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LEED Green Associate

September 5, 2017

***VIA FEDERAL EXPRESS AND  
ELECTRONIC MAIL***

*Melanie.bachman@ct.gov*  
*Siting.council@ct.gov*

Ms. Melanie A. Bachman, Esq., Executive Director  
Connecticut Siting Council  
Ten Franklin Square  
New Britain, CT 06501

**Re: Petition 1313 – DWW Solar II, LLC Petition for Declaratory Ruling that No Certificate of Environmental Compatibility and Public Need Is Required for A 26.4 Megawatt AC Solar Photovoltaic Electric Generating Facility in Simsbury, Connecticut**

Dear Attorney Bachman:

This office represents the Town of Simsbury (“Town”). On behalf of the Town, I have enclosed the Town’s Prehearing Submission, which includes the prefiled testimony of the Town’s witnesses, in connection with the above-captioned matter. In accordance with § 16-50j-12 of the Regulations of Connecticut State Agencies and the Connecticut Siting Council’s July 21, 2017 correspondence, I have enclosed an original and fifteen (15) copies of each.

If you have any questions concerning the objection, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Jesse A. Langer', is written over a light blue horizontal line.

Jesse A. Langer

Enclosures

cc: *Service List (via regular mail and electronic mail)*

Updike, Kelly & Spellacy, P.C.  
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**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

.....	)	
DWW SOLAR II, LLC PETITION FOR	)	PETITION NO. 1313
DECLARATORY RULING THAT NO	)	
CERTIFICATE OF ENVIRONMENTAL	)	
COMPATIBILITY AND PUBLIC NEED	)	
IS REQUIRED FOR A 26.4 MEGAWATT	)	
AC SOLAR PHOTOVOLTAIC ELECTRIC	)	September 5, 2017
GENERATING FACILITY IN SIMSBURY	)	
CONNECTICUT	)	
.....	)	

**PREHEARING SUBMISSION BY THE TOWN OF SIMSBURY**

The Town of Simsbury (“Town”), through counsel, respectfully files this Prehearing Submission concerning Petition No. 1313 (“Petition”), initiated by DWW Solar II, LLC pending before the Connecticut Siting Council.

**A. Witness List**

1. Lisa L. Heavner, First Selectwoman of the Town of Simsbury;
2. Marguerite Carnell, Vice Chair, Simsbury Historic District Commission;
3. Robert J. Carr, P.E., LEP, Vice President and Principal-In-Charge of Zuvic, Carr and Associates, Inc.; and
4. Chad Frost, Principal of Kent + Frost, LLC; and

The Town may call additional members from the boards and commissions of whom provided comments on the Petition. The prefiled testimony of First Selectwoman Heavner includes a comprehensive list of those comments.

**B. Exhibit List**

1. The prefiled testimony of Lisa L. Heavner, including all attachments thereto, attached hereto as Exhibit A;
2. The prefiled testimony of Marguerite Carnell, including all attachments thereto, attached hereto as Exhibit B; and

3. The prefiled testimony of Robert J. Carr, including all attachments thereto, attached hereto as Exhibit C;

4. The prefiled testimony of Chad Frost, including all attachments thereto, attached hereto as Exhibit D; and

5. Any other exhibits that may be obtained prior to the hearing and are relevant to the proceedings or as rebuttal to positions taken by the other parties and intervenors of record.

**C. Items to be Noticed Administratively**

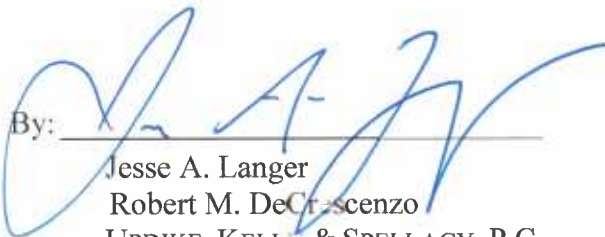
The Applicant does not wish to notice any items administratively at this time.

**D. Direct Testimony**

At the hearing on this Petition, the Town intends to adopt the aforementioned exhibits as its direct testimony, with some additional and limited direct examination as necessary, and thereafter make its representatives available for cross-examination and re-direct examination. The Town respectfully reserves the right to offer additional exhibits, witnesses, testimony and administratively noticed materials as may be necessary during the course of the proceedings, including for purposes of rebuttal.

Respectfully submitted by,

THE TOWN OF SIMSBURY

By: 

Jesse A. Langer  
Robert M. DeCrescenzo  
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Email: bdecrescenzo@uks.com

## CERTIFICATION

I hereby certify that on this day that the foregoing was delivered by electronic mail and regular mail, postage prepaid, in accordance with § 16-50j-12 of the Regulations of Connecticut State Agencies, to all parties and intervenors of record, as follows:

Counsel for DWW Solar II, LLC

Lee D. Hoffman  
Pullman & Comley, LLC  
90 State House Square  
Hartford, CT 06103-3702  
lhoffman@pullcom.com

Aileen Kenney  
Deepwater Wind, LLC  
VP, Permitting and Environmental Affairs  
56 Exchange Terrace, Suite 300  
Providence, RI 02903  
akenney@dwwind.com

Connecticut Department of Energy  
and Environmental Protection

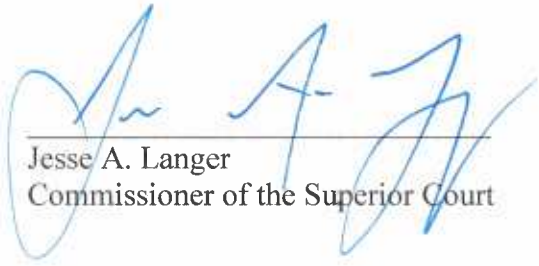
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Certain Abutting Property Owners

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Jesse A. Langer  
Commissioner of the Superior Court

EXHIBIT A

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**


.....	)	
DWW SOLAR II, LLC PETITION FOR	)	PETITION NO. 1313
DECLARATORY RULING THAT NO	)	
CERTIFICATE OF ENVIRONMENTAL	)	
COMPATIBILITY AND PUBLIC NEED	)	
IS REQUIRED FOR A 26.4 MEGAWATT	)	
AC SOLAR PHOTOVOLTAIC ELECTRIC	)	September 1, 2017
GENERATING FACILITY IN SIMSBURY	)	
CONNECTICUT	)	
.....	)	

**PREFILED TESTIMONY OF LISA L. HEAVNER**

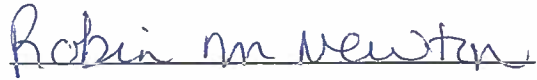
I, Lisa L. Heavner, hereby offer the following as my prefiled testimony concerning the above-captioned matter. I am the First Selectwoman for the Town of Simsbury (“Town”). I have reviewed the Petition for Declaratory Ruling, and related documentation, submitted by DWW Solar II, LLC to the Connecticut Siting Council. The Town’s position is articulated in my letter, including attachments thereto, which is appended hereto as Attachment A.

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IN WITNESS WHEREOF, I have hereunto set my hand and seal this 1th day of  
September, 2017.

  
\_\_\_\_\_  
Lisa L. Heavner

Subscribed and sworn before me this 1th day of September, 2017.



Notary Public

My Commission Expires: April 30, 2022

ATTACHMENT A





# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

*Lisa L. Heavner - First Selectman*

## WRITTEN TESTIMONY OF FIRST SELECTWOMAN LISA L. HEAVNER

September 1, 2017

Council Members  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

**RE: PETITON NO. 1313** – DWW Solar II, LLC petition for declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for proposed construction, maintenance and operation of a 26.4 megawatt AC solar photovoltaic electric generating facility on approximately 289 acres comprised of 5 separate and abutting privately-owned parcels located generally west of Hopmeadow Street (US 202/CT 10), north and south of Hoskins Road, and north and east of County Road and associated electrical interconnection to Eversource Energy's North Simsbury Substation west of Hopmeadow Street in Simsbury, CT.

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Dear Members of the Connecticut Siting Council,

Welcome to Simsbury. The Deepwater Wind Petition No. 1313, "Tobacco Valley Solar," before the Council, seeks to place a 26.4 megawatt solar array on five separate parcels of land in the Town of Simsbury, totaling approximately 289 acres. To the best of our knowledge, if the solar farm is built, it will be one of the largest solar arrays in Connecticut, occupying the equivalent of approximately two hundred and twenty football fields. A project of this size and scope located in a residential area next to a school and an important historical area cannot fail to impact Simsbury's neighborhoods, environment, agriculture, appearance and economy.

The Town of Simsbury sought party status to ensure, to the best of our ability, that questions about the project's environmental, agricultural, aesthetic and financial impact are asked, evaluated and addressed before a final decision is made. We want to make sure the concerns of our residents are heard and addressed and that we can have confidence that the qualities that make Simsbury a wonderful place to live are respected, preserved and enhanced.

To that end, we asked all of our Town boards and commissions to provide advisory opinions identifying their concerns and perceived benefits of this project. The Planning Commission determined the project was inconsistent with the majority of the Town's Plan of Conservation and Development ("POCD") and the Zoning Commission determined the project is not an

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*An Equal Opportunity Employer*  
8:30 - 7:00 Monday  
8:30 - 4:30 Tuesday through Thursday  
8:30 - 1:00 Friday

allowed land use under the Town's current Zoning Regulations. The Conservation Commission/Inlands Wetlands Watercourse Agency ("Conservation Commission") recommended the project from a conservation point of view compared with the potential alternative residential and industrial uses on the site, subject to additional required information. Not one Town board or commission gave unqualified support for the project without the need to address some aspect.

Copies of these opinions and all advisory documents are being submitted with this letter as Appendix A.

### **The Town's Positions**

Throughout this process, the Town has taken a two-pronged approach to the Deepwater Wind proposal. First, we have worked to ensure that the Siting Council has the information it needs to thoroughly evaluate the project in a comprehensive manner consistent with Connecticut and Simsbury values; and second, that if the project is approved, we want to be sure that the Siting Council has the information it needs to ensure the project is properly and appropriately sited, that environmental and conservation goals are met, and that Simsbury maintains its strong sense of place.

After careful review of the Deepwater Wind Petition No. 1313, hearing from residents, consulting with boards and commissions, consultants, legal counsel and staff, *the Board of Selectmen for the Town of Simsbury opposes the Deepwater Wind Solar Petition No. 1313 as proposed and takes the following positions:*

1. The Siting Council should use the highest level of review possible.
2. Petition No. 1313 lacks sufficient information and data for the Siting Council to issue a decision at this time.
3. If the Petition is approved by the Siting Council, the project should be reduced in scope to lessen the impact on abutters and the public including the removal of the parcel located on the southern side of Hoskins Road; proposed visual "buffering" and landscaping should be improved and based on visual elements characteristic of and already existing in Simsbury; and historical landmarks which define the character of Simsbury including the viewshed and the residence at 85 Hoskins Road and tobacco barns located on the project site should be preserved.
4. A more robust financial support and decommissioning package is needed to ensure that environmental benefits and project oversight are guaranteed.

The Town's rationale for its positions and requests follow below.

### **The Siting Council should use the highest level of review possible**

The Town believes the highest level of review, which is provided under the certification process, is warranted for this Petition given the passage of Public Act 17-218 (Senate Bill 943), the size of the project, its location in a residential neighborhood, the Simsbury Planning Commission's "consensus that the project was not consistent with the goals and objectives outlined in the 2007 Plan of Conservation and Development," the Simsbury Zoning Commission

conclusion that the project is not permitted under existing regulations, and conflicting State policies that favor the protection of forests and agriculture in counter-balance to support for renewable energy.

Public Act 17-218 (Senate Bill 943) applies to Petition No. 1313: Public Act 17-218 (Senate Bill 943), *An Act Concerning the Installation of Certain Solar Facilities on Productive Farmlands* was designed to apply to exactly the fact pattern presented by this petition – a large solar project located on prime agricultural land – with the goal of ensuring that the Siting Council’s decision is based on a comprehensive and complete review. It was passed with the unified and overwhelming support of State legislative, executive and administrative agencies, as well as the State’s municipalities. As set forth below, many questions remain unanswered in connection with the Petition and a higher level of review is warranted. The Town of Simsbury supports the Connecticut Department of Agriculture’s interpretation of PA 17-218 that the law applies to the Deepwater Wind Petition No. 1313 currently before the Siting Council. Should the Council disagree with the legal interpretation, we request that the Council use its discretion to require the petitioner to file under the certification process or at the very least engage in a comprehensive review through the petition process.

Public policy considerations support using the highest level of review: Supporting sustainable energy and preserving open space, forests and farms are worthy goals that can and should be pursued in a complimentary manner, but not at the expense of one policy over the other. Care must be taken that proceeding with a renewable future will not result in unintended and harmful impacts to our landscapes, habitats, wildlife and farmlands. It is inconsistent to use public money for renewable energy credits on the one hand, while on the other hand, incenting the removal of forests and prime agriculture in pursuit of that goal. While private land owners can use land for what they want, when public money and policy are involved, the standards must be higher. At the very least, when the State does use its incentives to remove forests or agriculture to pursue renewable energy goals, the State should engage in a comprehensive and exhaustive review to ensure that the promotion of renewable energy goals exceeds the value of preserving forests or farmland for each project proposed.

Because the State of Connecticut does not limit State incentives for renewable energy to non-agricultural or non-forest uses, the State of Connecticut policies of encouraging renewable energy and preserving agriculture and forests naturally come into conflict. Griffin Land took advantage of the State policy (Public Act 490) to earn favorable tax status by leasing their land for farming for many years. Deepwater Wind is proposing to take advantage of State policy to invest in a solar farm on that same land, thus negating the agriculture preservation policy encouraged by the leasing of land to an active farm operation.

In this particular case, neither the State Department of Energy and Environmental Protection nor the State Department of Agriculture selected the Simsbury site through the regional bid process by the three states of Connecticut, Massachusetts and Rhode Island. Massachusetts selected the site and will receive the renewable energy credits. As we understand the State’s rationale, the Simsbury site was not optimal for promoting renewable energy in Connecticut because it is located on prime agriculture soils and the cost for the energy produced was too high.

While we understand it is not the Siting Council's purview to reconcile State policy, we do ask that the Council be cognizant of this conflict during their deliberations. The Town asserts that this policy conflict is a good and just reason for the Siting Council to use the highest level of review.

**Petition No. 1313 lacks sufficient data and information for the Siting Council to issue a decision at this time.**

Deepwater Wind Petition No. 1313 is lacking in sufficient data and information on environmental, conservation, historical and financial sustainability matters for the Siting Council to issue a decision at this time. Consistent with the evaluations provided by the Town of Simsbury's licensed Environmental Professional Zuvic Carr and Associates, Inc., the Town of Simsbury Conservation Commission, Town staff, the Council on Environmental Quality and the Farmington River Watershed Association and given the residual compounds that required remediation on other tobacco fields in close proximity to the project that are owned by the same seller, Griffin Land (Culbro Land Resources), the Town believes that there is inadequate information to fully evaluate air, soil and water impacts on the project.

The Town also believes that additional information is needed on historical issues, potential noise and light pollution on adjacent properties, details on landscaping/buffering to determine impact on sense of place and conservation considerations, through a shading study, financial considerations on decommissioning, and other gaps as pointed out through the Town's interrogatories and in Appendix B, attached to this letter.

**If the Petition is approved by the Siting Council, the project should be reduced in scope to lessen the impact on abutters and the public including the removal of the parcel on the southern side of Hoskins Road; proposed visual "buffering" and landscaping should be improved and based on visual elements characteristic of and already existing in Simsbury; and historical landmarks which define the character of Simsbury including the viewshed and a historic residence at 85 Hoskins Road and tobacco barns located on the project site should be preserved.**

Consistent with the Town of Simsbury's Zoning Commission's advisory letter that this project is not permitted under local Zoning Regulations and the Planning Commission's advisory letter that the project is substantially inconsistent with the Simsbury's POCD, the project should be reduced in scope due to its location in a residential neighborhood area, to lessen the visual impact to abutters and the public, and to preserve an important and historical sense of place. Should the project be approved by the Siting Council, landscaping and buffering should be substantially improved and the five barns should be preserved and maintained for historic and scenic reasons.

The parcel located on the southern side of Hoskins Road should be eliminated: The Town strongly opposes using the parcel located on southern side of Hoskins Road for a solar farm and advocates that the parcel should be removed from the project due to its historical and scenic significance as identified in the Simsbury POCD and as recommended by the Simsbury Historical Society in order to maintain Simsbury's well-defined character, landscapes and sense of place. The area along the southern side of Hoskins Road and along County Road is considered a gateway by our northern residents and is important to our entire community for its rural

character and sense of place. As proposed, the solar project would effectively “engulf” an important historical home on that street located at 85 Hoskins Road.

The 10-foot high brown “highway-like” fence along Hoskins and County roads should be replaced with landscaping appropriate to the historical and rural character of the area and the Town: Should the Siting Council disagree with the Town’s recommendation that the southern side of Hoskins Road be removed from the project, we request the 10-foot “highway-like” vinyl fence along Hoskins and County roads be replaced with landscaping more appropriate to this historical area, in keeping with the character of the Town. The ten-foot-high brown vinyl fence along Hoskins and County roads completely fails to incorporate aesthetic elements that would buffer the view of solar arrays in a manner consistent with existing views to be found in Simsbury.

The Town of Simsbury concurs with the Simsbury Historical Society recommendation that “[t]en foot high solid vinyl walls are anathema to the characteristics of a natural, rural landscape. Rather than installing a repetitively detailed, monolithic, plastic wall, we recommend using varied natural screening such as segments of earth berms, random tree clusters and smaller undercover vegetation and even smaller wooden structures or screen segments to break up the scale and enhance authenticity.” The Town’s position is further supported by the Simsbury Historic District Commission’s conclusion that the proposed 10 foot solid vinyl fence is “not in keeping with the natural rural character of the project site.” The Historic District Commission recommends instead, “a mix of berms planted with appropriate vegetation, naturalistic groupings of indigenous trees and plants, and wooden rail fencing. In areas where completely concealing the solar panels is difficult, it could be preferable to use rail fencing and trees to distract the viewer’s eye rather than to hide the panels behind a solid high fence.” Simsbury’s Design Review Board similarly recommends: “The fencing screening along Hoskins Road not be monolithic height. A greater emphasis is inclusion of evergreen clusters or extended deciduous tree canopy to over time grow in and continue to shield the fence. Some kind of combination of fence and vegetative berm be used where ever possible.” Exhibit D from the landscape architectural firm of Kent and Frost gives some renderings and information that is more consistent with the Town’s position than the Deepwater Wind Proposal.

The five barns should be retained: The Town further advocates that the five barns on the proposed sites should be retained. The Planning Commission indicated the project location is “listed as one of 36 sites listed in the Plan [of Conservation and Development] as ‘character places’ with a goal of maintaining and enhancing the established character of Simsbury.” The Commission specifically identified the various tobacco fields and barns in the Hoskins Road area as areas of importance. The Simsbury Historical Society in their advisory letter emphasizes, “[t]he tobacco sheds and, more broadly, the agricultural land inhabited by those sheds are valued elements that collectively help define a rural preserve context.”

The farms and barns in this area have played a significant role in history – in fact, they provided Dr. Martin Luther King with life-changing experiences which clarified his calling to the ministry. The Simsbury Historic District Commission noted that the tobacco sheds are “particularly important because of their association with minority workers. During and after World War II, Cullman Brothers, which owned four tobacco farms in Simsbury, hired field laborers from Southern schools. Morehouse College students had a dormitory in the

vicinity...and in 1944 and 1947 Martin Luther King Jr. reportedly worked on Cullman Farm #1 in the Firetown Road/Barndoor Hills Road area (Carley 2013, p.24). In his writings, Martin Luther King Jr. remembered his time working and living in non-segregated Simsbury as a pivotal time in his intellectual development, allowing him to imagine life in a racially-integrated society... While to date no evidence has been found that directly links Martin Luther King Jr. to the Tobacco Valley Solar site, the agricultural landscape and buildings remain as important links to African-American workers and other minority groups.” Great care must be taken with this legacy.

The project footprint should be reduced in size to limit the visual impact to abutters and the public: The Town advocates that the project should be reduced in its footprint to lessen the visual impact to abutters and the public. The Zoning Commission, in their advisory letter, indicated that it was important to consider the existing and future character of the neighborhood, landscaping and the importance of protecting adjacent property and the neighborhood in general from detriment. The Clean Energy Task Force, in support of the project generally, emphasized the need to decrease the project’s active size and to increase the setback distances from abutters. The Simsbury Historical Society noted, “Deep setbacks with extensive woodland cover as an extension of residential rear yards can be a very effective buffer while characteristics along a roadside, agricultural area typically include more naturalistic and random elements. Using these types of contextual elements will maintain the rural preserve character on dissimilar properties and uses.”

To further lessen the visual impact to the public and abutters and because this project is located in a residential area, the Town strongly recommends that black vinyl coated chain link fencing, posts, and hardware be used instead of exposed metal chain link fence proposed throughout the project and, as recommended by the Conservation Commission, that the applicant consider mitigation methods which may prevent negative impacts on wildlife corridors, such as elevating fencing off ground level so that smaller animals may pass under the fencing.

Where there is a visual impact to abutters, the Town strongly recommends that the Siting Council increase the required setbacks and require individualized landscaping plans to lessen the impact to abutting residential properties.

Pollinator friendly native plantings should be used throughout: To preserve the agricultural use and to enrich agricultural soils over the life of the project, the Town concurs with the Simsbury Conservation Commission’s recommendation that a cover crop be identified that is both pollinator friendly and made up of native plants throughout the project, not just limited to a one acre demonstration area.

***A more robust financial support and decommissioning package is needed to ensure that environmental benefits and project oversight are guaranteed.***

To ensure that the environmental benefits of the project are adequately financed to deliver the intended societal benefits, Deepwater Wind should be required to provide a financial support package that supports their capability to implement, fundraise for, maintain and operate, and decommission the project. There should be a more robust decommissioning plan that is not reliant on salvage value of the panels to fund, but instead secures upfront guarantees. As pointed

out by the Town's Clean Energy Task Force (CETF), Deepwater Wind has indicated that they plan to rely on salvage value to fully fund end-of-life site restoration as Deepwater Wind believes "[t]he estimated salvage value is expected to exceed the decommissioning costs...." The CETF points out, however, that Petitioner's "plan also anticipates that advances in solar technology over the 20-25 year project life will 'economically drive the replacement of the existing solar arrays.' As such, it seems likely that the existing panels will be rendered obsolete, with little salvage value. The Simsbury Conservation Commission and the Simsbury Board of Finance also highlighted the need for a more robust Decommissioning Plan and financial support package. We further request that the decommission plan include the removal of the support pilings for the panels. Without the financial support package, the environmental benefits cannot be guaranteed from the project.

If the project is ultimately approved by the Siting Council, there will be a need for oversight to assure that, year after year, the site will be operated and maintained in ways wholly consistent with the assurances given by Deepwater Wind. It is not clear which oversight functions will be undertaken by the State and which might be left to the Town. With concerns about the State budget and its need to marshal its resources, it is reasonable to anticipate that the Town might need to step in. It should be made clear that the Town will have full authority to do so and that it will be made financially whole for doing so.

