



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

VIA ELECTRONIC AND REGULAR MAIL

February 26, 2016

Crary H. Brownell
Chairman – East Haddam Planning and Zoning Commission
Town Office Building
7 Main Street, P.O. Box K
East Haddam, CT 06423

RE: **PETITION NO. 1215** – Shagbark Lumber and Farm Supplies, Inc. petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of a 1.6 Megawatt Solar Photovoltaic Electric Generating facility located at 21 Mount Parnassus Road, a/k/a Route 434, East Haddam, Connecticut.

Dear Chairman Brownell:

The Connecticut Siting Council (Council) is in receipt of your correspondence dated February 25, 2016 with regard to the above-referenced petition. Thank you for your comments.

Please be advised that the Council has exclusive jurisdiction over the siting of solar facilities in the state. Under Conn. Gen. Stat. §16-50i (a)(3), the Siting Council has jurisdiction over “*any electric generating facility... using any fuel... including associated equipment for furnishing electricity...*” (Emphasis added). Additionally, under Conn. Gen. Stat. §16-50k(a), “...the Council shall, in the *exercise of its jurisdiction over the siting of generating facilities*, approve by declaratory ruling... the *construction and location of any customer-side distributed resources project or facility or grid side distributed resources project or facility with a generating capacity of not more than sixty five megawatts* as long as such project meets the air and water quality standards of the Department of Energy and Environmental Protection.” (Emphasis added). The above-referenced solar project is an electric generating facility over which the Council has exclusive jurisdiction and for which the Council is required by statute to approve by a declaratory ruling.

Your correspondence references that the Planning and Zoning Commission should have had time to review the project, to conduct a field walk and to hold a public hearing. C.G.S. §16-50x(a) states in pertinent part: “Notwithstanding any other provision of the general statutes to the contrary, ... *the council shall have exclusive jurisdiction over the location and type of facilities* and over the location and type of modifications of facilities subject to the provisions of subsection (d) of this section. In ruling on applications for certificates or *petitions for a declaratory ruling* for facilities and on requests for shared use of facilities, the Council shall give such consideration to other state laws and municipal regulations as it shall deem appropriate. *Whenever the council certifies a facility pursuant to this chapter, such certification shall satisfy and be in lieu of all certifications, approvals and other requirements of state and municipal agencies in regard to any questions of public need, convenience and necessity for such facility.*” (Emphasis added).

This petition was properly submitted to the Council on February 2, 2016 indicating that on or about February 1, 2016, written notice of the intent to file the petition for a declaratory ruling was provided to the property owner of record, abutting property owners and East Haddam First Selectman Mark Walter. This is compliant with the notice requirements for a petition for a declaratory ruling under Regulations of Connecticut State Agencies §16-50j-40. The Council has not received any comments or requests for a public hearing on the project to date from any abutting property owners or other interested persons. On February 3, 2016, the Council sent correspondence to First Selectman Walter with a copy to you indicating the petition had been



filed with the Council and requesting any comments on the petition to be filed by March 4, 2016. A copy of the Council's February 3, 2016 correspondence is attached for your convenience.

On February 11, 2016, the Council provided public notice of a field review to be held at the proposed project site on February 19, 2016. A copy of the field review notice was provided to you and a copy is attached for your convenience. First Selectman Walter, among other interested persons, attended the public field review.

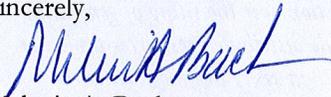
Your correspondence indicates that Attorney Scott Jezek and project engineer, Roger Nemergut, appeared before the Planning and Zoning Commission and made presentations about the proposed solar project on two occasions – February 9, 2016 and February 16, 2016 - prior to the public field review held by the Council. This is not required by statute. The February 9, 2016 Planning and Zoning Commission Meeting Minutes attached to your correspondence indicate that, in addition to responding to the questions and concerns of the members of the Planning and Zoning Commission, Attorney Jezek informed the Commission that the site inspection was scheduled for February 19, 2016. No members of the Planning and Zoning Commission attended the publicly noticed field review.

According to the statutory authority cited above, the Council's review and approval of a jurisdictional project, such as the subject solar project, "shall satisfy and be in lieu of all certifications, approvals and other requirements of state and municipal agencies." The Council will give consideration to the concerns of the Planning and Zoning Commission expressed in your February 25, 2016 correspondence in accordance with state statute.

