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Petition No. 1181

SolarCity Corporation

9 Stott Avenue and 292 Plain Hill Road, Norwich

Staff Report

November 12, 2015

Introduction

On August 25, 2015, SolarCity Corporation (SolarCity or Petitioner), in development partnership with Brightfields Development, LLC (Brightfields) and the Connecticut Municipal Electric Energy Cooperative (CMEEC), submitted a petition to the Connecticut Siting Council (Council) for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need (Certificate) is required for the construction and operation of a 4.93 megawatt (MW) Solar Photovoltaic Generating facility located at 9 Stott Avenue and 292 Plain Hill Road in Norwich, Connecticut.

Council members Michael A. Caron and Daniel P. Lynch, as well as Council staff members Fred Cunliffe and Cymon Holzschuh, visited the site on September 22, 2015 to review the proposal. Also present were Rob Miller, Mike Singer, Dan McKay, Bradon Houston, Matt Gustafson, and Attorney Philip Small, representing the Petitioner, three individuals from the press, and Frances and Kelvin Stott with Denise Ogden, representing the property owners. Supplemental information based on discussion at the field review was submitted on October 1, 2015.

The Petitioner notified the City of Norwich and Town of Franklin (municipality within 2,500 feet), as well as abutting property owners, of the proposed project. No abutters or municipal officials attended the field review. By letter dated September 1, 2015, Peter Davis, Norwich Director of Planning & Neighborhood Services, expressed support for the project. By letter dated October 20, 2015, the Department of Transportation stated no comment for the petition.

Municipal Consultation

Prior to the submission of the Petition to the Council, Brightfields met with the City of Norwich's Mayor, Deb Hinchey, on Friday, July 25, 2014 at City Hall in Norwich, Connecticut to introduce the project team and concept. Also present at that meeting were Alan Bergren, the City Manager at the time, and John Bilda, General Manager of Norwich Public Utilities. On August 4, 2014, representatives of Brightfields gave a general presentation to the Norwich City Council to discuss the company's experience, community shared solar facilities, and its partnership with the CMEEC. On August 25, 2015, Brightfields also met and had further discussions with Peter Davis, Norwich Director of Planning & Neighborhood Services, regarding the specifics of this site.

Public Benefit

The project would be a "grid-side distributed resources" facility, as defined in Connecticut General Statutes (CGS) § 16-1(a)(43). CGS § 16a-35k establishes the State's energy policies, including the goal to "develop and utilize renewable energy resources, such as solar and wind energy, to the maximum extent possible." The 2013 Connecticut Comprehensive Energy Strategy emphasizes low- or no-emission sources of electric generation and development of more distributed generation, which the proposed facility is. The proposed facility would contribute to fulfilling the State's Renewable Portfolio Standard as a zero emission Class I renewable energy source. The Petitioner intends to complete construction eighteen weeks after commencement. Work hours would be seven days a week, from 7:00 am to 7:00 pm.



Proposed Site

The project is located on two adjacent parcels, 9 Stott Avenue and 292 Plain Hill Road, in Norwich. Both parcels are owned by the same family, with the 10.96-acre 9 Stott Avenue parcel owned by Kelvin H. Stott and the 16.45-acre 292 Plain Hill Road parcel owned by Kelvin H. and Francis S. Stott. The combined 27.41 acre parcel is a half-mile from the Franklin town line, approximately 1.5 miles from the Bozrah and Sprague town lines, northwest of I-395 and east of Route 32. The 9 Stott Avenue parcel is listed as a business park zone in the Norwich Tax Assessor's field card, but listed as a residential zone on the current City of Norwich Zoning Map, and the 292 Plain Hill Road parcel is in a residential zone.

The 9 Stott Avenue parcel has a large amount of undeveloped agricultural land that is now mostly used as seasonal cornfields, with a building and batting cages at the southern end. The 292 Plain Hill Road parcel also has a significant amount of undeveloped, agricultural land with a telecommunications tower and associated ground equipment on the western side of the parcel. In the northeast section of the parcel there are a number of farm buildings associated with the former Mountain Ash Dairy Farm.