**Additional Town requests to the Siting Council are attached in Appendix B**

The Town has submitted additional requests for information through its interrogatories to the Petitioner. A list of the Town's recommended requirements for the project is attached for the Council's consideration as Appendix B.

**Background on Simsbury**

Located just outside of Hartford in the Farmington Valley, Simsbury is a CNN/Money Magazine *Top 10 Best Place to Live in America*, recognized for historic charm, excellent education, beautiful trails and open space, recreational attractions, as the summer home to the Hartford Symphony, and for delivering quality services. This recognition did not happen by accident, but because of the hard and thoughtful work of many volunteers and elected officials, careful planning and zoning, and the intentional investment in quality of life that makes Simsbury a great place to raise a family, do business and retire. It is vitally important to the community in Simsbury that we maintain the highest level of beauty, livability and charm that we have worked so hard to create and foster.

Simsbury's history includes the time Martin Luther King Jr. worked in the tobacco fields of Simsbury for two summers in 1944 and 1947. Those tobacco fields are in the same area as the proposed Deepwater Wind Solar project. The two summers were significant in shaping Dr. King's decision to enter the ministry. In Dr. King's application to the Crozer Theological Seminary in Pennsylvania in 1948, Dr. King wrote, "My call to the ministry was quite different from most explanations I've heard. The decision came about in the summer of 1944 [when he was in Simsbury] when I felt an inescapable urge to serve society. In short, I felt a sense of responsibility in which I could not escape." The Council may watch a video produced by

Simsbury High School students, the Simsbury Free Library and the Simsbury Historical Society documenting Dr. King's time in Simsbury at <http://www.mlkinct.com/documentary.html>

In addition to Simsbury's unique history and historic charm, Simsbury has long recognized the importance of investing in sustainable energy to promote health, lower costs and preserve our environment - *clean energy is a desired social good*. The Board of Selectmen endorsed a 100%PercentCT policy with the goal of one hundred percent renewable energy for Simsbury. The Town has purchased all of its street lights and converted them to LED lighting. It has also conducted energy audits and installed insulation, lighting and mechanical upgrades to all major town buildings. We have recently installed an electric vehicle charging station at town hall and solar panels at Simsbury High School through energy credits earned by our Clean Energy Task Force. It is particularly ironic that when the Town applied for Community Shared Solar at the Town's closed landfill, it was not viewed favorably by DEEP.

Equally important and as a rural community, Simsbury has a long tradition of supporting the preservation of our farms, forests and open space by partnering with the Simsbury Land Trust, the Save the Woods Community Group, and state and federal agencies. Today, almost thirty percent of Simsbury's land is preserved as open space. We lease Town land to farmers with a requirement for organic farming and the Board of Selectmen passed a rigorous open space disposition ordinance that requires multiple board and committee reviews and public hearings before any sale of open space by the Town can be contemplated.

### **Conclusion**

We thank the Council for its consideration of the Town of Simsbury concerns, for its work and evaluation on Petition No. 1313 and for visiting Simsbury.

Respectfully submitted,



Lisa L. Heavner  
First Selectwoman  
Town of Simsbury  
933 Hopmeadow Street  
Simsbury, CT 06070



## **APPENDIX A**



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Office of Community Planning and Development

July 12, 2017

To: Lisa Heavner, First Selectman

From: William Rice, Chairman Simsbury Planning Commission

Re: Deepwater Wind LLC, Petition 1313 Ct Siting Council

The Simsbury Planning Commission reviewed and discussed the Connecticut Siting Council Petition 1313 of Deepwater Wind LLC (Tobacco Valley Solar) at the July 11, 2017 regular meeting. It was the consensus of the Planning Commission that the Petition is not consistent with the goals and objectives of the 2007 Plan of Conservation and Development. While the consensus was reached, the Board did not take a vote and/or action on this finding because of perceived conflict with some of the goals and objectives cited in the 2007 Plan of Conservation and Development.

The Commission reached its consensus after reviewing and discussing Petition 1313 as it relates the goals and objectives outlined in the 2007 Plan of Conservation and Development. In reaching the Commission's consensus, there were several areas of the current plan which steered opinions that the petition was not consistent with the 2007 Plan of Conservation and Development. Below are some of the references found in the current plan which illustrate how the petition is in conflict with the 2007 plan:

- Page 30-31: **What We Want to Protect- Agricultural Resources: Policy 1 – Strongly support the preservation of working farms**
  - *Objective A*- Preserve the Town's agrarian legacy
- Page 85-86: **How We Want to Grow- Special Areas**
  - Residential uses and zoning along Hoskins Road reinforce the character of that neighborhood and provide a good transition from Route 10/Hopmeadow Street and should remain.
- Page 86: **How We Want to Grow-Special Areas**
  - An additional priority for any development of the north end should include a right-of-way for an arterial connection between the intersection of Wolcott Road and Route 10/Hopmeadow Street through to the intersection of Hoskins Road and County Road. This arterial will divert traffic wishing to go north on Route 10/Hopmeadow Street and/or Wolcott Road away from the Hoskins Road/Ely Lane and Route 10/Hopmeadow Street intersection. This proposal is also consistent with the recommendation to shift State Route 315 to Wolcott Road.

- Page 44: **What We Want To Protect- Community Character**

- **Sense of Place:**

A “sense of place” is what draws many new residents to Simsbury. People make a conscious choice to live here because of its small town character and sense of community.

The concept of “place” is abstract, and defining it is elusive; however, you know it when you see it. Place is found in organizational patterns of the physical landscape, natural, or built, i.e., ridgelines, signature brownstones buildings, winding secondary roads, etc., or in preserved historical land uses, such as farms, factories, mills, etc.

These patterns extend beyond the visual. It is more than just the way the town “looks”. “Place” is also manifested in the interaction between human and habitat. The organizational pattern of a farmstead, for example, includes the familiar house, barns, and fields. But it also includes the experience of a farm- the sounds (live-stock and tractors), the smells (manure and freshly mown hay), and the history associated with the site (perhaps owned by the same family for generations or renowned for its organic produce).

- Page 46-48: **What We Want to Protect – Community Character**

- **List of Character Places – Simsbury’s Treasures:** *The area is listed as one of 36 sites listed in the Plan as “character places” with a goal of maintaining and enhancing the established character of Simsbury*

- page 46- **Buildings #9** *Various Tobacco Fields and barns*

- page 46 – **Aesthetic Places #30** *Various Tobacco fields and barns: Firetown, Hoskins Road*

- Page 113: **How We Want to Grow- Economic Development – Policy 4 Encourage economic development to harmonize with the natural surroundings, adjoining uses, and any surrounding residential areas**

- **Objective A:** Ensure adequate protection of the environment, historic resources, open space and recreation

- **Objective B:** Blend development in village areas with surrounding structures and uses

- **Objective C:** Require aesthetically pleasing buffering between different types of land uses and along roads.

- **Objective E:** The design of structure, signs, and lighting fixtures should conform to the Design Review Board’s publication “Guidelines for Community Design”, and the Zoning Regulations.

- **Objective F:** Encourage future business development to provide pedestrian access by adding and/or improving walkways, courtyards and park like settings.

- Page 19: **What We Want to Protect- Natural Resources – Policy 8 Development- Encourage development away from conservation areas or areas that are unsuitable due to the presence of steep slopes, soils with severe development limitations, wetlands, riparian corridors, public water supply aquifers and associated recharge areas, significant natural communities and habitats or other sensitive natural conditions.**

- **Objective L:** Require developments to use habitat-friendly design elements. For example, low-angle curbing eases crossing by reptiles and other small animals.

Although the Commission reached a consensus that Petition 1313 of Deepwater Wind LLC was not consistent with the goals and objectives outlined in the 2007 Plan of Conservation and Development, a portion of the discussion was devoted towards how the Petition made said goals and objectives. The Commission wanted to point out that one could argue that the Petition meets the following goals and objectives:

- Page 8: **Introduction- Plan Summary**

- **Economic Development**

- The 2007 Plan recognizes the importance of an economic balance within Simsbury and recommends policies and programs to:

- 1. Develop an understanding of the net economic impact of each type of development

- 2. Recruit businesses that will have the most positive and sustainable net economic impact for the Town.

- 3. Encourage business expansion by existing and new entities

4. Implement programs to assist with economic development (establish incentives, streamline the application process, and consider establishing a development agency).
- Page 30-31: **What We Want to Protect- Agricultural Resources: Policy 1 – Strongly support the preservation of working farms**
    - **Objective A-** Preserve the Town’s agrarian legacy
  - Page 105: **How We Want to Grow – Economic Development Overview**
    - The tax benefit of commercial and industrial property is important. New economic development policies must be adopted to encourage commercial and industrial activity, thereby shifting some of the tax burden from homeowners. This point has been stressed by the Economic Development Commission and Board of Finance. At the same time, our community cannot have a singular focus on simple percentages. Grand list growth is only one half of the equation. It is “net economic impact” of development (the revenues generated by a development over time netted against the costs incurred as a result of that development) that ultimately affects our taxes, and that is why it is important to identify land uses that will have the most positive “net economic impact” on the Town. At the same time, however, it also important to consider the “net economic impact” to the region in terms of gross regional product, property values, personal income, sales volumes, or other metrics.

On behalf of the Planning Commission, I would like to thank the Board of Selectmen for requesting input from the Commission. As a board, we look forward to future discussion with the Board of Selectmen on this and other matters.

Sincerely,

A handwritten signature in blue ink, appearing to read 'WR', with a large, sweeping flourish extending to the right.

William Rice, Chairman  
Simsbury Planning Commission



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

*Office of Community Planning and Development*

August 10, 2017

Lisa Heavner, First Selectman  
Town of Simsbury  
933 Hopmeadow Street  
Simsbury Connecticut 06070

## **Re: Deepwater Wind LLC, Petition 1313 Ct Siting Council**

The Simsbury Zoning Commission reviewed and discussed the Connecticut Siting Council Petition 1313 of Deepwater Wind LLC (Tobacco Valley Solar) at the August 7, 2017 special meeting.

### **Summary**

The proposed solar farm use is not permitted "as of right" under the existing regulations for I-1 Zone or R-40 Zone. It is not listed as a use permitted by Special Exception in either I-1 or R-40. However, it could be permitted as a Special Exception with a favorable legal opinion that it qualifies as a public utility or with a Zoning Commission approval of a text amendment that would include the solar farm under the **Article 7, Section A USES PERMITTED AS A SPECIAL EXCEPTION IN ANY ZONE.**

### **Applicable Simsbury Zoning Regulations**

**Article 6** of the Simsbury Zoning Regulations lists uses prohibited in any zone. A solar farm does not fall under the specific prohibited uses or general characteristics of prohibited uses.

**Article 7** of the Simsbury Zoning Regulations covers under **Section A. USES PERMITTED AS A SPECIAL EXCEPTION IN ANY ZONE**, under **Section B. USES PERMITTED IN ALL RESIDENTIAL ZONES**, under **Section C. USES PERMITTED AS A SPECIAL EXCEPTION IN ANY RESIDENTIAL ZONE AFTER A PUBLIC HEARING**, under **Section I. USES PERMITTED IN I-1, RESTRICTED INDUSTRIAL ZONE**. Only **Section A** provides a possible avenue for consideration of a solar farm.

Under **Section A. USES PERMITTED AS A SPECIAL EXCEPTION IN ANY ZONE**, the listed uses include: "Public Utility Installations needed for public convenience and necessity."

The DWW Tobacco Valley Solar Farm could be treated as a Special Exception if it were deemed a public utility installation or, alternatively, if a text amendment listing a solar farm in Section A. were proposed and approved by the Zoning Commission. Section A provides that the standards for the approval of such a Special Exception are those listed in **paragraph 10 of Article 7, Section C.:**

### **10. Standards**

***In considering the proposed project or use the Commission shall be guided by the following:***


- a. The need for the proposed use in the proposed location.***
- b. The existing and future character of the neighborhood in which the use is to be located.***
- c. The location of main and accessory buildings in relation to one another.***
- d. The height and bulk of buildings in relation to other structures in the vicinity.***
- e. Traffic circulation within the site, amount, location, and access to parking, traffic load or possible circulation problems on existing streets.***
- f. Availability of water to the site and adequate disposal of sewage and storm water.***
- g. Location and type of display signs and lighting, loading zone, and landscaping.***
- h. Safeguards to protect adjacent property and the neighborhood in general from detriment.***

Absent a zoning application, appropriate contextual determinations and public testimony, it isn't possible for the Zoning Commission to decide how a solar farm proposal would fare under the Special Exception Standards. However, if the application were to be considered a public utility and within the jurisdiction of the Zoning Commission, an emphasis would be placed in reviewing the application with regards to **Article 7, Section C 10 b, g and h.**

The Commission would recommend that appropriate screening along the public rights of way be used, such as native planting berms, rather than the proposed vinyl fencing. The screening as proposed by the applicant would not be one which the Commission would feel adequately addresses the standards outlined above if the application were subject to the Commission's jurisdiction.

On behalf of the Zoning Commission, I would like to thank the Board of Selectmen for requesting input from the Commission. As a board, we look forward to future discussion with the Board of Selectmen on this and other matters.

Very Truly Yours,



David Ryan  
Chairman  
Simsbury Zoning Commission



# Town of Simsbury Conservation Commission

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

1 August 2017

Lisa Heavner, First Selectman  
Town of Simsbury  
933 Hopmeadow Street  
Simsbury, Connecticut 06070

**Re: Connecticut Siting Council Petition 1313 of Deepwater Wind LLC (Tobacco Valley Solar)**

Dear Ms Heavner:

Thank you for seeking the Commission's input on the proposed solar project. While we lack jurisdiction over the project in our regulatory capacity as Inland Wetlands and Watercourses Agency, it is the statutory role of the Conservation Commission to provide land use advice from a conservation perspective in general and, under Chapter 128, on sedimentation and erosion in particular. We are pleased to share our thoughts with the Board of Selectmen.

Having reviewed and discussed the project materials posted on the Siting Council website, the Commission reached the consensus that if it were within the Commission's power to protect the site's agricultural soils, it would probably seek to do so. Residential or industrial development of the site would portend a complete loss of the agricultural soils, whereas the project could serve as a place holder for later agricultural use. Given that choice, approval of the project was, on balance, to be recommended from a conservation point of view.

To be sure, had this project been submitted to the Commission in its jurisdictional capacity, we would have required more information and documentation on numerous aspects. Lacking that, the Commission nonetheless has several comments and concerns:

1. The petitioner intends to plant a cover crop that would enrich the agricultural soils over the life of the project. It also plans a small demonstration garden of plants to support pollinators. To the extent possible, the Commission would like to see a cover crop identified that is both pollinator-friendly and made up of native plants throughout.
2. The petitioner makes a number of assurances and undertakings upon which the Commission relies. However, it is not always clear whether monitoring and enforcement of those undertakings is to be done by the state, by the town, or not at all. The Commission believes that responsibility should be clarified. If third party monitoring is to be done, it must be paid for. To the extent that the town is burdened by such responsibilities, it should be made whole.

3. The Phase I site assessment's conclusion that the project is not an *establishment* for purposes of the Property Transfer Act is questionable because of the *data gap* represented by the property owner's not making itself available to meet or speak to the consultant regarding the historical uses of the property. The Phase I report noted the presence of an unlabeled, bulging drum with unknown contents. Drums often begin to bulge because the contents of the drum volatilize, and the vapor pressure inside the drum exceeds the strength of the drum. Although the Phase I report did not consider this drum to be a Recognized Environmental Condition, its presence is a strong indicator of poor housekeeping practices relating to storage and management of chemical waste. The Commission recommends removal of this drum as soon as possible to avoid a chemical spill or explosion. Furthermore, the drum itself could provide sufficient basis for triggering the Transfer Act if it contains more than 100 kilograms of hazardous waste (e.g., unused pesticides). In light of the poor housekeeping and chemical waste management practices described above, the Commission considers this a critical data gap in the Phase I assessment. If other waste drums were managed in a similarly cavalier manner, it seems unlikely that they would have been properly disposed of and manifested. The reliance on waste manifest records as the sole indicator of the applicability of the transfer act appears to be inappropriate in this case.

4. Eight groundwater monitoring wells were identified on Parcel 5 during the Phase I environmental assessment. The wells were reported to be in poor condition, and the purpose of the wells was not determined. Monitoring wells in poor condition may act as conduits between contaminants in shallow soil and underlying aquifer that bypass the attenuating effects of vadose zone soil. The Commission recommends that these wells be properly abandoned by a licensed well driller prior to any construction in this area.

5. The Commission recommends that the petition be amended to follow the General Guidance on Development of Former Agricultural Properties issued by the Connecticut Department of Energy & Environmental Protection in March 1999. In addition to a review of the site history, the guidance recommends sampling of shallow soil for persistent pesticide contaminants, such as dieldrin, DDT and breakdown products, chlordane, and arsenic, and evaluation of the residual pesticide concentrations against risk-based concentrations in the Remediation Standard Regulations. If any residual pesticides are detected, the Commission recommends implementing a soil management plan that is consistent with the industrial use of the property, and the establishment of pollinator gardens and public walking areas in specific parts of the site.

6. The petition proposes that public walking paths be developed. The Commission would like to see a plan which illustrates where these features will be located. Other details, such as the means of construction and treatment of walking surfaces should be included.

7. With its specific responsibility for erosion and sedimentation control, and in light of the size and scope of the proposed construction activities, the Commission recommends that a detailed phasing plan be developed and implemented during construction and that a qualified third party periodically inspect the erosion and sediment control measures. The intent would be to limit the areas of exposed soils and ensure that the most appropriate erosion/sediment control measures are provided.

8. Stabilization of the perimeter of the site is a concern. The site is primarily existing agricultural fields with distinct drainage patterns. Storm water drainage currently exits the site in defined paths. As the site is developed, some of the defined paths will be disturbed. It is imperative that areas which become new drainage outlets quickly be identified and stabilized so



that impact to abutting areas, watercourses and aquifers is limited, both during- and post-construction.

9. With the size of the proposed project, construction access requires carefully review. The northern portion of the project appears to be using existing farm roads as the primary construction access. The erosion/sediment control plans show construction access which is 50 ft in length. If this was a plan under local review, the Commission would require extending the construction entrance length due to expected high volume of construction traffic which will use this access.

10. Given the proximity of the site to wetlands, the location of the site within an aquifer protection area, the limited frequency of site visits for maintenance, and the historical use of polychlorinated biphenyls (PCBs) in transformer oil, the Commission is concerned about potential transformer oil spills. The petition does not specify the types or sizes of transformers that will be installed. If oil-cooled transformers are used, an oil leak from the transformers may go unnoticed until the next maintenance visit. Furthermore, the transformer pads will be surrounded by exposed soil where dry clean-up methods will not be appropriate to address spills. Spills from leaky transformers or during changing of transformer oil may be challenging to remediate before the wetlands or aquifer are impacted. The Commission recommends that any transformers used at the site be certified PCB-free. The Commission further recommends that the applicant be required to implement best practices, consistent with the town's aquifer protection area regulations, related to spill prevention, including secondary containment of transformer oil containers and equipment, an inspection schedule and record keeping, an emergency response plan, and a spill prevention plan specific to changing of transformer oil.

11. The proposal has perimeter fencing both exterior (for screening) and interior (for security). With all the fencing around the project, the Commission would recommend the applicant consider mitigation methods which may prevent negative impacts on wildlife corridors, such as elevating fencing off ground level so that smaller animals can pass under the fencing.

12. The Commission is concerned that the Decommissioning Plan might not be robust enough to assure that resources are sufficient to deal with economic and other changes over the life of the project.

13. The Commission has noted that there are two wetland crossings (flags 6-223, 6-200, 6-600 and 6-158) shown on surveys but not revealed in the text. More disclosure of the impacts of those crossings is obviously needed.

The foregoing list of comments and concerns is not exhaustive. Were we acting in a jurisdictional capacity, we would require much more information.

Respectfully submitted,



Simsbury Conservation Commission  
by Margery Winters  
its Chairman

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## SIMSBURY CLEAN ENERGY TASK FORCE

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**TO:** Lisa L. Heavner, First Selectwoman

**FROM:** Simsbury Clean Energy Task Force (*Bob Beinstein, Bill Butler, Regina Pynn, Jim Ray, Mark Scully, and Susan Van Kleef*)

**SUBJECT:** Evaluation of Tobacco Valley Solar Project

**DATE:** August 1, 2017

**CC:** Simsbury Board of Selectmen (*Mike Paine, Cheryl Cook, Elaine Lang, Chris Kelly and Sean Askham*), Tom Roy, Simsbury Director of Public Works

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This document responds to the Board of Selectmen's requests, dated July 3 and July 7, 2017, for the Simsbury Clean Energy Task Force (CETF) to evaluate the Tobacco Valley Solar (TVS) Project. We very much appreciate the opportunity to participate, and we offer our input in the following pages. We have focused on areas which the CETF deems relevant to its charter. Our evaluation contains the following sections:

1. Executive Summary
2. Background
3. Deepwater Wind (DWW) Petition Evaluation
4. Addressing Local Questions and Concerns
5. Suitability of Site
6. Recommended Points of Negotiation with DWW
7. Conclusions

Appendices:

Appendix A: Review of Literature Related to Solar Farm Impacts

Appendix B: Additional References

## **1. Executive Summary**

TVS is an approximately 26.4 megawatt (MW) AC solar PV project proposed for several parcels of land in the north end of Simsbury, procured as part of a tri-state clean energy RFP process. The project is planned for 159 acres of a total 289-acre site currently zoned for a combination of residential and industrial uses. DWW submitted a petition for this project to the Connecticut Siting Council (CSC) on June 29, 2017.

TVS will provide utility-scale input of clean energy to the New England regional electric grid, clearly a desirable outcome, and one with the potential to increase electricity supply in Simsbury. However, as currently structured, there are a number of issues that concern the CETF. Based on our detailed review of DWW's CSC petition, these include:

- Financial aspects: Method of providing financial assurance for decommissioning is unclear, and apparent periodic reviews of the TVS project's ability to sell its generated power may create a financial risk to Simsbury.
- Details on how DWW will protect abutters' property (view sheds, project setbacks, etc.) are lacking.
- Specifications on site lighting are not provided, raising concerns about skyglow and night time ambient light levels.
- Details on historic property preservation are limited.

Members of the community, including abutters to the site, have raised a number of concerns including glare, noise, health impacts, home values and others. The CETF performed a literature review and consulted with outside experts to evaluate these concerns, and can find no evidence of negative impacts in these areas. Details are provided in the following sections.

The CETF is excited by the potential for Simsbury to host the TVS project, but is very focused on maximizing the benefits TVS can bring to the town. In Section 6 below, we recommend that the BoS negotiate improvements in the project with DWW. Overall, CETF members support the TVS project. We all recognize the extremely important benefits of clean energy projects, however, some of our members feel strongly that the project requires changes to gain their unqualified support. These include:

- Decreasing the project's active size to increase setback distances from abutters
- Design site lighting to ensure the site will not create skyglow during night hours.