If you have any further concerns or questions, please feel free to contact me at 860-827-2951.

Thank you.

Sincerely,



Melanie A. Bachman
Staff Attorney/Acting Executive Director

Enclosures

CC: Scott W. Jezek, Esq.
Honorable Mark B. Walter, First Selectman, Town of East Haddam
Randy Dill, Chairman, East Haddam Inland Wetlands Commission





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February 3, 2016

The Honorable Mark B. Walter
First Selectman
Town of East Haddam
Town Office Building
P. O. Box K
East Haddam, CT 06423

RE: PETITION NO. 1215 – Shagbark Lumber and Farm Supplies, Inc. petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of a 1.6 Megawatt Solar Photovoltaic Electric Generating facility located at 21 Mount Parnassus Road, a/k/a Route 434, East Haddam, Connecticut.

Dear First Selectman Walter:

Pursuant to Connecticut General Statutes §16-50k, the Connecticut Siting Council (Council) is in receipt of a petition for a declaratory ruling to construct and operate a solar facility in the Town of East Haddam.

In accordance with Section 16-50j-40 of the Regulations of Connecticut State Agencies, on or about February 1, 2016, written notice of the intent to file the petition for a declaratory ruling was provided to the Council, the property owner of record, abutting property owners and the chief elected official of the municipality in which the proposed solar facility will be located.

Should you have any questions or comments regarding the above-referenced petition for a declaratory ruling, please feel free to call me at 860-827-2951 or submit written comments to the Council by March 4, 2016.

Thank you for your consideration.

Sincerely,

Melanie A. Bachman
Acting Executive Director/Staff Attorney

MB/lm

c: Cary H. Brownell, Chm, Planning and Zoning Comm, Town of East Haddam



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February 11, 2016

TO: Robert Hannon

FROM: Melanie Bachman, Acting Executive Director *MAB*

RE: **PETITION NO. 1215** – Shagbark Lumber and Farm Supplies, Inc. petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of a 1.6 Megawatt Solar Photovoltaic Electric Generating facility located at 21 Mount Parnassus Road, a/k/a Route 434, East Haddam, Connecticut.

The Connecticut Siting Council has scheduled a field inspection for February 19, 2016 at 10:30 a.m. to review this petition. Interested parties should meet at Shagbark Lumber and Farm Supplies, Inc.

MB/MP

c: Secretary of the State (via e-mail service)
Honorable Mark B. Walter, First Selectman, Town of East Haddam
Crary H. Brownell, Chairman, Planning and Zoning Commission, Town of East Haddam
Thomas Wemyss, PurePoint Energy
Julia Leonardo, Shagbark Lumber and Farm Supplies, Inc.
Scott W. Jezek, Esq., Law Office of Scott W. Jezek

Directions to Site from Hartford area

1. Take Interstate 91 South to Route 9 South.
2. Take Route 9 South to Exit 10 (Route 154 South/Aircraft Road towards Higganum).
3. Merge onto Route 154 and proceed about 0.6 miles.
4. Turn right onto Saybrook Road (Route 154) in order to stay on Route 154.
5. Continue on Route 154 for about 8.4 miles.
6. Turn left onto Bridge Road (Route 82).
7. Proceed on Route 82 for about 2.2 miles (including crossing the East Haddam Bridge).
8. Turn right to stay on Route 82.
9. Proceed on Route 82 for about 0.06 miles.
10. Take the first left onto Mount Parnassus Road (Route 434).
11. Shagbark Lumber and Farm Supplies, Inc. is immediately on the left.

Directions to Site from New Britain area

1. Take Route 71 North to Route 9 South.
2. Take Route 9 South to Exit 10 (Route 154 South/Aircraft Road towards Higganum).
3. Merge onto Route 154 and proceed about 0.6 miles.
4. Turn right onto Saybrook Road (Route 154) in order to stay on Route 154.
5. Continue on Route 154 for about 8.4 miles.
6. Turn left onto Bridge Road (Route 82).
7. Proceed on Route 82 for about 2.2 miles (including crossing the East Haddam Bridge).
8. Turn right to stay on Route 82.
9. Proceed on Route 82 for about 0.06 miles.
10. Take the first left onto Mount Parnassus Road (Route 434).
11. Shagbark Lumber and Farm Supplies, Inc. is immediately on the left.