The project would occupy approximately 15 acres of the total 27.41 acre parcel, and is spread over all but the northeastern portion of the site. Access to the site would be via two new 12-foot wide gravel access drives originating from the telecommunications facility access road that extends from Stott Avenue. The first access drive is less than 80 feet long, runs parallel to Stott Avenue, and would provide access to the southeastern section of the solar field. The other access drive would extend approximately 1,140 feet up the center of the site providing access to the western and northern sections of the solar arrays. A small portion of stone wall would need to be removed at the beginning and end of the proposed road, but otherwise the access road would run parallel to an existing stone wall which would not be disturbed.

The site will be improved with a stormwater management system consisting of a crushed stone check dam/filtration berm backed by boulders, and two water quality basins formed with gravel berms backed by boulders on the west side of the site. The site plan has been developed to maintain existing sheet flow pervious flow patterns. The stormwater management system has been sized to maintain existing runoff rates from the site and provide groundwater recharge and treatment as recommend by the CT Department of Energy and Environmental Protection (DEEP) Stormwater Quality Manual.

Proposed Project

The proposed solar field would consist of approximately 15,912 Trina Solar 310 Watt solar panels, each measuring approximately 64.95 inches by 39.05 inches by 1.37 inches. The panels would have an RBI Solar post-driven mounting system and individual panels would be placed at fixed 25 degree tilt to the south. The mounting assemblies holding the modules are built on I-beam foundations that are driven into the ground and then the rack is constructed on the posts. Once the rack is complete, the modules are bolted on to the rack.

The site would include six Solectria SGI utility scale inverters, of which four would be 500KW and two would be 750 KW. The inverters convert the DC power supplied by the panels into AC power that can be connected to the electric grid. The inverters would be mounted on four, small concrete pads with transformers that are connected to the grid via switch gear - two pads would have one inverter and one transformer, and two pads would have two inverters and one transformer. In addition to the four small concrete pads for the inverters, there would be one concrete pad on the southern side of the site that would hold 3 equipment cabinets, one of which would be for the batteries. The site's battery system would be a self-contained unit that would use sealed, rechargeable, lithium-ion battery cells. These batteries would be used for voltage regulation as well as "peak-shaving," eliminating the need for western orientation of the array. The battery system has its own transformer and would share the same interconnection switch gear as the

proposed solar arrays. Protection systems are being engineered by the applicable utility company and will be implemented into construction plans once available.

The facility would be surrounded by a six-foot tall chain link fence, with two-inch mesh. The petitioner would be willing to install fencing with a mesh size less than two inches in areas with the most potential public access as follows; on the Plain Hill Road side and the Stott Avenue side of the proposed solar facility, and at the north of the cornfield (abutting the house). Two 15-foot wide swing gates would be installed; one at the entrance to the southeastern portion of the site, and a second at the entrance to the western and northern portion of the site. The fence would be configured to keep the telecommunications tower access way free of obstruction.

Environment, Cultural and Scenic Values

The project area would be enclosed within a fenced area encompassing approximately 15 acres. The majority of the project area is cultivated field. Approximately 2.7 acres would require clearing and grubbing and approximately 4.91 acres would require new soil disturbance to facilitate the installation of the solar arrays and associated equipment. The project area includes relatively moderate slopes and areas where regrading can be generally accomplished without significant cuts and fills. Tree stumps would be removed from within the project area. These disturbed areas would be regraded with existing or imported soil/topsoil and vegetated using native grasses and maintained (occasional mowing) to suppress tree growth.

The project requires the removal of 49 trees within an American Beech-White Oak-Northern Red Oak-Tuliptree forest, which includes a strong component of red maple, mostly between existing fields and wetland areas. A carbon debt analysis accounting for clearing of trees for site construction, manufacture of the equipment, and site operation indicates net carbon reduction would begin after 2.22 years of site operation.

There are no public water supply wells proximate to the site and the site is not located within an Aquifer Protection Area. The site also lies in a minimal flooding area according to the United States Federal Emergency Management Agency's mapping. In addition, no historic districts, features or structures exist at the site or in the vicinity of the site. The State Historic Preservation Office (SHPO) was contacted by All Points Technology for comment on the proposed Facility. SHPO's response will be forwarded to the Council upon receipt.