Details on these, and other recommended modifications are provided in Section 6.

## **2. Background**

TVS is an approximately 26.4 megawatt (MW) AC solar PV project proposed for several parcels of land in the north end of Simsbury. In response to the New England Clean Energy RFP, which solicited proposals to site clean energy generation facilities, Deepwater Wind (DWW) proposed this project and was one of

the bidders selected for contract negotiations. The Connecticut Department of Energy and Environmental Protection (DEEP) joined this procurement process together with Massachusetts and Rhode Island. DEEP was authorized to take this step by two public acts. Public Act 13-303 entitled *An Act Concerning Connecticut's Clean Energy Goals* which states the "Office of Consumer Counsel and the Attorney General, may, in coordination with other states in the region of the regional independent system operator....solicit proposals, in one solicitation or multiple solicitations, from providers of Class I renewable energy sources..." Public Act 15-107, entitled *An Act Concerning Affordable and Reliable Energy*, aims "...to secure cost-effective resources to provide more reliable electric service for the benefit of the state's electric ratepayers and to meet the state's energy and environmental goals....".

Projects chosen through this RFP will support the production of renewable energy and the resiliency of the grid throughout New England regardless of which utility purchases the energy. Eleven projects were selected in this procurement process, representing 460 MW of generation capacity. Roughly two-thirds of this total comes from nine solar projects and one-third from wind. To put the size of the nine winning solar projects in perspective: four have an estimated generation capacity of 50 MW each, TVS is proposed at 26.4 MW and four are 20 MW each.

Since the project was formally announced in Simsbury in May 2017, a host of concerns have been raised. These include the suitability of siting a utility-scale facility in close proximity to residences, concerns about lack of local land-use controls over such projects, and tensions between the desire to preserve forests, farms, and open space and the need to decarbonize our energy supply chain, among others. A vocal group of residents, including many living near the project site, has organized to directly oppose the project on these and other grounds.

Separate from TVS, the CETF began work in 2016 on what is being called the 100% Simsbury Project. This has been described as a "concept car of our energy future" and comprises an aspirational, high-level plan to transition Simsbury to 100% renewable energy by 2050. The goal of the project is to first demonstrate the feasibility of transitioning Simsbury to 100% renewable energy, then work collaboratively with the town's residents, businesses and officials to achieve this plan. This plan goes beyond simply generating, procuring or offsetting energy needs with renewable sources. Rather, it represents a holistic, comprehensive approach to managing the supply and demand for energy, including:

- Deep efficiency and conservation
- Generation of renewable energy
- Energy storage
- Electrification of transportation, heating, and cooling
- Active load management (i.e., "demand response")
- Localized electric microgrid(s)

Should 100% Simsbury continue along the path to successful implementation, the presence of TVS could be important to several of the bullets above, particularly the energy storage and local microgrid aspects. It is worth noting that these two aspects alone can have significant positive impacts here in town, including greater resiliency during power outages and storms, and an improved image of the town as a

clean energy community, which can be important to climate-conscious residents and potential residents or businesses considering locating in Simsbury.

As noted above, TVS has an estimated generation capacity of 26.4 MW. To put this figure in perspective, Simsbury currently has roughly 150 rooftop solar arrays with a combined capacity of 1.7 MW. (Over half of these arrays were added through the Solarize campaign the CETF conducted in 2014.) When compared to early estimates of our current energy use, it is clear to us that the potential of rooftops, carparks and landfills is limited. In fact, approximately 140 MW of generation capacity, preferably from renewable sources, will be required for Simsbury to meet its current energy needs. Moreover, this amount could increase significantly in the years ahead, should residents choose to switch to electric heating/cooling and vehicles. It is clear to the CETF that, although TVS can be an important part of Simsbury's energy future, it would be a mistake to consider this project in a bubble that fails to recognize the surrounding context.

### **3. Deepwater Wind Petition Evaluation**

We have reviewed in full the DWW petition to the Connecticut Siting Council (CSC), requesting a Declaratory Ruling that a Certificate of Environmental Compatibility and Public Need (CECPN) is not needed for the construction, operation and maintenance of the Tobacco Valley Solar Project. The petition demonstrates significant efforts and commitments to meet and or exceed state requirements for such facilities, as well as a substantial amount of background research supporting their request. Following are some observations and points on which we recommend the BoS seek clarification during the CSC process.

- **Decommissioning:** Exhibit S discusses DWW's proposed plan for end-of-life decommissioning and equipment removal, along with methods of providing financial assurance that such decommissioning will be achievable. Decommissioning has been frequently raised as one of the community's concerns. The CETF specifically identified the following concerns:
  - DWW plans to rely on salvage value to fully fund end-of-life site restoration, stating that, *"...the cost of decommissioning the solar arrays will be offset by the salvage value of the solar panels and components. As of the date of this plan, the estimated salvage value is expected to exceed the decommissioning costs...."* Yet, their plan also anticipates that advances in solar technology over the 20-25 year project life will *"...economically drive the replacement of the existing solar arrays."* As such, it seems likely that the existing panels will be rendered obsolete, with little salvage value. It is also worth noting that solar panels and support structures contain components with intrinsic material value (silica, silver, aluminum, etc..) that can be recovered upon decommissioning, assuming proper supply chains are established through which the economic value of these materials can be realized. However, DWW has not provided any detail as to how panels will be handled at project end-of-life. **Absent full knowledge of the end-of-life value of the panels, how will DWW ensure adequate funding for eventual decommissioning?**
  - DWW has specified a process to annually provide financial assurance in the form of a performance bond, surety, letter of credit, or similar, equal to 1/10 the provided decommissioning estimate. This means that the decommissioning fund would not be

fully funded until 10 years into project. **What protection is there for the town if DWW fails earlier than this time? Is the ultimate parent company for DWW (D.E. Shaw group) legally and bindingly committed for liability in general and early termination specifically?**

- Further, how does DWW plan to balance the provision of financial assurance with their contention that salvage value will exceed decommissioning cost? **How will the town be protected against site decommissioning costs throughout the life of the project?**
- **Project Layout:** In the Petition, pg. 19, DWW outlines an 18.2-acre reduction in the project layout made in response to feedback from abutters. The size of the project layout is still a concern to many abutters, town residents and some members of the CETF. **Will DWW commit to minimize the project area to the maximum extent possible, consistent with constraints of the RFP, contractual agreements, and the ecological integrity of the site? Further, will DWW commit to focusing such reductions on increasing the buffer between abutters and the active solar collection devices?**
- **Historic Properties:** Exhibit M (pgs.32-33) recommends that the view shed from the historic properties at 85 and 100 Hoskins Rd be protected, however these sites are not addressed in the visibility assessment (Exhibit G of the petition). **Will DWW commit in writing to protect these properties from view?**
- **Lighting:** Exhibit Q (pg. 4) states *“The facility will be lit in accordance with electrical safety and building codes and to minimize Project visibility”*. **Will DWW commit to an environmentally friendly lighting plan that avoids skyglow, and minimizes ambient light to avoid impacting abutters?**<sup>1</sup>
- **Clearing FCA:** In the Petition, pg. 6 mentions that the “Forward Capacity Market procurement mechanism is the way by which this electricity will be generated. The proposal states *“TVS is required to participate in every FCA over the term of its PPA, and is expected to clear each year. If TVS clears in any FCA, then ISO-NE (and, by proxy because TVS will be in a zone that includes Connecticut, Connecticut load-serving entities that are participants in ISO-NE) will have determined TVS to be needed for the reliability of Connecticut and the wider New England market.”* This sounds like the agreement to sell electricity is under periodic review. **What happens if the TVS project does not “clear” FCA? Will the project in that case generate the funds required to sustain activities and meet its maintenance and tax obligations?**
- **State Energy Goals:** In the Petition, pg. 7, there is a discussion of the state’s long-range plans. The petition seems to double-dip in how it meets energy generation metrics for both MA and CT. It is unclear where the real “accounting” benefit for this green energy generation really is. **Can DWW confirm that it can take credit for meeting goals in both states?**
- **Pollinators:** In the Petition, pg. 49, DWW commits to planting a up to one acre of native pollinator seeds as a pilot. Over the 20-year life of the project, results of the pilot project will become well known. **Will DWW regularly evaluate the diversity of pollinator-friendly plant species in the demonstration plot and consider expanding the demonstration plot if feasible?**

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<sup>1</sup> Guidance on avoiding skyglow is provided by the International Dark-Sky Association, at [www.darksky.org](http://www.darksky.org).

**Further, will DWW confirm that overall ground cover will be pollinator friendly across the site?**

We note that Fresh Energy, a Minnesota NGO ([www.fresh-energy.org](http://www.fresh-energy.org)) has specific expertise in implementing pollinator-friendly ground cover on utility-scale solar sites, and recommend DWW consider engaging them or a similarly qualified NGO on this issue.

**4. Addressing Local Questions and Concerns**

During attendance at public meetings regarding TVS we noted many of the concerns expressed by the attendees, and have tracked those that the CETF believes are relevant to our task force's mission. These are:

- Potential for glare to impact airplanes
- Impacts on home values
- Effect of electromagnetic fields on health
- Solar PV heat island effect
- Toxicity of solar panels and potential for resulting environmental contamination
- Noise pollution

While the members of the CETF are advocates for clean energy, we are not experts in solar technology, nor do we have significant experience with utility-scale solar farms. As such, we sought scientific studies published in peer-reviewed journals or from professionals with verified relevant expertise to inform ourselves and others. It should be noted that although DWW provided significant scientific evidence in its petition, we chose not to rely solely on these studies, due to the potential for bias. We searched both individually and with the help of Dr. John Gardner, an energy expert at Boise State University. Based on these efforts, we concluded that existing evidence does not support the concerns expressed to date.

While we respect the right of any resident to be concerned about a specific topic, we believe a reading of Appendix A to this letter and the references listed in Appendix B will provide confidence to the Board that the issues listed above should **not** preclude the BoS from supporting the TVS petition.

We recommend the interested reviewer read all the reference literature. To streamline review, however, we direct you first to the literature review provided by Dr. Gardner (Appendix A) which offers a summary on key concerns from Simsbury residents, including information on the first four bullets above. Below, we have summarized some additional findings both from Dr. Gardner and from other sources beyond what Dr. Gardner covered.

**Glare – Aviation**

Dr. Gardner noted reasons why solar panels are not a concern to aviation. In addition, DWW submitted the required notice of proposed construction to the FAA. On April 18, 2017, the FAA provided a determination of “no hazard to aviation.” The determination is included in Exhibit R of the DWW petition to the Connecticut Siting Council.

### Toxicity of Solar Panels

There are two types of solar panels used for utility-scale solar projects – silicon and thin film. The panels are made to last for 20 to 25 years and the construction of both types is engineered to be free of corrosion and strong enough to withstand weather events that could cause damage. For this reason, the panels are encased in layers of plastic and tempered glass. No substances within the panel can leach into the environment. During Hurricanes Matthew and Sandy large-scale solar facilities reported zero to only minor damage.<sup>2</sup>

### Noise Pollution

Inverters at utility-scale solar farms hum during the day when electricity is being produced. Research at three utility-scale solar farms in Massachusetts found that noise levels at the fenced boundary were equal to background levels. At 50 to 150 feet inverter hum was inaudible<sup>3</sup>. The DWW petition states that “The setback distance for the perimeter fence will be approximately 75 feet, on average, from the adjacent property lines. However, based on discussions with individual residents and stakeholders, additional setbacks were established in certain locations to minimize project visibility and tree clearing. These adjusted setbacks range from an additional 50 to 300 feet in an effort to maintain the existing vegetative buffer between residential properties.” Since the perimeter fence is at least 50 feet from the inverters and most likely more than 50 feet, because the proposed location for the inverters is near the center of the solar voltaic cells, there doesn’t appear to any evidence that the Tobacco Valley Solar Farm will create noise pollution. The study commissioned by DWW states that the “mechanical equipment are expected to have no adverse noise impacts at nearby sensitive receptor locations during both daytime and nighttime periods.”

### **5. Suitability of Site**

From a bidder’s perspective, the site chosen by DWW is nearly perfect. Proximity to a substation, the abundance of available acreage, and relatively little removal of trees all make this site an excellent choice. From the Town’s perspective, the site has challenges. Other than the revenue it will generate (the importance of which we recognized and appreciate), DWW has not explicitly committed to creating ancillary benefits for Simsbury. In addition, residents have rightfully expressed their concerns about impacts of having a utility-scale solar farm near their homes, which include changes in the appearance of a designated scenic roadway and the potential for property values impacts. While the CETF’s default is strong clean energy advocacy, as currently structured, the suitability of this site for the TVS project is uncertain. We discuss this in more detail below.

### **6. Recommended Points of Negotiation with DWW**

The CETF recognizes that the TVS project is very likely to be approved as submitted. That said, DWW has shown at least some willingness to make changes in the interest of being a “good neighbor.” From our perspective as clean energy advocates, we want this project to succeed holistically, creating as many co-benefits for Simsbury as reasonably achievable. The more benefits we can obtain, the more enthusiastic our support will become. Given the size and scope of this project, it seems reasonable that DWW will be willing to entertain easily implemented requests from Simsbury to increase benefits to our town without

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<sup>2</sup> Health and Safety Impacts of Solar Photovoltaics, NC State

<sup>3</sup> Study of Acoustic and EMF Levels from Solar Photovoltaic Projects, Tech Environmental Inc.



greatly increasing costs to DWW. Below, we've listed several desirable outcomes we recommend the BoS propose. We stand ready to help with this task, and to work with DWW to structure these improvements. Please note that resolving the first two bullets listed below is considered critical by some members of the CETF, significantly impacting their full support for this project.

- Significantly shrink the project's physical footprint while maintaining the currently planned level of ecological protection. Further, the land removed from active energy production should be that closest to abutting residents, increasing the buffer between their homes and TVS, alleviating at least some of the abutting neighbors' concerns, and potentially minimizing views of the active solar field from Hoskins Road.
- Ensure site lighting does not create "skyglow" during night hours, consistent with guidance from the International Dark-Sky Association (see notes on lighting in Section 3).
- Ensure that DWW maximizes pollinator-friendly planting across the site, whether from the proposed 1-acre pilot or included in site ground cover.
- Add specific educational features to the project. These can include:
  - Placarded signage offering information about the potential benefits and impacts of solar energy along the walking trail already planned
  - A web-based portal for use in Simsbury Public Schools (SPS), enabling students to view real-time information about energy being produced from TVS. Secure DWW commitment to assist SPS staff in developing age-appropriate curriculum for elementary, junior high, and high school students.
  - Host tours for the community, enabling local residents to better understand how the installation works.
- Commit to meeting with local residents periodically throughout the project lifecycle (or until such meetings are no longer well attended), to learn of any post-construction challenges observed, and work on mutually beneficial solutions.
- Provide additional details on the planned walking path(s). Except for a cursory mention on pg. 13 of the petition, there was no more discussion about the walking path. Details should include where the path will be located, how people will access it, and how it will be constructed.

## **7. Conclusions**

The TVS project represents an exciting step toward bringing additional clean energy and energy supply reliability to Simsbury, but to ensure a positive outcome for our town, significant challenges remain. We've provided details above. We recommend the BoS work with DWW to address and resolve these challenges to both parties' mutual benefit. The CETF stands ready and willing to work with the BoS to maximize benefits to Simsbury from this project.

## Appendix A

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### REVIEW OF LITERATURE RELATED TO SOLAR FARM IMPACTS

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John Gardner, PhD, PE  
Director of the CAES Energy Efficiency Research Institute  
Professor of Mechanical & Biomedical Engineering, Boise State University  
July 2017

#### **INTRODUCTION**

As is often the case with new development and land use changes, there are often concerns about the development of a utility-scale solar farm, particularly by those who live nearby. The purpose of this document is to review the body of literature related to these concerns and better inform the discussions around these issues by documenting the facts as best we can.

#### **OVERVIEW OF CONCERNS**

The National Renewable Energy Laboratory, located in Boulder, CO, was established in 1977, initially to investigate ways to better harness solar energy. Today NREL sees its mission to advance “the science and engineering of energy efficiency, sustainable transportation, and renewable power technologies and provide the knowledge to integrate and optimize energy systems”<sup>4</sup>. Like all the Department of Energy Labs, NREL is specifically forbidden to engage in policy advocacy but maintains a robust research program to help policy makers and citizens understand the technical, economic and social implications of technology and policy that incentivize, or discourage various technologies.

Part of NREL’s mission is to aid state and local governments as they seek to make policies and decisions involving solar energy. The Technology Deployment division has a nice overview of some common misunderstandings around solar installations, specifically addressing these concerns that they define as “Myths”.<sup>[1]</sup>

1. Solar farms are like factories
2. Glare
3. Noise
4. Property Values
5. Electro-magnetic Fields

In the remainder of this document, we will dive a little deeper into the issues of glare, property values and EMF’s as well as the issue of urban heat islands.

#### **GLARE**

Overview: It’s important to note that the main purpose of solar panels is to absorb the energy of light and convert it into electrical energy. They are not designed to reflect light. Early designs of solar panels were

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<sup>4</sup> <https://www.nrel.gov/about/mission-programs.html>

covered with standard window glass which could be highly reflective, but modern PV panels have low-glare covering. There are two important issues to note regarding glare and PV panels:

- 1) Solar panels on fixed (non-tracking) mounts generally point due south and are tilted up from the horizontal at an angle equal to the latitude at that location. This is the orientation at which their production is maximized. At that angle, it is literally impossible for an observer at ground level to experience a direct reflection from the sun at any time of the day or year.
- 2) The FAA and airports were initially opposed to solar panel installation near airports but that is no longer the case. There are several major US airports with significant solar installations that have operated for years without incident.<sup>5</sup>

In recent years, two government agencies, the Department of Energy and the Federal Aviation Administration have commissioned studies and issued reports and guidelines for solar installations near airports. DOE's National Renewable Energy Lab issued a report in 2014 that concluded "with proper advanced planning and siting considerations, solar technologies can successfully be installed at airports with minimal or no impacts".[2] The FAA has issued, and continues to update, an extensive set of guidelines to both encourage the implementation of solar energy at the nation's airports and to ensure they are done in a safe manner.[3], [4]

#### **HOME/PROPERTY VALUES**

Property values are always a concern when changes are made to historic land uses and local residents are rightly concerned when large, visible changes are made in their vicinity. Additionally, it's important to note that property values can have distinctly different meanings in different contexts. On one hand, if an individual does not like the impacts or a nearby installation, whether it be due to noise, odor or visual appearance, they would likely not purchase a property nearby. If the installation in question comes along near their existing property, they are likely to feel that the value of their property is decreased. Clearly, this is a highly subjective context and difficult to study. On the other hand, property value can have very specific and objective meaning – the value of the property on the open market. In other words, what is an owner likely to receive when selling that property? That context is objective (in that data exists for real estate transactions) and open to study.

While we are aware of no studies done on the impact of utility-scale solar installations on the property values of nearby homes, the question of the impact of utility scale wind turbines has been studied extensively. In a landmark and extensive study, researchers at the Lawrence Berkeley National Lab study data from more than 50,000 home sales in 27 counties and 9 states. All of these homes were within 10 miles of utility scale wind farms, and nearly 1200 were within one mile. Their methodology controlled for all known factors affecting property values (e.g. home size, construction, age). Researchers could find "no statistical evidence that home values near turbines were affected".[5]

Pertinent to the situation of solar farms, it is important to point out that in nearly every characteristic, wind farms are much more intrusive and hence more likely to negatively impact property values than solar farms. Wind turbines are visible for 10 miles or more and can be heard from more than a mile away. They can also produce flickering shadows near dawn at dusk that can be very distracting and unpleasant. Solar farms cause

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<sup>5</sup> <https://www.solarpowerworldonline.com/>

none of these impacts. In fact, it's entirely possible that one could be living much less than a mile from a significant solar farm and be unaware of its existence.

### **ELECTROMAGNETIC FIELDS**

An extensive study was published in the Journal of Occupational and Environmental Hygiene in 2015[6] on the issue of EMF exposure for workers when visiting within utility scale solar facilities (i.e. buildings that house junction boxes, circuit breakers and transformers). The researchers measured actual electromagnetic fields with frequencies from 0 (DC) to 3 GHz using three different sets of instruments and compared their findings with the published guidelines for exposure limits published by both IEEE6 and ICNIRP7. They found the highest measured fields (adjacent to the inverters and transformers) were 2 to 3 orders of magnitude lower (i.e. 100 to 1000 times lower) than the published limits. Furthermore, they found that within in 2-3 m of the equipment, the measure fields dropped to background levels (which are found anywhere). Given that commercial solar farms control public access (a requirement of any commercial generating facility connected to the grid), this paper supports the conclusion that there is no reason to believe that the EMF fields found in and around commercial solar farms pose any kind of health risk to humans or animals.

### **HEAT ISLAND EFFECTS**

Heat islands, more specifically urban heat islands (UHI) refer to the phenomenon where nighttime temperatures in densely developed areas tend to be much higher than in the surrounding, undeveloped areas. The cause of UHI effects are fairly well understood. The man-made structures (buildings and pavement mostly) absorb solar energy during the day and store that energy in the thermal mass (as indicated by the increased temperature of the structures). After the sun sets, that heat is then convected and radiated back out into the surroundings. Since the thermal mass of these structures is generally much higher than the natural materials of undeveloped areas, the release of the heat in the nighttime can go on much longer in cities and hence, the overall temperature rises. Additionally, the lack of natural plant life can contribute to UHI in that plants undergo a process of evapotranspiration, which absorbs heat and can have a cooling effect on the surrounding environment.

There is significant literature dealing with the issue of heat island effects and solar installations. To date, the results of scientific studies are mixed, with one of the most recent studies[7] concluding that there is, indeed, a small and localized impact that can be attributed to solar farms, likely due to the change in plant life in the area.

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- [1] "NREL: Solar STAT Blog - » Top Five Large-Scale Solar Myths." .
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<sup>6</sup> Institute for Electrical and Electronic Engineers (<http://iee.org>)

<sup>7</sup> International Commission on Non-Ionizing Radiation Protection (<http://www.icnirp.org/>)

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[6] R. A. Tell, H. C. Hooper, G. G. Sias, G. Mezei, P. Hung, and R. Kavet, "Electromagnetic Fields Associated with Commercial Solar Photovoltaic Electric Power Generating Facilities," *J. Occup. Environ. Hyg.*, vol. 12, no. 11, pp. 795–803, Nov. 2015.

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**ABOUT THE AUTHOR:** John Gardner has been an engineering professor for over 30 years and is a professor of mechanical and biomedical engineering at Boise State University where he coordinates a major initiative in the Center for Advanced Energy Studies, affiliated with Idaho National Laboratory. He graduated from Cleveland State (BS) and Ohio State (MS, PhD) and spent 13 years on the faculty of Penn State University Park before moving west. John is a fellow of the American Society of Mechanical Engineers and a registered professional engineer in the state of Idaho.

