



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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www.ct.gov/csc

CERTIFIED MAIL RETURN RECEIPT REQUESTED

March 9, 2015

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

RE: **PETITION NO. 1137** – Windham Solar, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction and operation of five 1.0 MW and one 1.1 MW Solar Photovoltaic Renewable Energy Generating facilities located at 1 Williams Crossing Road, Lebanon, Connecticut. Decision.

Dear Mr. Broyer:

At a public meeting held on March 5, 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:

- Implementation of DEEP recommended construction practices to reduce impacts to the Wood Turtle, in accordance with DEEP's letter of January 12, 2015;
- Consultation with local emergency responders in regards to potential construction and operational emergency response hazards;
- Plant vegetation along the west side of the project in accordance with the Town of Lebanon's letter of January 8, 2015;
- Removal of the abandoned underground storage tank and registration of the tank with DEEP's Underground Storage Tank Program;
- Coordination with Town of Lebanon officials regarding installation and inspection of erosion and sedimentation control measures;
- 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 January 22, 2015, including supplemental information submitted on February 26, 2015.

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

Very truly yours,



Philip Ashton
Acting Chairman

PA/RM/lm

Enclosure: Staff Report dated March 5, 2015

- c: The Honorable Joyce R. Okonuk, 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
Neal Beets, Town Manager, Town of Windham



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Petition No. 1137

Windham Solar LLC - Lebanon, Connecticut

Staff Report

March 5, 2015

Introduction

On January 26, 2015, Windham Solar, LLC (Petitioner) 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 6.1 megawatt (MW) Solar Photovoltaic Generating facility located at 1 Williams Crossing Road in Lebanon, Connecticut. Council members Robert Hannon and James Murphy, Council staff member Robert Mercier, and Steve Broyer representing the Petitioner visited the site on February 20, 2015 to review the proposal. Supplemental information based on discussion at the field review was submitted on February 26, 2015.

The Petitioner notified the Towns of Lebanon, Franklin and Windham, and abutting property owners of the proposed project. No abutters or Town officials attended the field review and no written comments regarding the project were received.

Municipal Consultation

Prior to the submission of the Petition to the Council, the project was reviewed and approved with conditions by the Town of Lebanon Planning and Zoning (P&Z) Commission and the Town of Lebanon Department of Public Works. The Petitioner submitted a Town Site Plan Review application to the Town of Lebanon P&Z Commission in early December 2014. The project was discussed at two public P&Z Commission meetings held on December 15, 2014 and January 12, 2015, with project revisions made as necessary. Final approval was granted by the Town of Lebanon P&Z Commission at its January 12, 2015 meeting. A copy of the approval letter dated January 13, 2015 was provided to the Council.

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 will contribute to fulfilling the State's Renewable Portfolio Standard as a zero emission Class I renewable energy source. The Petitioner intends to begin ground construction in late spring 2015 and is required to have the project operational by December 31, 2015.

Proposed Site

The project would consist of the installation of approximately 20,400 solar modules and associated ground equipment on a 44.5 acre property located along the Lebanon-Franklin town line. Thirty-nine acres of the parcel are in Lebanon and the remaining 5.5 acres are located in Franklin. The Petitioner proposes to construct the project on the Lebanon portion of the property.

The project property is west of Route 32 and south of Williams Crossing Road, slopes naturally to the south, and is zoned for industrial use. An old farmstead on the property, occupying an area of 2.6 acres, is located adjacent to Williams Crossing Road and consists of a farmhouse, an abandoned chicken coop, and small outbuildings. A Phase I environmental site assessment determined an abandoned underground oil tank of unknown age is present east of the farmhouse and recommended that it be removed.

The remaining areas of the parcel consist of several open old fields interspersed with isolated large diameter trees and small areas of dense shrub growth. Two large wetland areas are located along the south end of the parcel and a drainage swale type wetland is located along the northwest boundary.

Proposed Project

The solar field would occupy 22.3 acres and would be divided into six separate generating units. Each unit would consist of approximately 3,400 solar modules supported by a fixed tilt racking system with each module angled 30 degrees to the south. The racks would consist of support bars attached to 16-foot long H-beams driven 6 to 8 feet into the ground, depending on specific soil conditions. A minimum 18-inch ground clearance would be maintained. The linear rows of solar modules would be 24 feet apart.