The majority of the lease area is comprised of upland areas, with three identified wetland areas. The first wetland area is located on the western edge of the site, and consists in part of forested area with a scrub/shrub hillside seep wetland system area on the western facing hillside near an area historically cleared for farming - there are two interior intermittent streams in this wetland area. The second wetland area is located next to the existing telecommunications tower in the center of the site, and is woodland dominant with large canopy gaps - this wetland area lies between two agricultural fields with a stone wall marking/defining its western boundary. The third wetland area is a small - approximately 415 square feet - isolated, depression-pocket wetland west of the dairy farm buildings created by a historical excavation pit that now retains approximately one to three inches of water. The third wetland is located within the footprint of the facility and will be filled. An Army Corp of Engineers General Permit would need to be secured prior to construction.

A vernal pool habitat survey was performed in parallel with other wetland and biological surveys. Areas within 750 feet of the site were inspected for the potential of supporting vernal pool breeding habitat. No areas potentially supporting vernal pool habitat are located within 750 feet of the site. All identified wetland areas at the site were found to not contain sufficient or persistent hydrology to support vernal pool habitat.

Given the wetland areas on the property, a wetland protection program was developed to protect these sensitive areas. The wetland protection program consists of five components:

- Erosion and Sediment Controls;
- Contractor Education;
- Petroleum Materials Storage and Spill Prevention;
- Herbicide and Pesticide Restrictions; and,
- Reporting any incidents of sediment release into the nearby wetland to the Siting Council.

Based on the CT DEEP's Natural Diversity Database mapping, and confirmed during consultations, no bat hibernacula, threatened, endangered, or special concern species, or critical habitats are located at, or in the vicinity of, the site. All Points Technology is the assigned environmental monitor for the project.

Wildlife impact mitigation measures include the following:

- A narrow strip of land between the perimeter fence and forest edge would be mowed on a rotation basis every four to seven years, to allow the area to revert to late old field and create a "soft" ecotone, and also to prevent shading of the arrays
- Taking efforts to complete vegetation clearing work prior to the peak nesting period May 1st through August 15th, to avoid potential disturbance of breeding birds; or, if tree clearing has not been completed by May 1st, an avian survey may be conducted to determine if breeding birds would be disturbed.
- Avoidance of all activities within a quarter-mile of known occupied Northern Long-Eared Bat hibernacula, as well as avoidance of cutting down or destroying, or clear-cutting within a quarter-mile of, known occupied roost trees during the pup season of June 1st to July 31st.
(The petitioner expects to complete work outside the restricted periods.)

Once completed, the project would not be highly visible from locations beyond those areas adjacent to Stott Avenue and Plain Hill Road proximate to the site. The project would generally be consistent with land uses in the area, which is primarily commercial to the south and west and agricultural to the east and north. A Decommissioning Plan was included in the petition and has provisions for project removal and site restoration.