## Appendix B

### Additional References

1. Evan Riley and Scott Olson, "A Study of the Hazardous Glare Potential to Aviators from Utility-Scale Flat-Plate Photovoltaic Systems," *ISRN Renewable Energy*, vol. 2011, Article ID 651857, 6 pages, 2011. doi:10.5402/2011/651857
2. Petrova, M. (2016). From NIMBY to Acceptance: Toward a Novel Framework - VESPA - For Organizing and Interpreting Community Concerns. *Renewable Energy*, 86, 1280-1294.
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4. Stephanie Weckend, Andreas Wade, Garvin Heath, END-OF-LIFE MANAGEMENT: SOLAR PHOTOVOLTAIC PANELS
5. Massachusetts Department of Energy Resources, Questions and Answers Ground-Mounted Solar Photovoltaic Systems
6. R. A. Tell, H. C. Hooper, G. G. Sias, G. Mezei, P. Hung & R. Kavet, Electromagnetic Fields Associated with Commercial Solar Photovoltaic Electric Power Generating Facilities
7. Goldberg, P.H, Study of Acoustic and EMF Levels from Solar Photovoltaic Projects, Tech Environmental Inc.

August 9, 2017

Ms. Lisa Heavner, First Selectman  
Town of Simsbury  
933 Hopmeadow Street  
Simsbury, Connecticut 06070

**Re: Deepwater Wind LLC, Petition 1313 CT Siting Council**

Dear Ms. Heavner:

The Simsbury Historic District Commission (HDC) welcomes the opportunity to evaluate the proposed Tobacco Valley Solar project. Because the proposed project location contains significant cultural resources that are potentially eligible for the National Register of Historic Places, we reviewed this project as if it were under HDC jurisdiction, considering its potential impact on the buildings, landscapes, archaeological resources, and overall character of the project area.

Simsbury has a rich historical heritage and an abundance of cultural resources, including four areas that are listed in the National Register. These include the Simsbury Center Historic District, the Tariffville Historic District, the Terry's Plain Historic District, and the East Weatogue Historic District. In addition, historic resource inventories (HRIs) have recommended the Ensign-Bickford Company, West Simsbury, and Wolcott Road/Town Poor Farm areas for listing as National-Register historic districts (Karmazinas 2010; Carley 2013). The 2013 HRI report further recommended consideration of a potential thematic, multiple-property nomination for Simsbury's historic farm buildings, or possibly a multiple-property nomination focused specifically on the town's tobacco agricultural buildings, which are particularly endangered. (For example, in 2009, fourteen Cullman Brothers' tobacco sheds on County, Firetown, and Hoskins roads were documented because they were slated for demolition; although twelve remain standing, their future remains uncertain.) The 2013 HRI also recommended that the town consider the possibility of nominating selected areas and landscapes to the National Register as Rural Historic Landscapes (Carley 2013, p. 29). We agree with these recommendations and strongly support preservation of agricultural buildings and rural landscapes, which are intrinsic to our town's character.

The HDC also reviewed the "Phase IA Cultural Resources Assessment Survey of the Proposed Simsbury Solar Farm in Simsbury, Connecticut," prepared by Heritage Consultants, LLC in February 2017. This report concludes that the properties at 85 Hoskins Road and 100 Hoskins Road and the five tobacco sheds in the project area are significant under National Register Criteria A and C. The survey identified two archaeological areas, Site 128-52 and Locus 1, as areas that should be subject to shovel-pit testing for evaluation of National Register eligibility. We concur with these findings as well.

The tobacco sheds are particularly important because of their association with minority workers. During and after World War II, Cullman Brothers, which owned four tobacco farms in Simsbury, hired field laborers from Southern schools. Morehouse College students had a dormitory in the vicinity of 8 Scarborough Street (close to Firetown Road), and as a Morehouse student in 1944 and 1947, Martin Luther King Jr. reportedly worked on Cullman Farm #1 in the Firetown Road/Barndoor Hills Road area (Carley 2013, p. 24). In his writings, Martin Luther King Jr. remembered his time working and living in non-segregated Simsbury as a pivotal time in his intellectual development, allowing him to imagine life in a racially-integrated society and planting the seeds for his leadership in the civil rights movement. While to date no evidence has been found that directly links Martin Luther King, Jr. to the Tobacco Valley Solar site, the agricultural landscape and buildings remain as important links to African-American workers and other minority groups. Agricultural laborers' seasonal migration to the Northeast, as a safe place to work, is a topic of significant historical interest. Minority groups are underrepresented in the historical record

and among extant historical architectural resources, and the Connecticut State Historic Preservation Office works to preserve and protect historic sites that are related to minority group history.

Consideration of cultural resources is an integral part of the town planning and design review, a process that we fully support. The HDC reviewed the letters and memorandums from the Planning Commission (July 12, 2017), the Design Review Board (July 31, 2017), and the Historical Society (July 20, 2017), and our recommendations are in keeping with all of theirs. The proposed Tobacco Valley Solar project would contribute to the economic development of the town and solar energy production would seem to be in keeping with 2007 Plan of Conservation and Development (POCD)'s focus on "green building" technologies. In our opinion, however, the project would meet those goals at the considerable cost of other stated goals of the POCD. As currently proposed, the Tobacco Valley Solar plan does not meet the objectives of protection of open space, agricultural resources, historic resources, scenic resources, and community character.

Based on the limited information available during this early design phase of the project, the HDC recommends that additional research be conducted and that the design be modified to minimize its impacts on identified cultural resources, the rural historic landscape, and the agricultural character of the community:

- Conduct additional research on Martin Luther King's connection to the Cullman Brother's properties and confirm the location of the farm(s) where he worked in 1944 and 1947.
- Alter the solar array layout in order to retain all five tobacco sheds, with appropriate setbacks from the buildings. Conduct conditions assessments of the sheds and explore possibilities for their adaptive reuse. Consider allocating some space to be used for interpretive exhibit space on the Cullman farms and their laborers. Prepare maintenance plans for the buildings that will be retained.
- Explore alternative screening strategies to the proposed 10'-0" solid vinyl fence, which is not in keeping with the natural rural character of the project site. We suggest tailoring the screening to each area, including a mix of berms planted with appropriate vegetation, naturalistic groupings of indigenous trees and plants, and wooden rail fencing. In areas where completely concealing the solar panels is difficult, it could be preferable to use rail fencing and trees to distract the viewer's eye rather than to hide the panels behind a solid high fence. Give particular care to screening the solar arrays from view around the historic properties at 85 and 100 Hoskins Road.
- Conduct shovel pit testing to assess the National Register eligibility of Site 128-52 and Locus 1 archaeological areas. Conduct walkover surveys of areas that have been identified with moderate archaeological sensitivity, with auger testing as recommended in the cultural resources survey.
- Commission an independent study to analyze the potential for light and noise pollution on adjacent properties.

Sincerely,



Marguerite Carnell

Vice Chair, Simsbury Historic District Commission





## MEMORANDUM

To: Board of Selectmen Town of Simsbury

From: Simsbury Historical Society

Date: July 20, 2017

Subject: Tobacco Valley Solar Farm

The Simsbury Historical Society is actively involved within the community to preserve and promote the Town's rich history and welcomes the opportunity to add its observations and recommendations in response to Deepwater Wind's proposed Tobacco Valley Solar Farm petition.

In general, Simsbury is an established historic town with a well-defined character shaped by a legacy of heritage buildings, organized patterns of development and a variety of landscapes ranging from rural to town center. Most of these identifiable characteristics are valued resources that collectively make Simsbury special by shaping a sense of place. A resource-based evaluation using historical/cultural, visual and natural resources in conjunction with economic resources is an effective means to arrive at successful development solutions. That evaluation begins with understanding what the town has and concludes with protecting what residents value. That process forms the basis for our analysis and conclusions with respect to the Tobacco Valley Solar Farm.

Deepwater Wind presented material in the public hearings emphasizing a few key strategies:

- Keep two of the existing five tobacco sheds
- Clear cut trees where interfering with the panel racks
- Attempt to screen 156 acres of solar equipment at ground level using setbacks adjacent to residential properties and ten foot high, solid vinyl fencing

In response to the presentation material to date, the Simsbury Historical Society offers the following observations and recommendations:

### **OBSERVATIONS:**

- **Debate focus:** The substance of the Tobacco Valley Solar project discussion should not be limited to whether solar farms are or are not desirable but rather focus on how the Town will manage the changes proposed while preserving its community character.

- **Buildings & landscapes:** The Tobacco Valley Solar project proposes to be situated within a rural reserve context. The tobacco sheds and, more broadly, the agricultural land inhabited by those sheds are valued elements that collectively help define a rural preserve context. Those landscapes under review now are distinctive patterns shaped by the circumstances of location and time and together speak to authenticity. Context should dictate the type of response and preserving authenticity within that context is the key to protecting town character.
- **Screening options:** Deep setbacks with extensive woodland cover as an extension of residential rear yards can be a very effective buffer while the characteristics along a roadside, agricultural area typically include more naturalistic and random elements. Using these types of contextual elements will maintain the rural preserve character on dissimilar properties and uses.
- **Farmland preservation:** The land under review now is currently zoned either Residential or Industrial and remains undeveloped or leased farmland. It should be noted that there is a significant state-wide as well as town-wide interest in preserving existing farmlands. Farmland preservation goes to the heart of protecting natural, historic and visual resources.
- **“Nuisance” issues:** Noise and reflectivity/glare are two issues that may adversely impact dissimilar properties whether adjacent or within visual/audible range. Will either the equipment or panel construction generate noise and how much? Will light shining off a vast area of reflective surfaces be noticeable on adjacent properties or even higher elevations? Nuisances diminish property values and degrade community appearance and objective data is necessary to determine this potential.

#### **RECOMMENDATIONS:**

- **Building preservation:** Preserve all five tobacco sheds by redesigning the solar array fields and maintain adequate separation between the two to protect the historic buildings consistent with the cultural resources assessment survey. Consider entering a dialogue with the Simsbury Historical Society to repurpose the sheds for educational exhibits with limited access as deemed safe for the public.
- **Character preservation:** Ten foot high solid vinyl walls are an anathema to the characteristics of a natural, rural landscape. Rather than installing a repetitively detailed, monolithic, plastic wall we recommend using varied natural screening such as segments of earth berms, random tree clusters and smaller undercover vegetation and even smaller wooden structures or screen segments to break up the scale and enhance authenticity. Work with a landscape architectural firm to develop screening that is creative and loose and may not even entirely screen what lies behind.

- **Archaeological studies:** Follow the recommendations for the moderate sensitivity areas identified in the cultural resources assessment survey to include a systematic pedestrian survey in areas impacted by constructions to identify archeological materials that have been brought to the surface. In addition, in the moderate sensitivity areas we recommend some sample auguring to determine if intact subsoils are present. If augur testing determines that intact subsoil is present additional shovel testing is recommended to identify any intact cultural materials that may be present.

In areas deemed to be high sensitivity areas for archeological deposits the recommendation is to subject the area using shovel testing to assess its dispositional integrity following recommended professional practices.

- **Viewshed preservation:** Eliminate all of the solar arrays south of #85 Hoskins Road to minimize the adverse visual effect on the historic house being enclosed on two sides with panel fields as viewed from the second-floor rooms. Add vegetative screening along the edge of the study area to help the historic house viewshed at #100 Hoskins Road as well as #85.
- **Light and noise pollution:** Have an objective survey prepared by an independent source that analyzes and quantifies the potential for offsite light and noise pollution on adjacent properties or, in the matter of light trespass, higher elevations within view of the study site such as along the Talcott Ridge or the west ridge of Westledge and Highridge roads.

The basis for all of our recommendations can be found in the Town's adopted policy - *2007 Plan of Conservation and Development* - and specifically in the sections: *What We Want To Protect – Agricultural Resources*, *Historic Resources*, *Scenic Resources* and *Community Character*.



Joseph Buda

President Simsbury Historical Society



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Office of Community Planning and Development

July 31, 2017

**Lisa Heavner, First Selectman**  
Town of Simsbury  
933 Hopmeadow Street  
Simsbury Connecticut 06070

**Re:** Deepwater Wind LLC, Petition 1313 Ct Siting Council

The Simsbury Design Review Board reviewed and discussed the Connecticut Siting Council Petition 1313 of Deepwater Wind LLC (Tobacco Valley Solar) at the July 24, 2017 special meeting. Commissioner Laschever made the following motion which was seconded by Commissioner Frank that the Design Review Board makes the following recommendation regarding CT Siting Council Petition of Deepwater Wind to the Board of Selectmen:

*The fencing screening along Hoskins Road not be monolithic height. A greater emphasis is inclusion of evergreen clusters or extended deciduous tree canopy to over time grow in and continue to shield the fence. Some kind of combination of fence and vegetative berm be used where ever possible so that they (Deepwater Wind LLC) actually come in with a plan that addresses the very real concern of the sight lines of the travelers and residents in that area.*

On behalf of the Design Review Board, I would like to thank the Board of Selectmen for requesting input from the Commission. As a board, we look forward to future discussion with the Board of Selectmen on this and other matters.

Very Truly Yours,

Jenifer Murnane  
Chairman  
Simsbury Design Review Board

Telephone (860) 658-3245  
Facsimile (860) 658-3205

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8:30 – 7:00 Monday  
8:30 – 4:30 Tuesday through Thursday  
8:30 – 1:00 Friday

**Town of Simsbury Board of Finance  
REGULAR MEETING MINUTES  
Tuesday, July 18, 2017 at 5:45PM  
Simsbury Town Offices – Main Meeting Room  
933 Hopmeadow Street, Simsbury, Connecticut**

**PRESENT:** Robert Pomeroy, Derek Peterson, Kevin Prell, Linda Schofield, and Jeff Blumenthal.

**ABSENT:** Moira Wertheimer.

**ALSO PRESENT:** Finance Director Sean Kimball, First Selectman Lisa Heavner, Simsbury Schools Business Manager Burke LaClair, and other interested parties.

**1. CALL TO ORDER:**

Chairman Robert Pomeroy called the Regular Meeting to order at 5:45PM.

**2. PLEDGE OF ALLEGIANCE:**

All those present stood for the Pledge of Allegiance.

**3. APPROVAL OF MINUTES – MAY 24, 2017 SPECIAL MEETING AND JUNE 13, 2017 REGULAR MEETING:**

**MOTION:** Mr. Blumenthal, Mr. Prell second, to approve the May 24, 2017 Special Meeting Minutes and the June 13, 2017 Regular Meeting Minutes; unanimously approved.

**4. DEEPWATER WIND SOLAR PROJECT PETITION NO. 1313 (EVALUATION DISCUSSION AND POSSIBLE ACTION):**

Finance Director Sean Kimball noted that this board is in receipt of a memo from the Board of Selectmen seeking boards and commissions to weigh in on the Deepwater Wind Solar project. It was noted that this board should review the project in terms of impact to the town's operating budget. First Selectman Lisa Heavner explained that while the Town has budgeted for legal costs, this is an unanticipated cost which could cause this item to go over budget. She noted that the town's professional staff is reviewing this project and that the Department of Energy and Environmental Protection (DEEP) is undertaking a comprehensive review pursuant to the Town's request.

Mr. Kimball reviewed the June 26, 2017 correspondence from Town of Simsbury Assessor David Gardner that described the projected revenue that would be generated from the project, noting the estimated value of the land and proposed improvements at \$30M-\$35M. A table was included in the correspondence which estimated first year revenues of the project with proposed improvements, at the current mill rate to generate \$1.1M, depreciating thereafter down to 30% where it was projected to remain level. The site is comprised of five parcels, with most of it zoned residential but a portion of it zoned industrial. Because of its farmland status, taxes yielded from the parcels now were indicated at \$26K.

Although abatement was discussed and the process to request abatement in Simsbury explained, Ms. Heavner reported that the developer has not made such a request.

The request to the Board of Finance from the Board of Selectmen was discussed. It was clarified by Ms. Heavner that what was being requested from boards and commissions was input with respect to questions or concerns from commissioners regarding the project.

**MOTION:** Ms. Schofield, Mr. Blumenthal second, to advise the Board of Selectmen that this board is supportive of this project due to the favorable impact on town revenues; Motion amended as follows:

**AMENDED MOTION:** Ms. Schofield, Mr. Prell second, that this board generally supports projects that increase the tax base; unanimously approved.

Concern regarding the financial capability as it might relate to the required decommissioning plan was discussed.

**MOTION:** Mr. Peterson, Mr. Pomeroy second, that the Board of Finance requests the Board of Selectmen obtain the financial support package from Deepwater Wind that supports their capability to implement, fundraise for, maintain and operate, and decommission the project for its life, in support of this project; unanimously approved.

Mr. Peterson exited the meeting at 6:40PM.

#### **5. STATE BUDGET UPDATE:**

Mr. Kimball reported that SEBAC (State Employees Bargaining Agent Coalition) had passed wage/benefit concessions but no state budget has been passed to date. It was noted that in accordance with current state law and upon advice from the Town's legal counsel, the car tax was billed at 32 mills, 31 for the Town and 1 for the Fire District.

#### **6. FINANCE DIRECTOR'S REPORT – FY17 INITIAL RESULTS:**

A memorandum from Mr. Kimball to this Board dated July 18, 2017 was reviewed. He explained that while all revenues have been booked for FY2017, the final numbers on expenditures will not be available for several more weeks to allow for expenditures from June to finish being booked. He noted that Building Department fees are down and reviewed a table reflecting the variances between the budgeted and actual numbers for the past four years. He noted that local conveyance taxes were very favorable.

Mr. Kimball reminded the Board that back in August of 2016, a supplemental appropriation of \$27,500 had been considered for settlement of a lawsuit. At that time, it was decided that the Board wait and see if the operating budget could absorb it. Mr. Kimball noted that it appears that the Police Department will likely be able to cover this. He also reminded this Board that revaluation is currently ongoing.

#### **7. OTHER BUSINESS:**

No business discussed.

#### **8. ADJOURN:**

**MOTION:** Mr. Prell, Mr. Blumenthal second, **to adjourn at 6:56PM; unanimously approved.**

**Respectfully submitted,  
Pamela A. Colombie**



The Town of  
**Simsbury, Connecticut**



**Economic Development Commission**

July 28, 2017

The Hon. Lisa L. Heavner  
First Selectwoman  
Town of Simsbury  
933 Hopmeadow Street  
Simsbury, Connecticut 06070

Re: Town of Simsbury Economic Development Commission response to July 3, 2017  
and July 7, 2017 Requests for Board Input.

Dear First Selectwoman Heavner:

On July 13<sup>th</sup>, 2017, the Town of Simsbury Economic Development Commission (hereinafter referred to as the "EDC") at its regularly scheduled meeting, took up your request of July 3, 2017, which was amended on July 7, 2017, requesting input from all of the Town of Simsbury's Boards and Commissions concerning the Deepwater Wind, LLC's Petition for Declaratory Ruling with the Connecticut Siting Council for the Deepwater 26.5 megawatt solar project (hereinafter referred to as the "Tobacco Valley Solar project"). The Chairwoman of the EDC, Kristen Barnett, recused herself from all consideration of the same, and so the task fell upon myself to run this part of the meeting. The Commissioners present, by Motion, unanimously agreed that members could send their comments to me after the meeting and authorized me to provide you with the EDC's composite response, as the EDC did not believe that, as a body, it had enough information at that time to provide a comprehensive response to your request. The following is therefore the consensus of the EDC regarding the Petition concerning the Tobacco Valley Solar project.

First, while not noticed, I, as acting Chair took the prerogative to invite public comment, as there were two members of the general public who came to the EDC meeting. Both Atty. Laura Nigro and Mr. Joseph Tracy spoke to the significance of the impact of the project to the Town from an economic standpoint and from a personal standpoint. The EDC then began discussion of the project. Mr. James Rabbitt, Director of Planning and Community Development was invited to address the EDC about what the Petition meant and what's the Town's role in the Petition was to be. Director Rabbitt, in response to Commissioners' questions, indicated that there would be tax income generated for the Town, and gave a range of that income. Director Rabbitt also commented on Commissioners' concerns about the use of the affected properties, as well as the response from Deepwater Wind, LLC's response to the citizen response to the Tobacco Valley Solar project regarding visibility and actual impact of the project vis-à-vis traffic.

The general concerns about the Tobacco Valley Solar project, of the EDC as a consensus, was whether the said project was the highest and best use of the affected parcels, yet also being mindful that another use of the parcels would possibly be more housing projects, which the EDC would not favor for parcels within Industrial zoned properties. Additionally, the Commission is concerned about the impact the said project would have

on abutting neighbors and neighborhoods, vis-à-vis property values, environmental concerns and having to look at the actual panel arrays day in and day out, given that most property owners would not have reasonably anticipated having a solar array or farm next door when they bought their properties. The EDC was also interested in the income generated for the Town by way of property taxes and personal property taxes, as the taxes on most, if not all, of the parcels would be significantly higher, with one forecast being a net tax gain of approximately \$575,000.00 for the Town.

In speaking to the actual request by Deepwater Wind, LLC, to have a Declaratory Ruling on the propriety of both the site location and plan for the 26.5 megawatt generation and a ruling that a more stringent environmental study be by-passed, the EDC noted that the primary use of most of the parcels was for tobacco farming, with chemical fertilizers and chemical pest control sprays having likely been used for decades, and some of the parcels being wooded areas with possible vernal springs and run-offs potentially into the Farmington River. The EDC is very concerned that a full environmental study be done, not to foil the project, but to prevent a late discovery of environmental issues after the solar farm has been constructed and put into operation. The economic impact upon the Town and the private citizens in the areas affected by the said project were such an event happen would be potentially catastrophic, and so the consensus of the EDC was to not oppose the general petition, so long as neighboring property owner's sight-line concerns be adequately addressed, but to oppose the request to declare that a more comprehensive environmental study was not necessary. The EDC wishes that it had more time to digest the information, to have the ability to ask more questions and to come up with a more comprehensive recommendation, but the exigent circumstances of the Petition, the Town's seeking party status and the time allowed for the same does not allow for such. The EDC hopes that the above will be helpful to the Board of Selectmen in their efforts to have the Town's concerns addressed by the Siting Council and Deepwater Wind, LLC.

Sincerely yours,



David M. Moore, Esq.

Acting Chair, Town of Simsbury Economic Development Commission

Cc. Simsbury Economic Development Commissioners



**President:** Susan S. Bransfield, First Selectwoman of Portland = **First Vice President:** Neil O'Leary, Mayor of Waterbury; = **Second Vice President:** John A. Elsesser, Town Manager of Coventry

**Directors:** Luke A. Bronin, Mayor of Hartford; Robert M. Congdon, First Selectman of Preston; Michael J. Freda, First Selectman of North Haven; Joseph P. Ganim, Mayor of Bridgeport; Toni N. Harp, Mayor of New Haven; Barbara M. Henry, First Selectman of Roxbury;

Deb Hinchey, Mayor of Norwich; Catherine Iino, First Selectwoman of Killingworth; Marcia Leclerc, Mayor of East Hartford; Curt Leng, Mayor of Hamden; Rudolph P. Marconi, First Selectman of Ridgefield; W. Kurt Miller, First Selectman of Seymour; Leo Paul, Jr.,

First Selectman of Litchfield; Scott Shanley, General Manager of Manchester; Jayme Stevenson, First Selectman of Darien; Erin Stewart, Mayor of New Britain; Daniel D. Syme, First Selectman of Scotland; Mark B. Walter, Town Administrator of Columbia; Steven R. Werbner, Town Manager of Tolland

**Past Presidents:** Mark D. Boughton, Mayor of Danbury; Matthew B. Galligan, Town Manager of South Windsor; Herbert C. Rosenthal, Former First Selectman of Newtown

**Executive Director:** Joseph A. DeLong

June 26, 2017

Commissioner Robert Klee  
CT Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106

Dear Commissioner Klee:

The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 96% of Connecticut's population.