Six inverters and associated step-up voltage transformers, one for each solar generating unit, would be mounted on concrete pads and connected underground to an interconnection pad. This interconnection pad consists of equipment with meters, protection relays and switches located in the northwest corner of the property along Williams Road. The facility will connect overhead crossing Williams Crossing Road to an existing 23-kV electric distribution circuit, subject to a final interconnection agreement with Eversource Energy.

The solar field would be surrounded by a seven-foot high chain link fence installed so that a gap remains between the fence and the ground for small wildlife movement. As requested by the Town, the fence would have a black-vinyl treatment. Access to the solar field would be from a new 20-foot wide gravel access drive extending southwest from Williams Crossing Road through the center of the solar field. A locked gate would be installed at the access drive entrance. Security cameras would be installed in the entrance area.

Environment, Cultural and Scenic Values

Site construction would occur in four Phases in order to limit the amount of ground disturbance and exposed soil at occurring at one time. The entire project site would first be enclosed by perimeter silt fencing with reinforced fencing installed along the south end of the project limit to provide additional protection to adjacent wetlands. In addition to the perimeter siltation fencing, each phasing area would be enclosed by a second siltation barrier.

Site development would require the removal of 31 large diameter trees and several brush/tree sapling areas throughout the project area. Large stumps would be removed as necessary to accommodate the inverter pads, trenching and access drive. Brush/sapling rootstock less than 4-inches in diameter

would be removed from the site with exposed soil areas hydro seeded with a slow-growth groundcover. Once the site is operational, solar field vegetation would be “brush hogged” and mowed on an as needed basis.

Grading at the site would only occur for the installation of the inverter pads and access drive and would total less than one-acre. The solar field racking system is designed to follow the natural contours of the land, not disrupting drainage patterns. At the request of the Town, two low spots on the access drive would feature armoring to prevent rutting in the event of high precipitation events. The Petitioner will register under DEEP’s General Permit for the Discharge of Stormwater and Dewatering Wastewaters associated with construction activities prior to construction and implement a storm water management plan.

The project would have no adverse environmental effect to air or water quality. The project has been designed to maintain a 100-foot setback distance from all wetlands on the property and as a result, would leave an approximate eight-acre area in the southeast corner of the property containing two wetland areas undisturbed. No wetlands would be crossed by project access roads.

A Decommissioning Plan was included in the Petition and has provisions for project removal and site restoration.

The project area is within the range of the wood turtle, a state listed species of special concern. A DEEP letter dated January 12, 2015 describing protection strategies is provided with the petition. The Petitioner would implement the alternative mitigation measures of the Wood Turtle Protection Program in accordance with DEEP’s recommended construction practices.

The State Historic Preservation Office provided comment to the Petitioner stating that the farmstead complex could be eligible for listing in the National Register of Historic Places. Additionally SHPO requested that field surveys for prehistoric artifacts be conducted prior to site construction.

The site is in a relatively undeveloped area with one residence at the Route 32-Williams Crossing Road intersection across from the farmstead area of the property. A second residence is farther north along Williams Crossing Road, past the project and is on a property that slopes downward to the east, away from the project.

Visibility of the project would be minimal and would be primarily from Williams Crossing Road adjacent to the site and from Route 32 through roadside vegetation. At the request of the Town, the Petitioner included evergreen plantings along the northwest and northeast sections of the property to buffer adjacent undeveloped property and screen views from the roadways.

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 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.

Recommendations

Staff recommends inclusion of the following conditions:

- Implementation of DEEP recommended construction practices to reduce impacts to the Wood Turtle, in accordance with DEEP's letter of January 12, 2015;
- Consultation with local emergency responders in regards to potential construction and operational emergency response hazards;
- Plant vegetation along the west side of the project in accordance with the Town of Lebanon's letter of January 8, 2015;
- Removal of the abandoned underground storage tank and registration of the tank with DEEP's Underground Storage Tank Program; and
- Coordination with Town of Lebanon officials regarding installation and inspection of erosion and sedimentation control measures.



Photo-simulation of facility from Route 32 east of site.



Photo-simulation of facility from Route 32-Williams Crossing Road intersection northeast of site. Solar modules are visible on left side of photo. Evergreens in photo are proposed plantings.