



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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October 28, 2015

Prasad Srinivasan
State Representative, 31st District
Legislative Office Building, Room 4200
Hartford, CT 06106

Mark Tweedie
State Representative, 13th District
Legislative Office Building, Room 4200
Hartford, CT 06106

Steve Cassano
State Senator, 4th District
Legislative Office Building, Room 2200
Hartford, CT 06106

RE: PETITION NO. 922 –UIL Distributed Resources, LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the installation of a Fuel Cell generating facility located at 1835 Hebron Avenue, Glastonbury, Connecticut.

Dear Representative Srinivasan, Representative Tweedie and Senator Cassano:

The Connecticut Siting Council (Council) is in receipt of your additional correspondence dated October 21, 2015 regarding the above-referenced fuel cell facility in the Town of Glastonbury (Town).

This ratepayer-funded, Class I Renewable Energy project was selected by the Connecticut Clean Energy Fund as part of the Project 150 Initiative in 2008. The site was selected based on its location within an energy constrained area identified by the regional electric grid operator, ISO-New England, Inc., and the availability of fuel, electrical interconnection, water and land. The project site is located on a 7 acre parcel owned in fee by Connecticut Natural Gas (CNG) that is improved with an existing natural gas gate station and other related utility infrastructure.

The location of this project has not changed. The project footprint was shifted within the approved location due to the property owner of record, CNG, expanding the existing gate station and granting a utility easement to Algonquin. The fuel cell project remains within a .14 acre footprint within the 7 acre parcel owned by CNG and the fuel cell units, switchgear, transformer, water treatment and water tank components remain within an approved 85-foot by 75-foot fenced compound.

As a condition of the Council's approval of the fuel cell facility, the Council requested submission of final construction plans prior to commencement of construction. On December 10, 2014, the final construction plans were submitted to the Council and the Town with a request to revise the location of the turbo expander unit from the existing CNG gate station compound to the approved fuel cell compound due to CNG's expansion of the existing gate station buildings. No comments were received from the Town. Concluding the revised location of the turbo expander unit would be screened by existing vegetation and not have any effect on projected noise levels, the Council approved the request to revise the location of the turbo expander unit within the approved fuel cell compound on January 12, 2015.



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Subsequent to the submission of the final construction plans, it was discovered that CNG had granted an easement to Algonquin within the footprint of the fuel cell project. As a result, on May 6, 2015, revised final construction plans were submitted to the Council and the Town with a request to revise the project footprint to avoid encroaching on the Algonquin easement. Comments were received from the Town related to requirements for a landscaping plan, final color scheme, noise analysis and a contribution to the Town's Land Acquisition Fund. The Council has no jurisdiction or authority to order a contribution to this fund. Concluding the revised project footprint would have no adverse effect on adjacent residences overall and taking into consideration the Town's concerns, the Council approved the request to revise the project footprint on June 1, 2015 with the following conditions:

1. Submission of a site restoration and landscaping plan to the Town for comment and for approval by the Council. The plan shall also include the installation of evergreens on the embankment between Chalker Hill Road and the access drive and along the west side of the existing gate station;
2. Submission of a revised noise study to the Town and Council that accounts for the relocation of the turbo-expander and facility site; and
3. Incorporation of a final color scheme for fuel cell equipment to reduce visibility from the surrounding area to be reviewed by the Town and approved by the Council.

On July 17, 2015, a site restoration and landscaping plan, revised noise study and final color scheme were submitted to the Council and the Town for review. On July 20, 2015, the Town, rather than comment, submitted to the Council its own proposed landscaping plan. The Town plan proposed plantings beyond the site property boundaries and in areas that interfere with existing utility infrastructure, such as the water meter pit, utility poles, fire hydrant, utility metering cabinet and high pressure gas piping easement areas, where the Council has no jurisdiction or authority to order plantings. During a meeting held on August 6, 2015, the Council discussed both landscaping plans clearly indicating the Town plan exceeds the limits of the Council's authority to order plantings beyond the site property boundaries and in areas that interfere with existing utility infrastructure, and tabled the landscaping plan pending revisions consistent with Council member comments. On August 14, 2015, a revised landscaping plan was submitted to the Council and the Town that addressed the Council member comments. Concluding the revised landscaping plan provides ample screening and taking into consideration the Town's concerns to the extent legally practicable, the Council approved the revised landscaping plan on September 3, 2015.

We look forward to meeting with you tomorrow.

Sincerely,



Robert Stein
Chairman, Connecticut Siting Council

cc: The Honorable Dannel P. Malloy, Governor of Connecticut
Richard Johnson, Town Manager, Town of Glastonbury
Kenith Leslie, Community Development Director, Town of Glastonbury
Chip Beckett, Glastonbury Town Council Chairman
Jennifer A. Arasimowicz, Esq., Vice President and Managing Counsel, Fuel Cell Energy, Inc.
James Morrissey, Esq., Counsel, UIL Distributed Resources, LLC