As a representative voice for local government, CCM would like to offer its full support for the Town of Simsbury's recent letter to the Commissioners of the Department of Energy and Environmental Protection and Department of Agriculture, requesting a comprehensive environmental review by the Departments of the Town's solar array project which seeks to be sited on farmland.

During the 2017 General Assembly Legislative session CCM supported SB 943 (PA 17-218) which would restrict the construction of solar photovoltaic facilities (solar facilities) of two or more megawatts on certain categories of land, core forest and prime farmland, as defined in the Public Act (effective July 1, 2017), by removing a requirement that the Connecticut Siting Council approve such facilities, creating a rebuttable presumption that they are not environmentally compatible.

CCM views the Town of Simsbury's request as consistent with the intent of the legislation described above which was enacted with overwhelming support from both Chambers of the General Assembly. It is for that reason that CCM respectfully requests that the Departments perform such comprehensive environmental review, ahead of the Public Act's effective date, as a show of support for the new law's intent and sound environmental policy.

Regards,



**Joe DeLong**

Executive Director

**Connecticut Conference of Municipalities**

900 Chapel Street, 9<sup>th</sup> Floor

New Haven, CT 06510

203-498-3000

[jdelong@ccm-ct.org](mailto:jdelong@ccm-ct.org)

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collaborating for the common good

**President: Susan S. Bransfield**, First Selectwoman of Portland = **First Vice President: Neil O’Leary**, Mayor of Waterbury; = **Second Vice President: John A. Elsesser**, Town Manager of Coventry

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**Past Presidents: Mark D. Boughton**, Mayor of Danbury; **Matthew B. Galligan**, Town Manager of South Windsor; **Herbert C. Rosenthal**, Former First Selectman of Newtown

**Executive Director:** Joseph A. DeLong

June 26, 2017

Commissioner Steven Reviczky  
CT Department of Agriculture  
450 Columbus Boulevard, Suite 701  
Hartford, CT 06103

Dear Commissioner Reviczky:

The Connecticut Conference of Municipalities (CCM) is Connecticut’s statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 96% of Connecticut’s population.

As a representative voice for local government, CCM would like to offer its full support for the Town of Simsbury’s recent letter to the Commissioners of the Department of Energy and Environmental Protection and Department of Agriculture, requesting a comprehensive environmental review by the Departments of the Town’s solar array project which seeks to be sited on farmland.

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Regards,



**Joe DeLong**

Executive Director




**Connecticut Conference of Municipalities**

900 Chapel Street, 9<sup>th</sup> Floor

New Haven, CT 06510

203-498-3000

[jdelong@ccm-ct.org](mailto:jdelong@ccm-ct.org)

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collaborating for the common good



**Farmington River Watershed Association, Inc.**

749 Hopmeadow Street, Simsbury, CT 06070  
(860) 658-4442 Fax (860) 651-7519 [www.frwa.org](http://www.frwa.org)

July 31, 2017

Lisa Heavner, First Selectwoman  
Town of Simsbury  
933 Hopmeadow St.  
Simsbury, CT 06070

Ms. Heavner,

As a follow up to our correspondence in June, I'm providing the following statement from the Farmington River Watershed Association about the proposed Deepwater Wind solar array project in Simsbury.

As an environmental organization dedicated to preserving, protecting, and restoring the Farmington River and its watershed lands, FRWA accepts the predictions of the scientific community that enormous changes in the function of our river system are to be expected in coming decades, due to climate change. We also accept the conclusions of the scientific community that the projected climate change is driven largely by increases in greenhouse gas emissions. We are also aware that the U.S. still produces the largest per capita amount of greenhouse gases. It follows that in general, FRWA strongly supports both energy conservation and a rapid transition to renewable energy sources such as solar power.

At this time, we do not take a position for or against the particular solar array project proposed for Simsbury by Deepwater Wind. Some of the questions it raises are beyond the scope of FRWA's mission. Others that do concern FRWA will need to be examined when more details about the project are available. Most of FRWA's concerns will be what they usually are, for any large construction project: potential short-term and long-term impacts on water quality, water quantity and runoff, and on in-stream and river-corridor habitats and vegetative cover. For example, we would consider:

- Compliance with guidelines for erosion and sediment control during construction.
- The quantity and water quality of stormwater runoff during construction.
- Whether solar panels or any other components of the arrays contribute harmful substances to stormwater runoff over the short or long term.
- Possible impact on the underlying aquifer and nearby surface waters such as small streams.
- How vegetation in and around the array will be managed; including details about the control of invasive vines, shrubs and any other plants that may entail pesticide application
- Extent of lost habitat, and the quality of lost habitat (biodiversity, ecosystem functions).
- Opportunity to test for, and possibly remediate, any contaminated soils before construction.

- Whether similar solar arrays in our region have proven to have low impact on water quality, soils, aquifers, and habitats over a period of several years.

I trust that FRWA and the public in general will have the opportunity to inquire into these issues as the siting process goes forward, and more details of the Deepwater Wind solar project become available.

Thank you for the opportunity to provide comments, and please let me know if we can be of further help in project review.

Sincerely,

A handwritten signature in cursive script that reads "Eileen Fielding". The signature is written in black ink and is positioned above the typed name and title.

Eileen Fielding  
Executive Director

# Simsbury Fire District

871 Hopmeadow Street • Simsbury, Connecticut • 06070

Kevin J. Kowalski  
Chief Administrative Officer  
Fire Marshal  
Emergency Management Director

Phone: 658-1971

Fax: 658-5611

June 20, 2017

Mrs. Lisa Heavner - First Selectwoman  
Town of Simsbury

Mrs. Heavner:

I am responding to your request to provide some feedback on the proposed solar farm on the Griffin land in the north end of town. I hope to ease some concerns that some in the community have with this project. Chief Baldis and I have reviewed the project with regard to Fire safety and Fire protection for both the facility and the area around the project.

I have met with the company proposing the project and other town officials to discuss the site installation and operation of the facility once it is complete, if built to the scope of the current plan. We have reviewed the possible impact to our firefighting operation and have found no issues that would preclude this project. There will be adequate access around the generator cells and inverters. The type of vegetation under and around these units is under review to determine combustible loads and the owners can accommodate adjustments based on environmental instructions.

The Simsbury FD has been training for the last several years on the installation and operation of solar systems, due to having been installed at various locations in town for many years. We have many systems in town. Most of the systems are on roofs of dwellings.

Our training is on systems that are primarily on the roofs of combustible homes or on large retail buildings such as auto dealerships and the International skating center, however, in some cases in the rear of homes mounted on the ground similar to the farm that is proposed. We have received this training from outside experts in the field and have reviewed the National Fire Protection's technical report document prescribing from The NFPA research center that was developed and written through a grant from FEMA for SOLAR SYSTEMS ON ROOF TOPS. As this paper discusses some system problems in the past, generally the fires that have occurred were on home based combustible building installations and mainly due to improper installation. This

.....

technology has some years of operations and a track record. There are large solar farms in many states. Over the last several years there have been numerous safety upgrades written into the national codebooks that will preside over the installation here in Simsbury.

Additionally the close proximity to the North end Eversource substation appears to be an advantage. This will be a close receptor for power being supplied and the need for extensive high-tension lines across the town from other locations would not be needed. In fact, there is a possibility that this could be used in place of the line that traverses the mountain from Bloomfield if the line breaks or fails in some way. We have had line failures in the past, causing long duration power interruptions. We have requested information about this possibility.

As far as the proximity to the school, we are very much concerned about anything that goes in and around schools. In fact, it was reported to us that in other areas of the country solar farms have provided some emergency power to schools directly. Some schools in nearby communities have their own solar farms for the school power, which is similar technology. We may not need that option as we have a generator system that is up to date.

We have reviewed the protection plan for children ... or for adults, for that matter, from entering the farm. There appears to be adequate protection with the fencing shown in the development drawings. We have been reassured that adjustments can be made if there appears to be a problem area. There will also be a frequent presence from maintenance personnel monitoring the equipment, cleaning and performing maintenance. We also have strongly suggested that the existing barns be removed, as we believe that the children playing in and around the barns is currently the largest hazard.

I hope this has answered some of your questions. Please either write back or call if I can be of assistance with safety on this project.

Respectfully submitted,

*Kevin J Kowalski*

Kevin J. Kowalski  
Chief Administrative Officer

KJK/scl/S20



# Simsbury Fire District

871 Hopmeadow St. Simsbury CT 06070

860-658-1971

Gary N Wilcox  
President

July 11, 2017

Lisa Heavner, First Selectwoman  
Town of Simsbury

Lisa, At last nights Fire District meeting we discussed the Deepwater Wind filing. I had forwarded the filing information to the executive committee for their review prior to our meeting. The executive committee found no information in the filing that would change the advisory letter you had previously received from Fire Marshal Kevin Kowalski regarding any safety / emergency response / fire concerns that this project would present. Please feel free to contact us should you have any further questions about this filing.

Regards,

Gary Wilcox, President  
Simsbury Fire District



# Simsbury Police Department

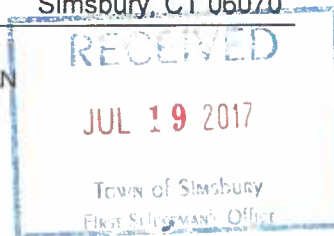


933 Hopmeadow Street

P.O. Box 495

Simsbury, CT 06070

PETER N. INGVERTSEN  
CHIEF OF POLICE



## MEMORANDUM

*P. Ingvertsen*

TO: Lisa L. Heavner, First Selectman  
FROM: Peter N. Ingvertsen, Chief of Police on behalf of  
Police Commission Chairman James Fleming  
DATE: July 19, 2017  
SUBJECT: Deepwater Wind, LLC Solar Project

---

In your letter of June 30, 2017 the Chairman of the Police Commission was asked to provide an opinion regarding the impact of the proposed Deepwater Wind Solar Project on the Simsbury Police Department. Chairman Fleming does not foresee any significant increase in demand for police services at the project site. The site should require no more or less ongoing attention than any other commercial business/location in Town.

I confer with Chairman Fleming's opinion.

Please contact me with any questions.

## **APPENDIX B**

### **Community Character, History and Aesthetics, and Educational Opportunities**

- Eliminate solar arrays south of No. 85 Hoskins Road to minimize the adverse visual effect on the historic house being enclosed on two sides with panel fields as viewed from the second-floor rooms. In the alternative, add vegetative screening along the edge of the study area to help the historic house view shed at No. 100 Hoskins Road as well as No 85. Provide landscaping that is in keeping with Simsbury's sense of place as described by the Simsbury Historical Society, the Simsbury Historic District Commission, and the landscape architect firm of Kent and Frost.
- Preserve all five tobacco sheds. Petitioner should consider dialogue with the Simsbury Historical Society to repurpose the sheds for educational uses with limited access as deemed safe for the public.
- Add placard signage along the walking trail with information about the potential benefits of solar power and a web-based portal for use in Simsbury Public Schools enabling students to view real-time information about energy being produced as well as other educational support.
- Conduct tours of the facility explaining how the facility works.
- Meet with residents periodically after installation of the facility to identify post-construction challenges and work on mutually beneficial resolutions.
- Require a Phase 1B Cultural Resources Reconnaissance Survey, per the recommendation of Exhibit M by the Heritage Consultants, LLC.
- Require shovel-pit testing on archaeological areas, Site 128-52 and Locus 1.

### **Project Size and "Buffering" for Abutting Residents and the Community**

- Decrease the project's active size to increase setback distances from abutters. And/alternatively, develop individualized landscaping plans for each abutter and for streets with public view sheds that include planting and maintenance.
- Do not install the "highway" style brown solid vinyl wall on Hoskins Road. Instead, use varied natural screening such as segments of earth berms, random tree clusters, smaller undercover vegetation, etc. Work with a landscape architectural and town residents to develop a mutually agreeable plan.
- Where chain link fencing is used, use black vinyl coated chain link fencing, posts and hardware, instead of steel to lessen the visual impact. Provide a raised gap in fencing to allow the passage of small mammals.
- Set aside contingency funds for landscaping after the project is completed should the need arise to replace plantings and/or screen abutters' properties.
- Conduct a shade study.

### **Light and Noise Pollution**

- Have an objective survey prepared by an independent source that analyzes and quantifies the potential for offsite light and noise pollution on adjacent properties or, in the matter of light trespass, higher elevations within view of the study site such as along the Talcott Ridge or the west ridge of Westledge and Highridge roads.
- Design site lighting to ensure the site will not create skyglow during night hours.

### **Financial Viability of the Project and Decommissioning**

- Require Deepwater Wind to provide a more robust decommissioning plan that is not reliant on salvage value of the panels to fund decommissioning, but instead requires upfront bonding, financing or other guarantees. We further request that the decommissioning plan include the removal of the pilings.
- Require Deepwater Wind to provide a financial support package that demonstrates their capability to implement, fundraise for, maintain and operate, and decommission the project.

### **Environmental Impact**

- Require the Petitioner to demonstrate compliance with State standards specified in the CT Department of Energy and Environmental Protection (DEEP) Site Characterization Guidance Document (SCGD) and require additional information and testing be provided to meet those standards. This should include identification of Areas of Concern (AOC).
- Require that Archived CTDEEP records at the State Library be reviewed pertaining to historical investigations that may have occurred at the Site.
- Require that topsoil be placed in disturbed areas and that temporary irrigation be employed to ensure ground cover is adequately established during the first growing season, given the sandy topsoil and historical use of irrigation to grow crops.
- Require subsurface investigations at the site, including the collection and analysis of soil and/or ground water samples.
- Require information gaps be addressed regarding the generation and disposal of hazardous waste that may be attributed to the Site to evaluate if the Connecticut Transfer Law (CGS Section 221-134,as amended) will apply.
- Require site investigation assessment to evaluate the presence and degree and extent of soil, sediment and groundwater contamination.
- Require site investigation/assessment to evaluate the potential mobilization of soil/sediment contaminants during and after construction.
- Require site investigation/assessment to evaluate the ecological risk on macro and micro organisms.
- Require remedial activities information on how the developer intends to achieve compliance with State and Federal regulations, statutes, guidance and common practices concerning remediation of on- and off-site contamination, including potential plans for soil mixing, soil

excavations/off-site disposal, rendering soil inaccessible, recording inaccessible and/or Industrial Commercial Environmental Land Use Regulations (ELURs) and any related operating and maintenance procedures.

- Require information on construction management including plans for dust control and air monitoring, plans for storm water management, plans for maintenance and mitigation of effects to on-site wetlands.
- Require preparation of project design plans to assess potential environmental impacts during and after construction, and plans for management of soil excavated and handled during construction.
- Provide a cover crop that is both pollinator-friendly and made up of native plants throughout.
- Require removal of the unlabeled, bulging drum as soon as possible and analyze its contents for potential damage to the site and assess as a trigger for Transfer Act applicability.
- Properly abandon eight groundwater monitoring wells which are in poor condition. The work should be done by a licensed well driller prior to any construction in this area.
- Require a detailed phasing plan be developed and implemented during construction and that a qualified third party periodically inspect erosion and sediment control measures. The intent would be to limit the areas of exposed soils and ensure that the most appropriate erosion/sediment control measures are provided.
- The Petitioner should be required to follow the General Guidance on Development of Former Agricultural Properties issued by DEEP in March, 1999. This would require sampling of shallow soil for persistent pesticide contaminants. If contaminants are found, Petitioner should be required to implement a soil management plan consistent with the industrial use of the property.
- A detailed erosion and sedimentation control phasing plan should be developed and implemented during construction and reviewed by a qualified third party periodically to determine if erosion and sediment control measures are effective.
- For erosion/sediment control purposes, the proposed access for the northern portion of the project should be extended due to expected high volume of construction traffic.
- Require that transformers used at the Site be certified PBC-free.
- Require the petitioner to implement best practices, consistent with the town's aquifer protection area regulations, related to spill prevention, including secondary containment of transfer oil containers and equipment, an inspection schedule and record keeping, an emergency response plan, and a spill prevention plan specific to changing transformer oil.
- Require Deepwater Wind provide a Shade Study to confirm the requirement for clearing to accommodate the solar array.
- Due to the size of the project, past experience with solar farm projects through the Siting Council and because of a concern about inadequate State funding for staff at all State agencies, including the Siting Council, we request the Council require Deepwater Wind fund a full-time erosion and sediment Control Specialist to be on site daily during the construction process, reporting to the Town of Simsbury and the Siting Council.

## Construction

- Require information on a detailed phasing plan for construction.
- Require information on stabilization of the perimeter of the site for drainage to limit the impact to abutting areas, watercourses and aquifers.
- Require information on transfer oil spill management.
- Require information on two wetland crossings (flags 6-223, 6-200, 6-600, and 6-158) shown on surveys.
- Request that the Siting Council grant authority to the Town of Simsbury, or a designated third party, regarding drainage and erosion control, fencing, landscape and grading buffering:
  1. To approve final plans prior to construction;
  2. To inspect construction;
  3. To approve any modifications to plans prior to construction;
  4. To assure construction is complete in accordance with the plans; and
  5. To require that a Construction Bond be posted if the approved plan's improvements are not complete prior to activating the Solar Farm.

EXHIBIT B



**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

.....	)	
DWW SOLAR II, LLC PETITION FOR	)	PETITION NO. 1313
DECLARATORY RULING THAT NO	)	
CERTIFICATE OF ENVIRONMENTAL	)	
COMPATIBILITY AND PUBLIC NEED	)	
IS REQUIRED FOR A 26.4 MEGAWATT	)	
AC SOLAR PHOTOVOLTAIC ELECTRIC	)	September 1, 2017
GENERATING FACILITY IN SIMSBURY	)	
CONNECTICUT	)	
.....	)	

**PREFILED TESTIMONY OF MARGUERITE CARNELL**

I, Marguerite Carnell, hereby offer the following as my prefiled testimony concerning the above-captioned matter. I am the Vice Chair of the Town of Simsbury Historic District Commission (“Commission”). My resume is appended hereto as Attachment A. I have reviewed the Petition for Declaratory Ruling, and related documentation (“Petition”), submitted by DWW Solar II, LLC to the Connecticut Siting Council. I have articulated the Commission’s position concerning the Petition in my letter, which is appended hereto as Attachment B.

{LEFT BLANK INTENTIONALLY}

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 1th day of  
September, 2017.

Marguerite Carnell  
Marguerite Carnell

Subscribed and sworn before me this \_\_\_th day of September, 2017.

Robert M. Weir

Notary Public

My Commission Expires: April 30 2030

ATTACHMENT A

## **Marguerite Carnell**

33 Seminary Road Simsbury, Connecticut 06070

E-mail [margueritecarnell@comcast.net](mailto:margueritecarnell@comcast.net); Cell (860) 550-4184

### **Professional Skills**

- National Park Service 36 CFR Part 61 qualified Architectural Historian and Historian. Meets US Secretary of the Interior standards and State of Connecticut State Historic Preservation Office (CTSHPO) standards.
- Historic building analysis and documentation
- Environmental compliance consultation for cultural resources
- Architectural surveys and Historic Resource Inventories
- National Register of Historic Places nominations
- Federal and state historic tax credit applications

### **Education**

Columbia University, New York, New York

Graduate School of Architecture, Planning and Preservation  
Architectural Conservation classes (2008-2009)

George Washington University, Washington, D.C.

M. Phil. in American Civilization (1997)

Fields of Ph.D. program of study: architectural history, historic preservation, material culture, religious history, cultural history, and women's history.

University of Connecticut, Storrs, Connecticut

B.S. in Design and Resource Management, summa cum laude, Phi Kappa Phi Honor Society (1986)

### **Professional Experience**

Architectural Historian (2014 to present)

Archaeological and Historical Services, Inc. Storrs, Connecticut

Cultural resource management services including National Register of Historic Places nominations, historic resource documentation, environmental compliance review, and historic tax credits. Recent projects include a Historic Resource Inventory of Stow, MA; cultural resource evaluation for the Cape Cod Canal Transportation Study, the WALK bridge project in Norwalk, CT, and green energy projects for CT Green Bank; National Register nomination for South Willington, CT.

Director of Historic Preservation (2011 to 2014)

Crosskey Architects, LLC, Hartford, Connecticut

Consulting services for federal and state historic tax credit projects, National Register of Historic Places nominations, and grant proposals. Projects included National Historic Landmarks such as the Cheney Brothers NHL District and the Connecticut State Capitol, and National Register properties in Hartford, Bridgeport, Waterbury, and towns throughout the state.

Director of Historic Preservation (2009 to 2011)

John Canning Studios, Cheshire, Connecticut

Responsibilities included research and writing conservation reports and treatment plans. Clients included architects, conservators, owners, and contractors. Projects included National Register properties such as South Church on Nantucket and Waterbury City Hall, and National Historic Landmarks such as the Eisenhower Executive Office Building and the United States Capitol.

## **Marguerite Carnell**

33 Seminary Road Simsbury, Connecticut 06070

E-mail margueritecarnell@comcast.net; Cell (860) 550-4184

### **Professional Experience *continued***

Director of Historic Preservation (2005 to 2009)

Project Manager, Project Designer & Preservationist (1997 to 2005)

Schoenhardt Architecture + Interior Design, Simsbury, Connecticut

Responsible for developing Schoenhardt's historic preservation practice with the firm's partners. Project management, research, design, grant writing, and consulting services. Projects ranged from vernacular farmhouse renovations and additions to large-scale restoration and adaptive re-use projects. Clients included the Connecticut State Capitol, the Bushnell Center for the Performing Arts, and the Town of Glastonbury.

Architectural Conservation Intern (2009)

Jablonski Building Conservation, New York, New York

Internship to develop architectural conservation skills, especially related to analysis of paint, other finish materials, and plaster. Preparation of paint samples for microscopic analysis, development of finish chronologies, color matching to Munsell and commercial paint color systems, and on-site exposures to uncover decorative paint schemes for the Waterbury City Hall and St. Brigid's Church in New York City.

Project Designer (1986 to 1994, 1997 to 2009)

Schoenhardt Architecture + Interior Design, Simsbury, Connecticut (1997 to 2009; Summer 1994; 1992)

Clohessy and Harris Architects, Simsbury, Connecticut (Summer 1993)

Jeter, Cook & Jepson Architects, Hartford, Connecticut (1986 to 1991)

Responsible for all facets of interior design, including: proposal writing, client interviews, facility programming, conceptual design, and space planning; design development studies, materials and furnishings specifications; drafting and review of construction documents, shop drawings, and installations. Project types included performing arts centers, libraries, corporate interiors, houses of worship, and private residences.