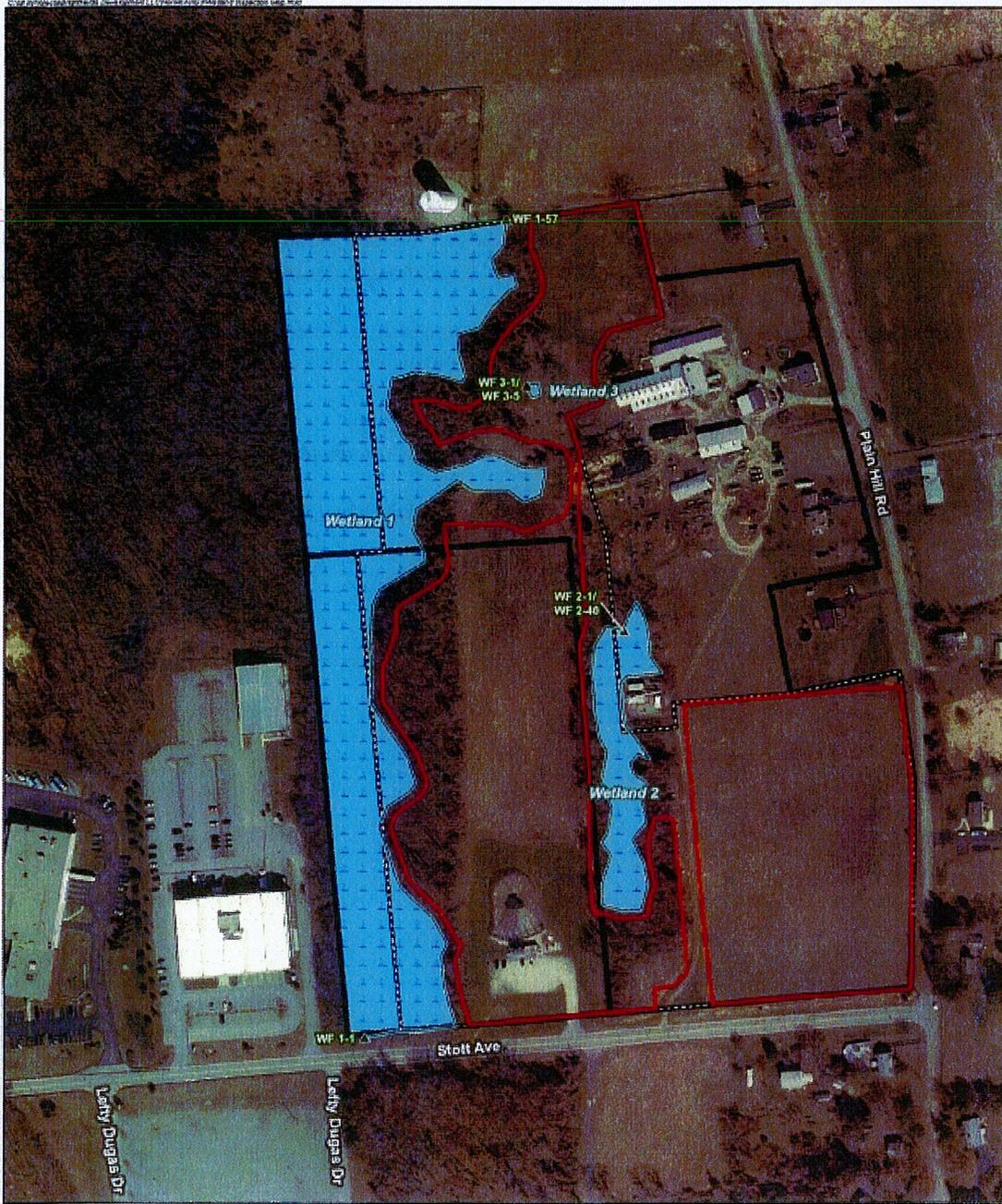
Conclusion

The Petitioner contends that pursuant to CGS § 16-50k(a), the Siting Council shall 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." The proposed project meets these criteria. The proposed project will not produce air emissions, will not utilize water to produce electricity, was designed to minimize wetland impacts, will employ a stormwater management plan that will result in no net increase in runoff to adjacent wetlands or any surrounding properties, and furthers the State's energy policy by developing and utilizing renewable energy resources and distributed energy resources. In addition, as demonstrated above, the proposed project will not have a substantial adverse environmental effect.

Staff recommends approval with the condition that the petitioner prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-60 through 16-50j-62 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the City of Norwich for comment and submitted to and approved by the Council prior to the commencement of facility construction and shall include:

- a) A final plan of site development to include specifications for the solar panels, supporting infrastructure, electrical equipment, equipment compound, access and maintenance roads, utility connections, and landscaping;
- b) Construction details for site clearing, site phasing, grading, water drainage, and erosion and sedimentation controls consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended;
- c) A final Drainage Report and associated site plans stamped by a Professional Engineer;
- d) The Wetland Protection Program as provided in Petition Exhibit 2, Appendix G;
- e) Construction work hours and days of work;
- f) The Wildlife Impact Mitigation Measures, dated August 2015;
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- i) The certification form for filling Wetland number 3 related to U.S. Army Corps of Engineers Programmatic General Permit.

Site Layout:



Legend

- Project Area (+/-16.00 acres)
- Proposed Lease Area (+/-22.80 acres)
- Site Property Boundary
- ▲ Start/End Wetland Flag
- Wetland Boundary
- Wetland Area

Wetland Inspection Map

Proposed Solar Facility
 9 Stott Avenue
 Norwich, Connecticut

Map 07089
 Base Map Source: 2012 Aerial Photography (07080)
 Map Scale: 1 inch = 200 feet
 Map Date: July 2015



BRIGHTFIELDS



Photo-simulation of the facility from Plain Hill Road looking southwest:



PROPOSED		
PHOTO	LOCATION	ORIENTATION
1	PLAIN HILL ROAD	SOUTHWEST



Photo-simulation of the facility from Stott Avenue looking northeast:



PROPOSED		
PHOTO	LOCATION	ORIENTATION
4	STOTT AVENUE	NORTHEAST