National Park Service, Washington, D.C. (1996 to 1997)

Internship to prepare nomination of Hampton National Historic Site, Towson, Maryland, to the National Register of Historic Places. (1997)

Project team member for assessment of the interpretation of African-American history at four National Park Service sites; co-authored report with recommendations for refining the sites' interpretive strategies based on current scholarship. (1996)

Independent Historical Consultant (1996 to 1997)

Consultant for Colonial Williamsburg, Williamsburg, VA; the Octagon Museum, Washington, D.C.; and the Eisenhower Farm, Gettysburg, PA. Historical research for exhibitions, furnishing plans, and interpretive programs.

Maymont Museum, Richmond, Virginia (1994)

Independent study project to develop a furnishings plan. Analyzed primary and secondary sources to determine how this historic house museum's upper floors were decorated, furnished, and used through the 1890s to the 1920s.

## **Marguerite Carnell**

33 Seminary Road Simsbury, Connecticut 06070  
E-mail margueritecarnell@comcast.net; Cell (860) 550-4184

### **Achievements, Awards, and Activities**

Simsbury Historic District Commission, Vice Chair (2013 to present)

Hartford Preservation Alliance

Board of Directors, Newsletter Co-editor, Awards Committee (2006)  
Neighborhood survey work (1998-1999), active member (1998 to present)

Published Work

"Forging Partnerships, Creating Contexts." *Cultural Resource Management*  
20, no. 2 (1997): 44-45 (co-author).

Book reviews: Colleen McDannell's *Material Christianity: Religion and Popular Culture in America* and Joseph Siry's *Unity Temple: Frank Lloyd Wright and the Architecture of Liberal Religion in American Studies International* (September 1997).

University Fellow, George Washington University

Support for graduate study at George Washington University (1994 to 1997)

Hartford Preservation Alliance Award for Interior Restoration

Mortensen Hall, Bushnell Center for the Performing Arts, Hartford, Connecticut (2006)

Other Affiliations:

National Trust for Historic Preservation  
Connecticut Trust for Historic Preservation

### **References**

References, portfolio, and writing samples are available upon request.

ATTACHMENT B



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Ms. Lisa Heavner, First Selectman  
Town of Simsbury  
933 Hopmeadow Street  
Simsbury, Connecticut 06070

Re: Deepwater Wind LLC, Petition 1313 CT Siting Council

Dear Ms. Heavner:

The Simsbury Historic District Commission (HDC) welcomes the opportunity to evaluate the proposed Tobacco Valley Solar project. Because the proposed project location contains significant cultural resources that are potentially eligible for the National Register of Historic Places, we reviewed this project as if it were under HDC jurisdiction, considering its potential impact on the buildings, landscapes, archaeological resources, and overall character of the project area.

Simsbury has a rich historical heritage and an abundance of cultural resources, including four areas that are listed in the National Register. These include the Simsbury Center Historic District, the Tariffville Historic District, the Terry's Plain Historic District, and the East Weatogue Historic District. In addition, historic resource inventories (HRIs) have recommended the Ensign-Bickford Company, West Simsbury, and Wolcott Road/Town Poor Farm areas for listing as National-Register historic districts (Karmazinas 2010; Carley 2013). The 2013 HRI report further recommended consideration of a potential thematic, multiple-property nomination for Simsbury's historic farm buildings, or possibly a multiple-property nomination focused specifically on the town's tobacco agricultural buildings, which are particularly endangered. (For example, in 2009, fourteen Cullman Brothers' tobacco sheds on County, Firetown, and Hoskins roads were documented because they were slated for demolition; although twelve remain standing, their future remains uncertain.) The 2013 HRI also recommended that the town consider the possibility of nominating selected areas and landscapes to the National Register as Rural Historic Landscapes (Carley 2013, p. 29). We agree with these recommendations and strongly support preservation of agricultural buildings and rural landscapes, which are intrinsic to our town's character.

The HDC also reviewed the "Phase IA Cultural Resources Assessment Survey of the Proposed Simsbury Solar Farm in Simsbury, Connecticut," prepared by Heritage Consultants, LLC in February 2017. This report concludes that the properties at 85 Hoskins Road and 100 Hoskins Road and the five tobacco sheds in the project area are significant under National Register Criteria A and C. The survey identified two archaeological areas, Site 128-52 and Locus 1, as areas that should be subject to shovel-pit testing for evaluation of National Register eligibility. We concur with these findings as well.

The tobacco sheds are particularly important because of their association with minority workers. During and after World War II, Cullman Brothers, which owned four tobacco farms in Simsbury, hired field laborers from Southern schools. Morehouse College students had a dormitory in the vicinity of 8 Scarborough Street (close to Firetown Road), and as a Morehouse student in 1944 and 1947, Martin Luther King Jr. reportedly worked on Cullman Farm #1 in the Firetown Road/Barndoor Hills Road area (Carley 2013, p. 24). In his writings, Martin Luther King Jr. remembered his

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time working and living in non-segregated Simsbury as a pivotal time in his intellectual development, allowing him to imagine life in a racially-integrated society and planting the seeds for his leadership in the civil rights movement. While to date no evidence has been found that directly links Martin Luther King, Jr. to the Tobacco Valley Solar site, the agricultural landscape and buildings remain as important links to African-American workers and other minority groups. Agricultural laborers' seasonal migration to the Northeast, as a safe place to work, is a topic of significant historical interest. Minority groups are underrepresented in the historical record and among extant historical architectural resources, and the Connecticut State Historic Preservation Office works to preserve and protect historic sites that are related to minority group history.

Consideration of cultural resources is an integral part of the town planning and design review, a process that we fully support. The HDC reviewed the letters and memorandums from the Planning Commission (July 12, 2017), the Design Review Board (July 31, 2017), and the Historical Society (July 20, 2017), and our recommendations are in keeping with all of theirs. The proposed Tobacco Valley Solar project would contribute to the economic development of the town and solar energy production would seem to be in keeping with 2007 Plan of Conservation and Development (POCD)'s focus on "green building" technologies. In our opinion, however, the project would meet those goals at the considerable cost of other stated goals of the POCD. As currently proposed, the Tobacco Valley Solar plan does not meet the objectives of protection of open space, agricultural resources, historic resources, scenic resources, and community character.

Based on the limited information available during this early design phase of the project, the HDC recommends that additional research be conducted and that the design be modified to minimize its impacts on identified cultural resources, the rural historic landscape, and the agricultural character of the community:

- Conduct additional research on Martin Luther King's connection to the Cullman Brother's properties and confirm the location of the farm(s) where he worked in 1944 and 1947.
- Alter the solar array layout in order to retain all five tobacco sheds, with appropriate setbacks from the buildings. Conduct conditions assessments of the sheds and explore possibilities for their adaptive reuse. Consider allocating some space to be used for interpretive exhibit space on the Cullman farms and their laborers. Prepare maintenance plans for the buildings that will be retained.
- Explore alternative screening strategies to the proposed 10'-0" solid vinyl fence, which is not in keeping with the natural rural character of the project site. We suggest tailoring the screening to each area, including a mix of berms planted with appropriate vegetation, naturalistic groupings of indigenous trees and plants, and wooden rail fencing. In areas where completely concealing the solar panels is difficult, it could be preferable to use rail fencing and trees to distract the viewer's eye rather than to hide the panels behind a solid high fence. Give particular care to screening the solar arrays from view around the historic properties at 85 and 100 Hoskins Road.
- Conduct shovel pit testing to assess the National Register eligibility of Site 128-52 and Locus 1 archaeological areas. Conduct walkover surveys of areas that have been identified with moderate archaeological sensitivity, with auger testing as recommended in the cultural resources survey.
- Commission an independent study to analyze the potential for light and noise pollution on adjacent properties.

Sincerely,



Marguerite Carnell  
Vice Chair, Simsbury Historic District Commission

EXHIBIT C

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

.....	)	
DWW SOLAR II, LLC PETITION FOR	)	PETITION NO. 1313
DECLARATORY RULING THAT NO	)	
CERTIFICATE OF ENVIRONMENTAL	)	
COMPATIBILITY AND PUBLIC NEED	)	
IS REQUIRED FOR A 26.4 MEGAWATT	)	
AC SOLAR PHOTOVOLTAIC ELECTRIC	)	September <u>1</u> , 2017
GENERATING FACILITY IN SIMSBURY	)	
CONNECTICUT	)	
.....	)	

**PREFILED TESTIMONY OF ROBERT J. CARR**

I, Robert J. Carr, P.E., LEP, hereby offer the following as my prefiled testimony concerning the above-captioned matter.

I am a Vice President and Principal-In-Charge of Zuvic, Carr and Associates, Inc., a full service, multidisciplinary engineering and consulting firm. I am a licensed professional engineer in Connecticut, New York and Rhode Island and a licensed environmental professional in Connecticut. My resume is appended hereto as Attachment A.

I have reviewed the Petition for Declaratory Ruling, and related documentation, submitted by DWW Solar II, LLC to the Connecticut Siting Council and assessed the environmental impact of the proposed project. I memorialized my assessment in two letters addressed to the Town of Simsbury, which are attached hereto as Attachment B.

**{LEFT BLANK INTENTIONALLY}**

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 1<sup>st</sup> day of  
September, 2017.

Robert J. Carr  
Robert J. Carr

Subscribed and sworn before me this 1<sup>st</sup> day of September, 2017.

Robert Babb

Notary Public  
My Commission Expires:

**ROBERT BABB**  
*Notary Public, State of Connecticut*  
*My Commission Expires July 31, ~~2015~~*

2020

ATTACHMENT A

**ROBERT J. CARR, P.E., LEP**

Vice President

**Professional Licenses**

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Licensed Professional Engineer in Connecticut (18567), New York (73889), Rhode Island (7563)

Licensed Environmental Professional in Connecticut (314)

Licensed Remediation Specialist in West Virginia (238)

**Experience Summary**

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Mr. Carr serves as Vice President and principal-in-charge for environmental projects, with more than 25 years of experience as an environmental engineer and consultant. He has extensive experience conducting and overseeing environmental projects, including all phases of environmental site assessments, closure assessments of underground storage tanks (USTs), and the design and permitting of soil and groundwater remediation systems. Mr. Carr has experience in the design and installation of many types of remediation systems, including soil vapor extraction, chemical oxidation, bioremediation, and air sparging. Mr. Carr also has completed several types of engineering opinions-of-cost for the cleanup of various industrial and commercial facilities in the United States. These cost estimates are used by interested parties in establishing escrow accounts or defining cost assignments for site remediation.

**Education/Affiliations/Publications**

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B.S., Environmental Engineering, University of Hartford, CT, 1993

Civil Engineering at Worcester Polytechnic Institute, 1984 – 1987

Town of East Hartford Inland Wetlands/Environment Commissioner, 2000 – 2009

Member of Environmental Professionals of Connecticut, 1999 – present

Member of the Association for the Advancement of Cost Engineering, 2009 – 2012

Member of the Society of Industrial and Office Realtors, 2006 – present

Member of University of Hartford College of Engineering, Technology and Architecture (CETA) Board of Visitors, 2010 – present

"Connecticut's 2013 Revisions to Remediation Statutes and Regulations," March 2014.

"Connecticut's 'Transformation' of Environmental Regulations," presentation to SIOR CT and Western MA Chapter, June 2013.

"SIOR/CCIM Education Series – Connecticut's Environmental Regulations and 2013 Revisions – A Real Estate Perspective," certified CT Commercial Realtor course, by Robert J. Carr, P.E., LEP, and Samuel R. Haydock, MS, LEP, 2013 – 2014.

"Transactions in Connecticut – What Type of Environmental Due Diligence is Necessary," October 2008 for SIOR and New England Real Estate Journal.

"Closing the Deal – Utilizing a Remediation Cost Estimate in the Negotiation Process," July 2007 for SIOR CT Chapter Newsletter.

"The Connecticut Transfer Act – Keeping the End in Mind" Parts I and II, June and September 2006 for the Auto Body Association of Connecticut.

"All Appropriate Inquiry – The New Due Diligence Standard," September 2006 for SIOR Report Vol. 65, Number 4.

"Cemetery Planning and the Environment," May 2006 Issue of American Cemetery.

**Environmental Training**

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OSHA 29 CFR 1910.120(e)(3)(i) 40-hour HAZWOPER

OSHA 29 CFR 1910.120(e)(8) 8-hour Annual Refresher

Certified CPR and First Aid

## **Relevant Project Experience**

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### **Environmental Investigation and Remediation**

**Rhode Island Airport Corporation (RIAC) – Underground Storage Tank Removal and Remediation** – Mr. Carr served as project manager and lead environmental engineer for the removal and replacement of underground storage tanks located at six airports in Rhode Island. The work was conducted on a design/build project delivery basis, the first such contract executed by RIAC. Services included the removal and closure of over 90 tanks, remediation of petroleum contaminated soil, design of replacement tanks and dispensing systems (all aboveground tanks), permitting and code (including NFPA) compliance, coordination with airport operations, and tank system installation. The total project cost was approximately \$2,400,000.

**Automated Waste Disposal**, 307 White Street, Danbury, CT – Mr. Carr is the designated Licensed Environmental Professional (LEP) for the environmental investigation and remediation for this waste transfer station site and former metal scrap yard. The site is being remediated under Connecticut's Transfer Act law. Mr. Carr oversaw the completion of the Phase II and III environmental site assessments that identified areas of petroleum, PCB, and chlorinated solvent contamination. The site investigation included PCB-related site characterization in accordance with TSCA (40CFR Section 761.61).

**Goodwin College Riverside Drive Campus**, East Hartford, CT – Mr. Carr is the designated LEP for the environmental investigation and remediation of several former petroleum fuel terminals along the Connecticut River in East Hartford. This area is now home to a new college campus and magnet high school. The cost of remediation was approximately \$4,500,000.

**Pathways Academy for the Advancement of Design and Technology**, 133 High Street, East Hartford, CT – Mr. Carr is the designated LEP for the environmental investigation and remediation of the former industrial property that is occupied by a new regional high school. Mr. Carr oversaw the completion of the Phase I, II and III environmental site assessments (ESAs) for the property which identified areas of pesticide and petroleum contamination. LEP services have included oversight and confirmation of the excavation and disposal of contaminated soil to meet residential clean-up standards, and LEP Verification of the site under the CT Transfer Act. The project cost is approximately \$37,000,000; Zuvic Carr's fee is estimated to be \$400,000.

**Jennings Oil Company**, Danbury, CT – As program manager provided environmental consulting and engineering services related to a spill of over 10,000 gallons of petroleum product at a local fuel oil storage facility. Prepared environmental permits and a Spill Prevention Control and Countermeasure Plan and designed facility upgrades to bring the facility into regulatory compliance with State and Federal laws.

**ExxonMobil**, Connecticut, New York and Rhode Island – Mr. Carr served as program manager and project engineer, providing consulting and engineering services in the investigation and remediation of more than 40 retail service station locations. Services included environmental site assessments, hydrogeologic investigations, remediation action plans, engineering design and permitting, and construction oversight of various types of soil and groundwater remediation systems. Mr. Carr also provided soil and groundwater remediation technical review and hazardous waste consulting services for ExxonMobil's U.S. Retail Marketing group. The annual project fee ranged from approximately \$1,000,000 to \$3,000,000 over a five-year period.

**Arbella Insurance Group, Release Investigation**, Goshen, CT – Mr. Carr provides on-call environmental consulting services in Connecticut to the Arbella Insurance Group and State Farm. This case involved the investigation of a source of tetrachloroethylene (PCE) contamination in area drinking water wells. Mr. Carr was the principal consultant for the project, which included the completion of a Phase I environmental site assessment (ESA), sensitive receptor survey, Phase II ESA, and sampling of twelve affected potable wells. The Phase II ESA included the soil and groundwater sample collection and analyses from several possible PCE sources. The results of the investigation indicated that a suspected residence was not the source of regional PCE groundwater contamination. The CT Department of Energy and Environmental Protection (DEEP) issued a 'No further action' letter for the site. The total project fee was approximately \$50,000.

**Motiva/Shell Oil Company U.S.**, Connecticut, New York and Rhode Island – Mr. Carr served as program manager and project engineer to provide consulting and engineering services in the investigation and remediation of more than 35 retail service station locations. Services included environmental site assessments, hydrogeologic investigations, remediation action plans, engineering design and permitting, and construction oversight of various types of soil and groundwater remediation systems. Mr. Carr also provided soil and groundwater remediation technical review and CT Transfer Act consulting services. The annual project fee ranged from approximately \$1,000,000 to \$1,500,000 over a four-year period.

**Connecticut Department of Transportation – On-Call Environmental Consulting Services** – Prior to joining Zuvic Carr, Mr. Carr served as project manager for the CTDOT On-Call Environmental Services Program, which included site remediation, dewatering treatment during construction, site assessments, and facility upgrades of floor drains, sewers, and hazardous materials storage areas. The annual project fee ranged from approximately \$1,000,000 to \$2,000,000.

### **Landfills and Solid Waste**

**CRRA Shelton Landfill Methane Gas Recovery System** – Mr. Carr served as the field engineer reviewing the installation of a methane gas recovery system. The system included vertical vapor recovery wells, underground recovery lines, and a gas-flare system. Mr. Carr also conducted periodic methane vapor monitoring at residential and commercial properties in close proximity to the landfill. The total project fee was approximately \$500,000.

**CRRA Hartford Landfill** – As part of this facility's monitoring and maintenance requirements, Mr. Carr collected groundwater samples from the landfill's monitoring wells, reviewed analytical results, and prepared quarterly reports. Mr. Carr also served as the field engineer periodically collecting inclinometer readings from specialized geotechnical 'wells' located along the Connecticut River flood control system (dike) adjacent to the landfill. The inclinometer readings were used to measure the movement, if any, of the dike system over time.

**Town of Colchester Landfill** – As a staff engineer, Mr. Carr prepared closure plans for this municipal landfill. Mr. Carr also conducted groundwater monitoring and prepared the required quarterly monitoring reports.

**Town of Sprague Landfill** – As a staff engineer, Mr. Carr conducted quarterly inspections of this municipal landfill and assisted in preparing a revised operations plan. Mr. Carr also conducted groundwater monitoring and prepared the required quarterly monitoring reports.

**Adelman Landfill**, Bozrah, CT – As a staff engineer, Mr. Carr conducted quarterly inspections of this privately owned landfill and assisted in preparing the facility's closure plan. Mr. Carr also conducted groundwater monitoring and prepared the required quarterly monitoring reports.



ATTACHMENT B



August 3, 2017

Jerome F. Shea, Town Engineer  
Town of Simsbury  
933 Hopmeadow St.  
Simsbury, CT. 06070

RE: Review of Meadowood Development Documents as may be Pertinent to  
DWW Solar II, LLC – Tobacco Valley Solar Project

Dear Mr. Shea:

As requested by the Town of Simsbury, Zuvic, Carr and Associates, Inc. (Zuvic Carr) reviewed environmental and property use documents pertinent to the Meadowood development ("Meadowood") property as they may relate to the petition submitted to the Connecticut Siting Council (SCS) by DWW Solar II, LLC for installation and operation of a 26.4 megawatt AC solar photovoltaic electric generating facility. The solar facility is proposed to be located on approximately 289 acres comprised of 5 separate and abutting privately-owned parcels on Hopmeadow Street, County Road, and Hoskins Road. The Meadowood property is located west of the proposed solar facility property along County Road, Hoskins Road, Barndoor Hills Road, Firetown Road and Holcomb Street. Both the Meadowood and proposed solar facility properties were formerly used for tobacco cultivation and associated activities by Culbro Land Resources, Inc. ("Culbro Tobacco") and similar activities historically occurred on the two properties. Therefore, environmental and property use information for the Meadowood property may be pertinent to the proposed solar facility project.

Zuvic Carr reviewed the following environmental investigation and remediation reports for the Meadowood property conducted between 1995 and 2014:

- "Soil Sampling Investigation, Frances Farms Subdivision", June 6, 1995, prepared by Fuss & O'Neill, Inc.;
- "Environmental Sampling Report, Lot #4 Firetown Road", August 3, 1996, prepared by Anchor Engineering Services, Inc.;
- "Soil Mixing Plan, Meadowood Development", December 1999, revised February 2000, prepared by Fuss & O'Neill, Inc.;
- "Soil Mixing Plan, Meadowood Development", January 2000, prepared by Fuss & O'Neill, Inc.;
- "Supplementary Environmental Analyses, Meadowood Development", February 2000, prepared by Fuss & O'Neill, Inc.;
- "Investigation Results Report, Confirmatory and Pre-Remediation Soil Sampling and Hydrogeologic Investigation, Parcel 3 East", April 2005, prepared by Fuss & O'Neill, Inc.;
- "Supplemental Activities Report, Parcel 3 East, Simsbury", September 2005, prepared by Fuss & O'Neill, Inc.;
- "Soil Relocation and Removal Management Plan, Parcel 3 East", November 2005, revised July 2007, prepared by Fuss & O'Neill, Inc.;

- "Soil Relocation Summary Report, Parcel 3 East", January 2012, prepared by Fuss & O'Neill, Inc.; and,
- "Soil Removal Summary Report, Parcel 3 East – Hoskins 7 (Area 1)", June 2014, prepared by Fuss & O'Neill, Inc.

In addition, Zivic Carr reviewed applications submitted to the Town of Simsbury for development of the Meadowood property for residential housing.

In summary, portions of the Meadowood property were used for tobacco cultivation and associated activities since before the 1930s. Tobacco drying/storage barns, tobacco fields, farm dumps (solid waste disposal areas, including for empty pesticide and fertilizer containers), presumed pesticide, fungicide and fertilizer storage areas and possible irrigation wells, are and/or were present on the property. Several fires occurred on the property, set either intentionally or accidentally, and include burning of barns, pesticide/fungicide-treated tobacco, netting, tent cloth, wood and unspecified "agricultural products". In addition, sand and gravel removal operations were conducted on a portion of the property.

An environmental consultant to the property owner, Fuss and O'Neill (F&O), evaluated the types of pesticides/fungicides used on the property to develop a list of contaminants of concern (COC) for its testing programs. The results of F&O's evaluation are attached ("Response to Ms. Kathleen Cowen Bessett's Revised Letter Dated February 17, 2000") and include "Table A-1 Chemicals Known or Likely to Have Been Applied at Culbro Tobacco Fields...". Note that all chemicals on the list, regardless of whether they were determined to have been used in the "past ten years" or were "used currently", were determined by F&O to be COCs for the site. Not included on the list are cyanide and metals (arsenic, lead and zinc) that were also determined to be COCs. Although not tested for or determined by F&O to be a COC, dioxins should also be considered a COC for the property since dioxins are formed during the combustion of chlorinated organic compounds.

The results of sampling and testing of near-surface soil (from ground surface to 3 ft. deep) and sediments at the property indicated the presence of one or more of the following chemicals:

- Chlorinated solvents and their breakdown products, cleaning chemicals and petroleum-related compounds, including tetrachloroethene, trichloroethene, cis-1,2-dichloroethene, methyl ethyl ketone, toluene and xylenes;
- Cyanide;
- Arsenic, copper, lead and zinc were reported at concentrations that may represent naturally-occurring levels present in uncontaminated soil;
- Organochlorine pesticides, including, chlordane, DDT, DDE, DDT, BHC (aka Lindane), heptachlor epoxide, aldrin, endosulfan (and its derivatives), dieldrin and endrin; and,
- Leachable pesticides, as determined using the Synthetic Precipitation Leaching Procedure (SPLP).

The results of sampling and testing of groundwater at the property identified the presence of ethylene dibromide (EDB), DDT and total petroleum hydrocarbons in overburden groundwater.

Town and State records indicate that several potable residential wells and a possible presumed irrigation well near, and potentially at, the Culbro properties are or were contaminated with EDB (a soil and post-harvest fumigant) and/or Vorlex soil fumigant (composed of 1,3-dichloropropene, 1,2-dichloropropane and methyl isocyanate). The Town of Simsbury installed a drinking water supply system in the area in the 1980s, however it is unknown which properties are connected to the system. At least one property on/near Centerwood Road/Knollwood Circle/Gordon Street has a granular activated carbon treatment system installed to treat its well water. Connecticut Department of Energy and Environmental Protection (CTDEEP) records indicate that a drinking water supply well on Knollwood Circle and either a drinking water supply or irrigation well at/near 85 Hoskins Road are contaminated with Vorlex.

As described in Zivic Carr's letter dated July 27, 2017 concerning our comments on a Phase I Environmental Site Assessment report for the DWW Solar II, LLC, Tobacco Valley Solar Project (prepared by GZA Environmental, Inc., dated March 2016), additional information is required to evaluate if the Connecticut Transfer Law (CGS Section 22a-134, as amended) will apply to a qualifying transfer of the property. Specifically, it is unknown if the proposed solar facility property meets the definition of an "establishment" under the Law since there are significant gaps in information regarding the generation and disposal of hazardous wastes that may be attributed to the Site. This issue should be evaluated once additional pertinent information has been obtained and reviewed.

In addition, CGS Section 22a-427 prohibits pollution or discharges of wastes to the waters of the state by any person and municipality. The Statute would require remediation of the property if the waters of the state were impacted by past practices.

Based on the information reviewed by Zivic Carr and the presence of contaminants in soil, sediment and groundwater at/near the Meadowood property and presumably the proposed solar facility site, that apparently have resulted from past agricultural practices, Zivic Carr recommends that the information described below be evaluated since it may be pertinent to the Town's or its resident's interests.

Site Investigation/Assessment:

- Plans for, and results of, investigations to evaluate the presence, and degree and extent of soil, sediment and groundwater contamination;
- Results of an evaluation of potential mobilization of soil/sediment contaminants during and after construction; and,
- Results of an ecological risk assessment to evaluate potential effects on macro and micro organisms in and near the property.

Remedial Activities:

- Description of how the property owner/developer intends to achieve compliance with State and Federal regulations, statutes, guidance and common practices concerning remediation of on- and off-site contamination, including potential plans for soil mixing, soil excavation/off-site disposal, rendering soil inaccessible, recording inaccessible and/or Industrial/Commercial Environmental Land Use Restrictions (ELURs) and any related operating and maintenance procedures, etc.

Construction Management:

- Plans for dust control and air monitoring during development activities to eliminate, and evaluate the presence of, airborne dust which may contain contaminants;
- Plans for stormwater management since stormwater may mobilize soil- and sediment-bound contaminants during and after site development;
- Plans for maintenance of, and mitigation of effects to, on-site wetlands since wetland areas may mitigate the mobilization of contaminants;
- Project design plans to assess potential environmental impacts during and after construction; and,
- Plan for management of soil excavated and handled during construction.

Zuvic Carr may have additional comments or questions as additional information on the project is provided. Please contact the undersigned if you have any questions.

Sincerely,

**Zuvic, Carr and Associates, Inc.**



Victoria L. Man, LEP  
Senior Project Manager



Robert J. Carr P.E., LEP  
Vice President

Attachment

- C: Lisa L. Heavener, Town of Simsbury, First Selectwomen  
Jesse A. Langer, Updike, Kelly and Spellacy, P.C.

RESPONSE TO MS. KATHLEEN COWEN BESSETT'S REVISED LETTER DATED  
FEBRUARY 17, 2000

Based on our review of Ms. Bessette's letter regarding Chemicals of Concern (COCs) at the Meadowood site, we conclude that there is a misunderstanding of both our method of developing COCs for the site and how to interpret Table A-1 in Appendix A of our "Summary of Environmental Conditions" report.

We did not rely solely on "human memory" to develop our COC list for the site. The following sources of information were used:

- A list of chemicals used in Culbro's farming operations developed in 1979 by Mr. Richard Milliken, former General Manager of Culbro Tobacco. This list covers the time period from 1960 to 1979 and was developed prior to the fire which destroyed Culbro Tobacco's records of pesticide use. The list was submitted to the DEP in May 1979.
- All chemicals included in Appendix A of the report entitled "Pesticides in Ground Water, Soil, and Unsaturated-Zone Sediments at Selected Sites in Connecticut", Connecticut Water Resources Bulletin No. 42, 1991.
- Interviews were conducted with long-time Culbro employees as well as officials from the DEP Pesticides Group, CT Agricultural Experimental Station, University of Connecticut and Simsbury Conservation Officer (see memo attached). A chemical was only removed from our COC list if knowledgeable Culbro staff could emphatically state that a particular chemical was never used at the site.

Table A-1 in Appendix A (attached) of the Summary of Environmental Conditions Report shows COCs in the left column, followed by two columns to the right, the first being "Used in the Past Ten Years" and the second "Used Currently". The usage data was presented in order to determine chemicals which had a history of extended use at the site, including use up to the present day. Note that 27 of the 44 chemicals (60 percent of the list) do not have an "X" in either column, indicating that they are COCs, but that they are currently not used at the site and have not been used at the site in the past ten years. However, as stated earlier, our usage records go back at least 40 years.

In response to the list of 22 chemicals Ms. Bessett developed, it should note that chemicals may have different names. "Brand" names of pesticides, herbicides, and fungicides may include several chemicals that make up that product. Many of the chemicals that Ms. Bessett has identified were specifically included in our COC list. Others, while not COCs, were included in our analyses. With the exception of formaldehyde, all the chemicals listed would have been detected by one or more of the analytical methods selected in the development of the project COC list.

In the development of our COC list we specifically asked the laboratory to identify any compounds detected by these methods. This was done by requesting standard EPA SW-846 methods with their associated parameter lists and identification of "unknown" peaks in the total

ion chromatogram (TIC) The TIC analysis compares the mass spectrum of the "unknown" peak to the National Bureau of Standards mass spectrometry library. This library contains several thousand compounds including pesticides, herbicides and fungicides. TIC analysis did not indicate the presence of any pesticide, herbicide or fungicide other than those included in our COC list.

Ms. Bessette is correct in revising her February 16, 2000 letter in that ethylene dibromide, dichloropropane, and aldrin are specifically listed on Table A-1 of our report. In addition, copper analysis would have identified Cuproicide, Copper Spray, and Bordeaux. Benzene, dichloropropene, and 1,4- dichlorobenzene can be detected by EPA method 8260 for Volatile Organic Compounds. Arasan, Fermate, Fermate Spray, Karbam, and Parzate can be detected by EPA method 8318 and TIC analysis. Chlorpicrin, Retenone and Nicotine can be detected by EPA method 8260 or 8270 TIC analysis. Tetraethyl Pyrophosphate is detected by EPA method 8141 for Organophosphorus Pesticides. Lindane (gamma-BHC) and Rotohane (4,4,- DDD ) are detected by EPA method 8081. Metacide is detected by EPA method 8141. In addition to the above methods, EPA method 8150 for chlorinated herbicides and EPA method 9010 for cyanide were also used in the development of our COC list.

Formaldehyde was not on our COC list because it was not used on-site. Formaldehyde can be used as a disinfectant for seeds. It is typically used in a concentration of 0.1 to 0.13 percent. The compound is very volatile (vapor density 1.03) and water soluble (55 g/100 ml). Even if seeds or soil was historically treated with formaldehyde before sowing, it is our professional opinion there would be no residue currently present.

Table 1 lists each of the chemicals identified in Ms. Bessett's letter, alternate chemical names, the EPA method that it would have been identified by, and the number of soil samples tested for each compound.

Table A-1: Chemicals Known or Likely to Have Been Applied at Culbro Tobacco Fields in Simsbury  
 Summary of Environmental Conditions, Meadowood, Appendix A  
 October 1999

<u>Chemical</u>	<u>Used in Past Ten Years</u>	<u>Used Currently</u>
Acrobat	x	
Admire (experimental only)	x	
Aldrin		
Aliette	x	
Aqua Malathion (aerial spraying, 6-7 years)	x	
delta-BCH		
gamma-BCH		
Carbaryl	x	x
alpha-Chlordane		
gamma-Chlordane		
Chlordane (technical)		
4,4'-DDD		
4,4'-DDE		
4,4'-DDT		
Diazinon	x	x
Dieldrin		
Dilox		
Dithane		
Endosulfan I		
Endosulfan II		
Endosulfan sulfate		
Endrin		
Endrin aldehyde		
Endrin ketone		
Ethylene dibromide (EDB)		
Heptachlor		
Heptachlor epoxide		
Lorsban	x	x
Malathion (6-7 years)	x	
Methoxychlor		
Orthene	x	x
Orthene 75% wettable powder	x	x
Oxamyl		
Parathion		
Ridomil	x	x
Ridomil Gold	x	x
Rotonene		
Sevin	x	x
Telone II	x	
Thiodan	x	x
Toxaphene		
Vortex (1,2-dichloropropane)	x	
Vydate	x	x
Zineb		



Questions from  
Bill Voelker  
Planning Department  
Town of Simsbury  
February 11, 2000

---

Question 1.

- Names and approximate dates of interviews with people associated with what was previously known as Culbro Corporation used in determining what pesticides were applied, stored, and or mixed for use on the land now proposed for "Meadowood" development.
- Any criteria used to choose individuals for interviews on pesticide questions.

Answer:

Interviews Conducted in Association with the Meadowood Project to Determine Past Pesticide Use

Names	Approximate Dates	Selection Criteria
Charles Fink	8/95	CT DEP - Pesticides
Joe Pignatello	8/95	CT Agriculture Experiment Station
Jim Lamondia	8/95	University of Connecticut
Brad Robinson	8/95	CT DEP - Pesticides
Christie Barton	6/28/95	Simsbury Conservation Officer
Richard Milliken	≈1984 to early 1990's*	General manager - Culbro Tobacco
Donald Breou	8/95	Farm Manager - Culbro Tobacco
Ruth Bancroft	8/29/95	Secretary (handled pesticide records)
Heinz Amarell	8/31/95	Pesticide Chemist - Culbro Tobacco
Records Examined	6/28/95	Simsbury Board of Selectmen Records 1975 - 1983
Records Examined	6/95	CT DEP Files

\* Numerous conversations regarding pesticide use for several unrelated projects that Fuss & O'Neill worked on for Culbro Tobacco



July 27, 2017

Jerome F. Shea, Town Engineer  
Town of Simsbury  
933 Hopmeadow St.  
Simsbury, CT. 06070

RE: Review of Phase I Environmental Site Assessment Report  
DWW Solar II, LLC – Tobacco Valley Solar Project

Dear Mr. Shea:

As requested by the Town of Simsbury, Zuvic, Carr and Associates, Inc. (Zuvic Carr) has reviewed the Phase I Environmental Site Assessment (ESA) report, prepared by GZA Environmental, Inc. (GZA), and dated March 2016. The Phase I ESA report was submitted as part of the petition submitted to the Connecticut Siting Council (SCS) by DWW Solar II, LLC for installation and operation of a 26.4 megawatt AC solar photovoltaic electric generating facility on approximately 289 acres comprised of 5 separate and abutting privately-owned parcels on Hopmeadow Street, County Road, and Hoskins Road (collectively the Site).

The stated objectives of the Phase I ESA were as follows:

- To render an opinion as to whether surficial or historical evidence indicates the presence of recognized environmental conditions (RECs) which could result in the presence of hazardous materials in the environment as defined in the American Society for Testing and Materials (ASTM) Standard Practice E1527-13 for Phase I Environmental Site Assessments
- To permit the User of this assessment to satisfy one of the requirements to qualify for certain Landowner Liability Protections under CERCLA

The Phase I ESA report identified the following RECs on the Site:

- Portions of the Site are currently used as agricultural fields and appear to have been historically used for tobacco farming. Pesticide and herbicide residual may be present in soil and/or groundwater as a result of current or historical application, storage or disposal of these substances. The presence of groundwater monitoring wells on Parcel 5 suggest that subsurface investigations have been conducted.
- An unlabeled 55-gallon metal drum was observed in the eastern portion of the eastern barn at Parcel 3. The contents of the drum are unknown; however, the top of drum was observed to be bulging.
- Discarded building debris (e.g. shingles, roofing tar, furniture) were observed in wooded areas of Parcel 5, and discarded empty metal drums were observed in Parcels 1 and 3.

Although the drums were empty and no surficial evidence of a release from debris or containers was observed, it is possible that a historical release of hazardous substances or petroleum products occurred in these areas.

Based on its review of report, Zuvic Carr has the following comments and questions on the submitted Phase I ESA:

1. When conducting site characterization activities in the State of Connecticut, including Phase I ESAs, the standard of care for such activities is specified in the CT Department of Energy and Environmental Protection (DEEP) Site Characterization Guidance Document (SCGD) (Revised December 2010). Particularly when site characterization is required by law, CTDEEP highly recommends the approach presented in the SCGD, which if utilized, will be acceptable to the Commissioner.<sup>1</sup> In this case, since the Phase I ESA was conducted as a requirement by law (i.e. CGS Section 16-50k, 22a-134a-134g, etc.), the prevailing assessment standard is the CT SCGD and not ASTM 1527-13.
2. To meet CT SCGD standards, the Phase I ESA should identify Areas of Concern (AOC) that may exist on the subject site. An "AOC" is defined in the SCGD as "Locations or areas at a site where hazardous waste and or hazardous substances (including petroleum products) have been or may have been used, stored, treated, handled, disposed, spilled, and/or released to the environment".<sup>2</sup> An AOC is distinctly different from a REC, as an AOC includes the potential of a release of hazardous materials, not just evidence of an actual release or material threat of a release. The Phase I ESA for the Site should identify AOCs as well as RECs.
3. During GZA's review of the CTDEEP Manifest records, it was noted that manifest records for the 45 Hoskins Road property (a parcel not part of the Site) indicated that "several yards of arsenic-bearing solids (D004) were shipped from the property in 1990 under temporary generator ID CTP000010194". In addition a shipment of 1,966 gallons of corrosive liquid were shipped offsite in March 1998 under the same temporary ID.

However, there is no evidence to support that the above-referenced hazardous wastes were generated from the 45 Hoskins Road property. The Generator Summary Report included in the report indicates only that the hazardous wastes (including 83 cubic yards of arsenic solids) were generated from Culbro Corp. on Hoskins Road, and gives no address. Furthermore, a copy of a hazardous waste summary report was included in the report for the same time period for 45 Hoskins Road for 50 gallons of flammable (D001) liquid, but the EPA generator ID for the site is listed as CTP00008960. Two of the Site parcels are located off of Hoskins Road (Parcel Nos. 3 and 5). Could the hazardous wastes in question been generated from the Site parcels? Additional information is required to address this significant data gap.

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<sup>1</sup> Page 2, Paragraph 2 – SCGD

<sup>2</sup> Page 8 - SCGD

4. The Phase I ESA did not include a review of archived CTDEEP records at the State Library. The archived case files would likely have information pertaining to historical investigations that may have occurred at the Site, including Parcel 5.
5. A review of the CT Leachate Wastewater Discharge Point map (1991), indicates that a contaminated potable well was identified on Parcel 5 (LWDS No. 4,300,082). The map description indicates that the well was contaminated with Vorlex, a soil fumigant that was commonly used at tobacco farms. This reported release should be identified as a Site REC. A copy of the mapped location is attached.
6. A review of the CT Leachate Wastewater Discharge Point map (1991), indicates that a contaminated potable well was identified at a residence on Knollwood Circle (LWDS No. 4,300,083). The location is adjacent to and topographically downgradient of Parcel 1. The map description indicates that the well was contaminated with Vorlex, a soil fumigant that was commonly used at tobacco farms. This reported release should be identified as a Site REC. A copy of the mapped location is attached.
7. The Phase I ESA identified a significant data gap – the lack of a timely response from the Site owner regarding current and past site usage and facility operations. Zuvic Carr concurs and requests follow-up communications with the Site owner to provide information on historical site operations and environmental investigations, if any, that have been conducted at the Site parcels.
8. GZA concluded that the Site did not appear to meet the definition of an “establishment” under the Connecticut Transfer Act because the activities in subsections (A) through (E) of the definition of “establishment” (CGS Section 22a-134(3)) do not appear to have occurred. Zuvic Carr believes this conclusion is premature as there remain significant gaps in information regarding the generation and disposal of hazardous wastes that may be attributed to the Site. This issue should be reevaluated once additional pertinent information has been obtained and reviewed.
9. Are there any plans to conduct subsurface investigations at the Site, including the collection and analysis of soil and/or groundwater samples? If so, what is the anticipated schedule for completing the investigation(s)?

Zuvic Carr may have additional comments or questions as additional information on the status of the environmental investigation is provided. Please contact me if you have any questions.

Sincerely,

**Zuvic, Carr and Associates, Inc.**



Robert J. Carr P.E., LEP  
Vice President

Attachments

# ArcGIS ▾ Leachate Wastewater Discharge Point (1991)

Details

Basemap

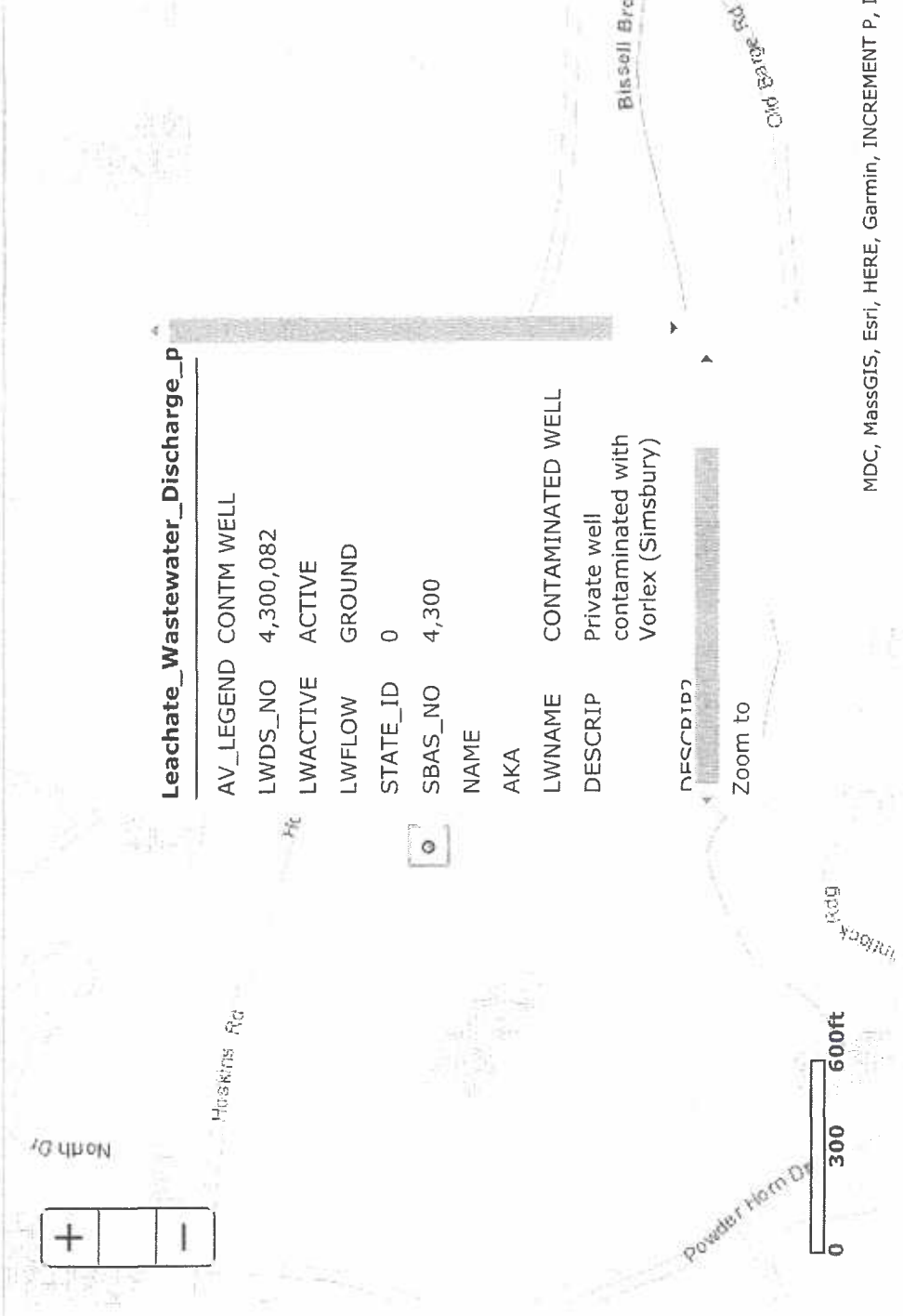
Print

Measure

Hoskins Rd, Simsbury, CT, 06

## Contents

- Leachate Wastewater Discharge Point (1991)
- Topographic



### Leachate\_Wastewater\_Discharge\_p

AV_LEGEND	CONTM WELL
LWDS_NO	4,300,082
LWACTIVE	ACTIVE
LWFLOW	GROUND
STATE_ID	0
SBAS_NO	4,300
NAME	
AKA	
LWNAME	CONTAMINATED WELL
DESCRIP	Private well contaminated with Vorlex (Simsbury)

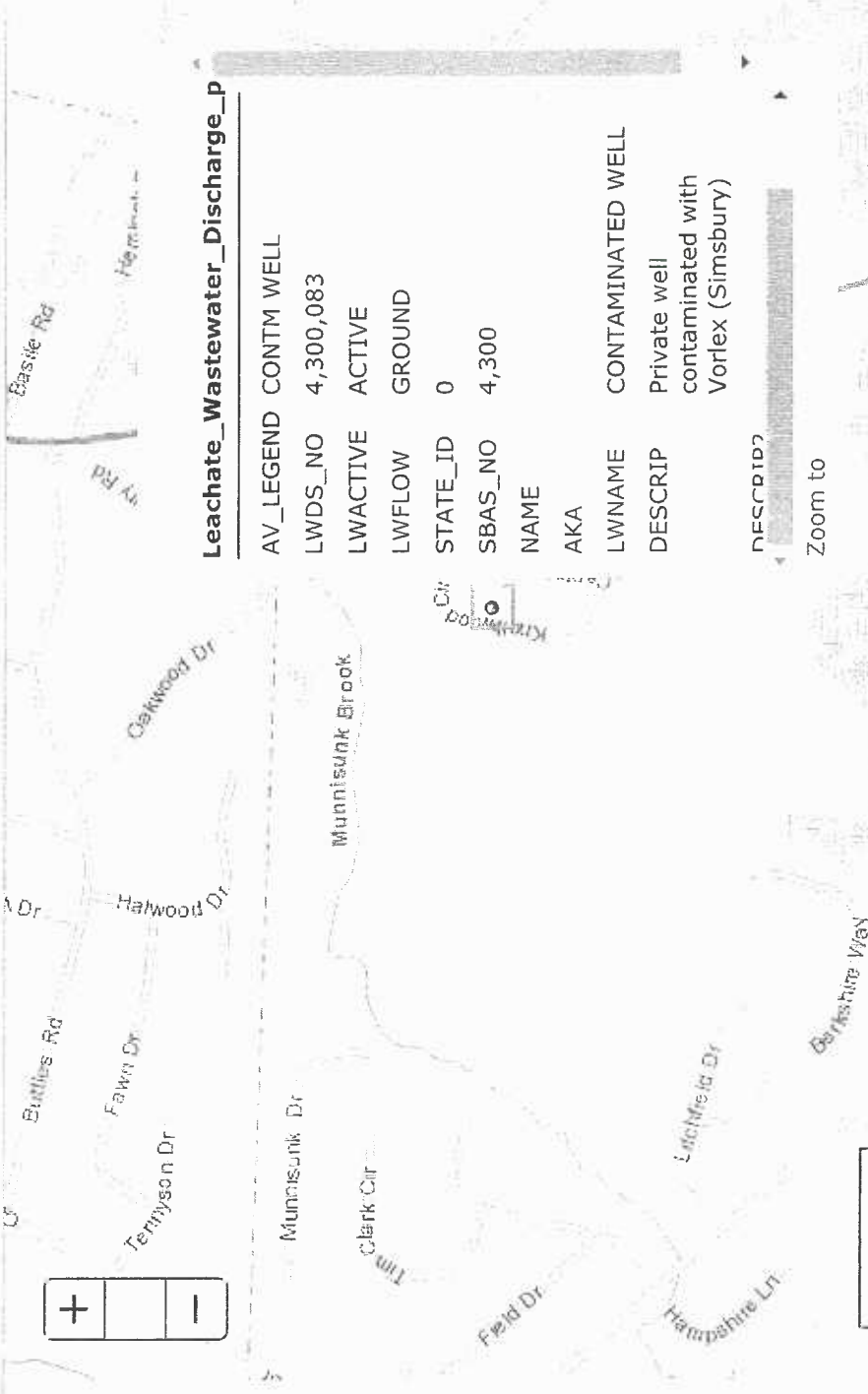
DESCRIP?

Zoom to

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# ArcGIS ▾ Leachate Wastewater Discharge Point (1991)



## Contents

- Leachate Wastewater Discharge Point (1991)
- Topographic

### Leachate\_Wastewater\_Discharge\_p

AV_LEGEND	CONTM WELL
LWDS_NO	4,300,083
LWACTIVE	ACTIVE
LWFLOW	GROUND
STATE_ID	0
SBAS_NO	4,300
NAME	
AKA	
LWNAME	CONTAMINATED WELL
DESCRIP	Private well contaminated with Vorlex (Simsbury)

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Hoskins

MDC, MassGIS, Esri, HERE, Garmin, INCREMENT P, L

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EXHIBIT D

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

.....	)	
DWW SOLAR II, LLC PETITION FOR	)	PETITION NO. 1313
DECLARATORY RULING THAT NO	)	
CERTIFICATE OF ENVIRONMENTAL	)	
COMPATIBILITY AND PUBLIC NEED	)	
IS REQUIRED FOR A 26.4 MEGAWATT	)	
AC SOLAR PHOTOVOLTAIC ELECTRIC	)	September <u>1</u> , 2017
GENERATING FACILITY IN SIMSBURY	)	
CONNECTICUT	)	
.....	)	

**PREFILED TESTIMONY OF CHAD FROST**

I, Chad Frost, hereby offer the following as my prefiled testimony concerning the above-captioned matter.

I am a Principal of Kent + Frost, LLC. My resume is appended hereto as Attachment A. Kent + Frost is a professional landscape architecture firm whose practice encompasses a wide variety of projects including residences, commercial developments, urban streetscapes, parks, municipal facilities, and town-wide master plans.

The Town of Simsbury retained Kent + Frost to evaluate the Petition as it relates to the proposed screening measures. I have reviewed the Petition for Declaratory Ruling, and related documentation, submitted by DWW Solar II, LLC to the Connecticut Siting Council and assessed the proposed screening measures concerning the proposed project. My assessment of those proposed screening measures along with a recommended alternative is appended hereto as Attachment B.

{LEFT BLANK INTENTIONALLY}



IN WITNESS WHEREOF, I have hereunto set my hand and seal this 1th day of  
September, 2017.

  
\_\_\_\_\_  
Chad Frost

Subscribed and sworn before me this 1<sup>st</sup> day of September, 2017.

  
\_\_\_\_\_

Notary Public  
My Commission Expires:

**PENNI A. HARLOW**  
Notary Public  
My Commission Expires 2/28/2022

ATTACHMENT A

# CHAD FROST

PLA, CTGBC

*Chad Frost is a landscape architect and principal with Kent + Frost Landscape Architecture, located in Mystic, Connecticut. Upon graduation from the University of Connecticut he began his career in Avon, Connecticut. While practicing in Avon, he worked on plans for university & college campuses, medical institutions, parks, and public performance gardens. Since joining Kent + Frost, his work has encompassed mixed-use developments, urban streetscapes, waterfront developments, public parks, trails and greenway design, public and private gardens.*

*Chad practices landscape architecture as the creation of social art, founded on skillful analysis, blended with architectural aesthetic and environmental sensitivity to create living spaces that enrich our lives. With keen respect for the essence of place, he responds to client aspirations with craftsmanship attention to detail.*

*His dedication to the preservation of the environment, and the principals of sustainability are embodied in all of his work. Chad is known for his artful integration of sustainable methodologies that lead to beautiful and functional spaces that enhance environmental quality, and connect people with their surroundings. His particular expertise has been instrumental in the firm's innovative design solutions to complex physical, fiscal and regulatory challenges.*

*Creating meaningful and memorable environments to enhance our cultural and ecological relationship with nature.*



Kent + Frost, LLC  
Landscape Architecture  
1 High Street  
Mystic, CT 06355

T (860) 572-0784  
cfrost@kentfrost.com  
www.kentfrost.com



## Education

Bachelor of Science - Landscape Architecture - University of Connecticut 1999

## Professional Practice

**Partner**, Kent + Frost Landscape Architecture

**Landscape Architect**, Brian Kent Associates, Mystic CT

**Adjunct Faculty**, University of Connecticut

**Landscape Architect**, Richter & Cegan Avon CT

**Assistant Landscape Architect**, Sarah McCracken, Lyme CT

## Professional Registrations & Credentials

Professional Landscape Architect in Connecticut #952

Connecticut Green Building Council

## Academic Experience

Adjunct Faculty, UCONN, *Construction III, Materials & Methods (2012)*

Adjunct Faculty, UCONN, *Golf Course Design (2008 & 2009)*

## Community Participation

Connecticut Green Building Council – Advisor to the Board of Directors

Bluff Point to Preston Trail Committee

## Lectures and Presentations

*Sustainability in Landscape Design – LEED Certified Home* – Channel 3 News, April 2009

*Groton Parks & Recreation Master Plan and Sutton Park Master Plan* - 2009

*Tri-Town Trail* – Future potential - 2009

## Awards

CTASLA, Award of Excellence, Hygienic Art Park, 2010

BAEC, Home of the Year, 2006

## Publications

LEED Homes, New London Day. Nov. 2008

## Notable Projects

**Mystic Seaport Master Plan**, Mystic, CT

**Connecticut College – Smith Burdick Quad**, New London, CT

**Ledyard Town Green**, Ledyard, CT

**Mitchell College Student Center**, New London, CT

**Tri-Town Trail**, Groton-Ledyard-Preston, CT

**Allen Spool Mill Restoration**, Stonington, CT

**Coast Guard Alumni Center**, New London, CT

**Coca-Cola**, Waterford, CT

**Ocean Marine Yacht Center**, Portsmouth, VA

**Hygienic Art Park**, New London, CT

**Bike, Pedestrian & Trail Master Plan**, Groton, CT

**System Master Plan**, Groton Parks & Recreation

**G & S Trolley Trail**, Groton, CT

**University of Connecticut, Neag School of Education & CUE Building**, Storrs, CT

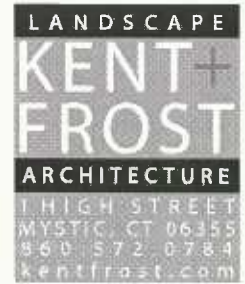
**University of Connecticut, Advanced Technology Institute Building**, Storrs, CT

**Norwalk Community College, West Campus**, Norwalk, CT

**Harold Leever Regional Cancer Center**, Waterbury, CT



ATTACHMENT B



Date, September 1, 2017

The Town of Simsbury (“Town”) contracted the firm of Kent +Frost to assist with an evaluation of the proposed landscaping and buffering associated Petition No. 1313, submitted by DWW Solar II, LLC (“DWW”), and pending before the Connecticut Siting Council.

Brian Kent, PLA  
Chad Frost, PLA

Landscape Architecture  
Urban Planning  
Sustainable Design  
Project Management

As a matter of background, **Kent + Frost** is a professional landscape architecture firm located in Mystic, Connecticut. **Kent + Frost** specializes in planning, design, and project management. The firm has completed a wide variety projects including residences, commercial developments, urban streetscapes, parks, municipal facilities, and town-wide master plans. Brian Kent founded **Kent + Frost** in 2000. Mr. Kent is a graduate of the University of Georgia and a registered landscape architect in Connecticut since 1985. I am a graduate of the University of Connecticut and registered landscape architect in Connecticut. I joined the firm in 2003 and became partner in 2007.

On July 24, I met with James D. Rabbitt, AICP, the Director of Planning and Community Development for the Town and reviewed the project parameters associated with the proposed construction, maintenance and operation of a 26.4 megawatt AC solar photovoltaic electric generating facility (“Facility”) on approximately 289 acres in the northern part of the Town. We reviewed the proposed location of the Facility, which is comprised of five separate parcels and located generally west of Hopmeadow Street (US 202/CT 10), north and south of Hoskins Road, and north and east of County Road; including an associated electrical interconnection to Eversource Energy’s North Simsbury Substation west of Hopmeadow Street in Simsbury, Connecticut.

I accompanied Mr. Rabbitt on a tour of the project area including the surrounding residential neighborhoods. We also toured other areas of the Town to understand the nature of development throughout the Town, architectural vernacular and ways that landscaping and buffering has been incorporated into new and older projects throughout the Town.

In preparing my evaluation of DWW’s proposed landscaping and buffer contained in their Petition, I reviewed the following items in addition to the Petition:

- Town of Simsbury Guidelines for Community Design – October 15, 2012
- 2007 Town of Simsbury Plan of Conservation and Development (POCD)
- 8/10/17 - Zoning Commission Letter to First Selectwoman
- 8/9/17 - Historic District Commission Letter to First Selectwoman

- 7/31/17 - Farmington River Watershed Association Letter to First Selectwoman
- 8/1/17 - Conservation Commission Letter to First Selectwoman
- 7/31/17 - Design Review Board Letter to First Selectwoman
- 7/20/17 - Simsbury Historical Society Memorandum to Board of Selectmen
- 8/28/17 – DWW Solar II, LLC’s Response to the Connecticut Siting Council’s First Set of Interrogatories

Based on my review of the Petition and evaluation of the community, I strongly recommend that the proposed landscaping and fencing be modified. It is my recommendation that the modification take the form of a combination of vegetated (tall red fescue type grasses combined with native pollinators) undulating earthen berms, fencing (i.e., cedar split rail), deciduous trees (i.e., Sugar Maples) and evergreen plantings placed in a manner to effectively soften and screen the Facility from Hoskins and County Roads. I would also recommend that the perimeter fencing around the solar arrays consist of a black-vinyl-coated chain-link fence, with black posts and hardware.

I feel this is the most contextually appropriate visual buffer for several reasons; 1. The earthen berm will block the view most of the solar panels. 2. The grassy undulating slope with the open sky in the background will trick the eye into a longer open field (consistent with pre-existing use). 3. The street trees (especially sugar maple) will provide the rhythm and proximity of a farm laneway. 4. The split rail fence will draw the eye in and along the road and keep the users focus away from the solar panels, and it is contextual within the agricultural setting. To preserve the feeling one gets while traveling Hoskins Road, it is important to craft-fully conceal the solar panels while still providing the visual openness beyond what is present during agricultural use. Please see our site plan for recommended context sensitive screening and corresponding sections, which are appended hereto as Attachment 1.

The installation of a 10 foot tall vinyl fence, along with ill-conceived and minimalistic landscaping is contrary to the vernacular existing in the immediate area and contradicts the Town’s Community Design Guidelines. Ultimately, the proposed fencing and landscaping contradicts the character of the Town, particularly the surrounding area, which includes a scenic road, and would call greater attention to itself instead of providing a visual buffer.

Based on my review of the Petition and evaluation of the community, I also strongly recommend that the proposed vegetated buffer be refined in greater detail. The vegetated buffer is mentioned in the Petition, and depicted on site plans and photo renderings, but is not actually described in detail. From the Petition’s graphic depictions I am left to infer that the proposed vegetated buffer consists of a single row of white pine trees along the perimeter fence. This would be woefully insufficient and would not meet the Town standards for a visual

buffer. I would strongly recommend that the buffer width be increased to a minimum of 25 feet wide and planted densely with a variety of evergreen trees, with woodland shrubs on either side. Additionally the vegetated buffer should be placed adjacent to the existing woodland edge to work in concert, to provide the greatest buffer to the adjoining neighbors.

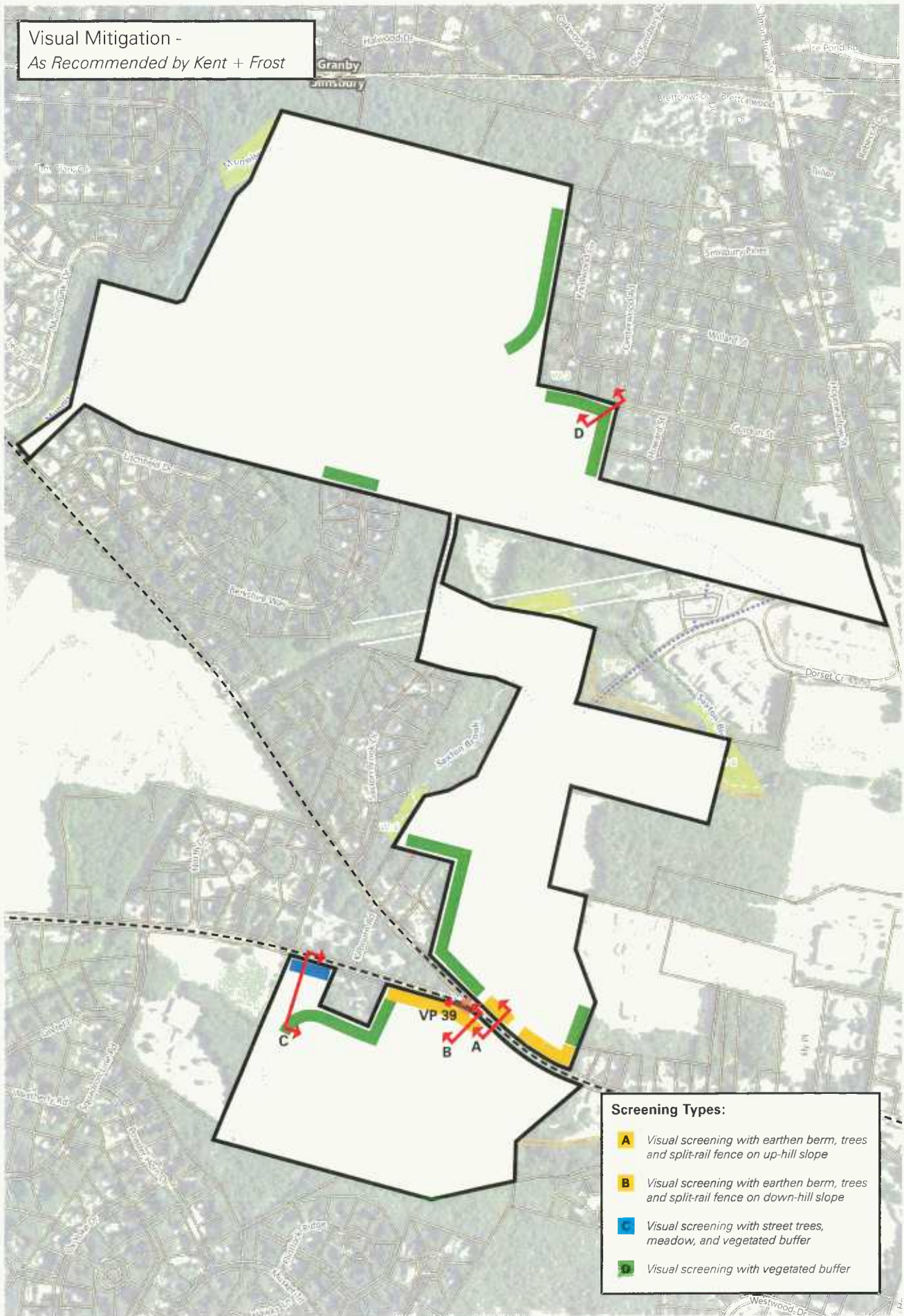
It is my opinion that the costs of the above recommendations are not out of line with the scope and scale of the proposed project, and should not be used as rationale for relief. The Petition states that there will be an excess of cut material. This material could be used to build the undulating berms, at a savings to the project for not hauling and disposing of it. The Petition also states that the gravel roads will be built by placing gravel directly on top of the topsoil – this is not best management practices. Assuming that DWW obtains the appropriate regulatory approvals, the topsoil should be removed prior to the road being construction, the excess topsoil could also be used to build the earthen berms, and act as a storage area, for the topsoil to be respread upon the decommissioning of the project. This would benefit the project now, and in the future. This earthwork could result in a savings to the project. The proposed split rail fence is significantly less expensive (at least 75 percent less) than the proposed 10 foot vinyl and steel fence. The street trees do not add a significant cost and are spaced at the Town's standard that all developments are required to install. The recommendation for the vegetated buffer appears to be more costly than what is illustrated in the Petition. However, this is due to the woefully inadequate screening depicted in the Petition. Our proposed recommended screening meets the requirements of the Towns buffers between dissimilar uses, and should be the minimum required.

It is my professional opinion that the proposed contextual visual screening recommendations would significantly improve the quality of the project and allow the project to sit harmoniously within the scenic area without adding undue cost requirements.



ATTACHMENT 1

Visual Mitigation -  
As Recommended by Kent + Frost

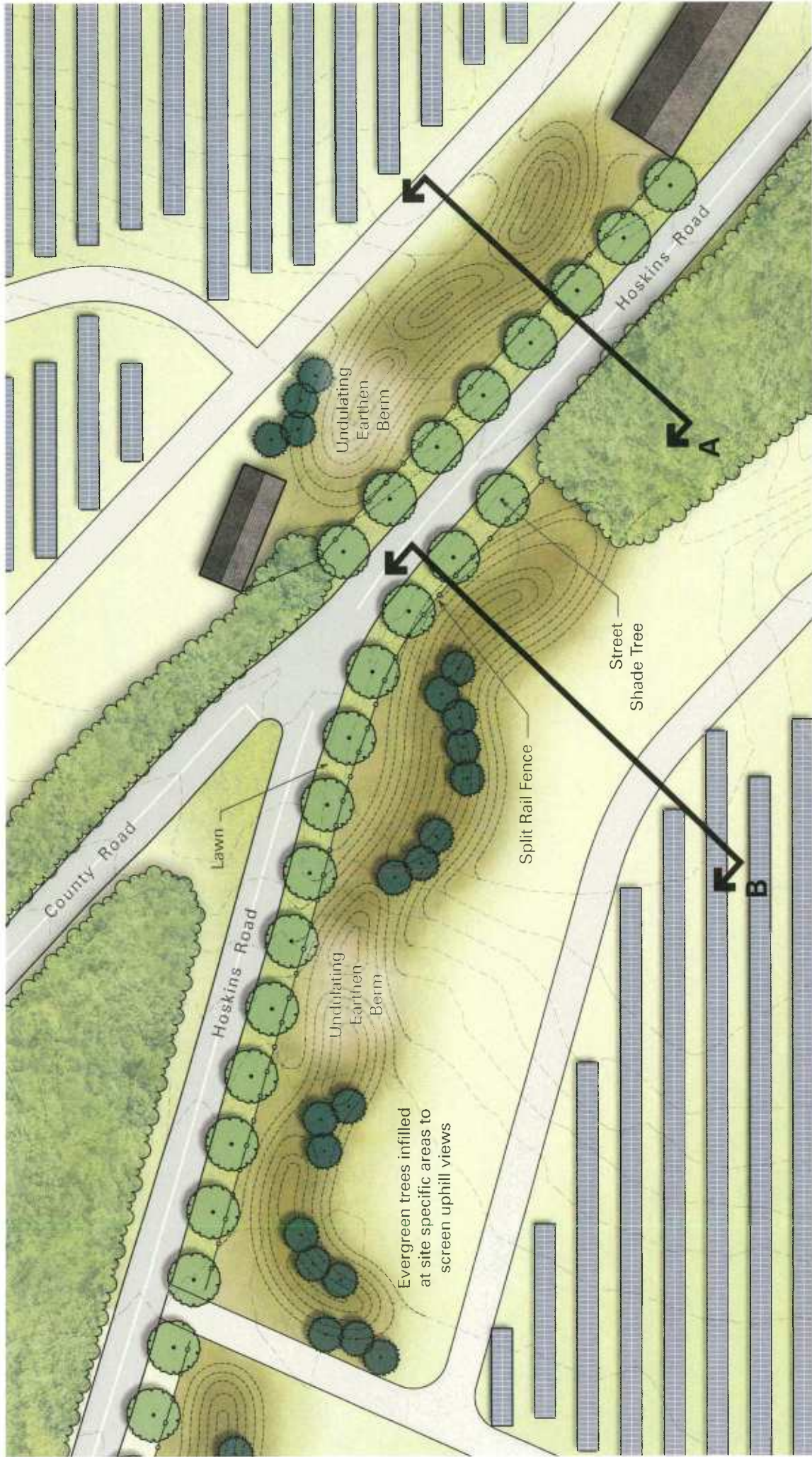


- Screening Types:**
- A** Visual screening with earthen berm, trees and split-rail fence on up-hill slope
  - B** Visual screening with earthen berm, trees and split-rail fence on down-hill slope
  - C** Visual screening with street trees, meadow, and vegetated buffer
  - D** Visual screening with vegetated buffer



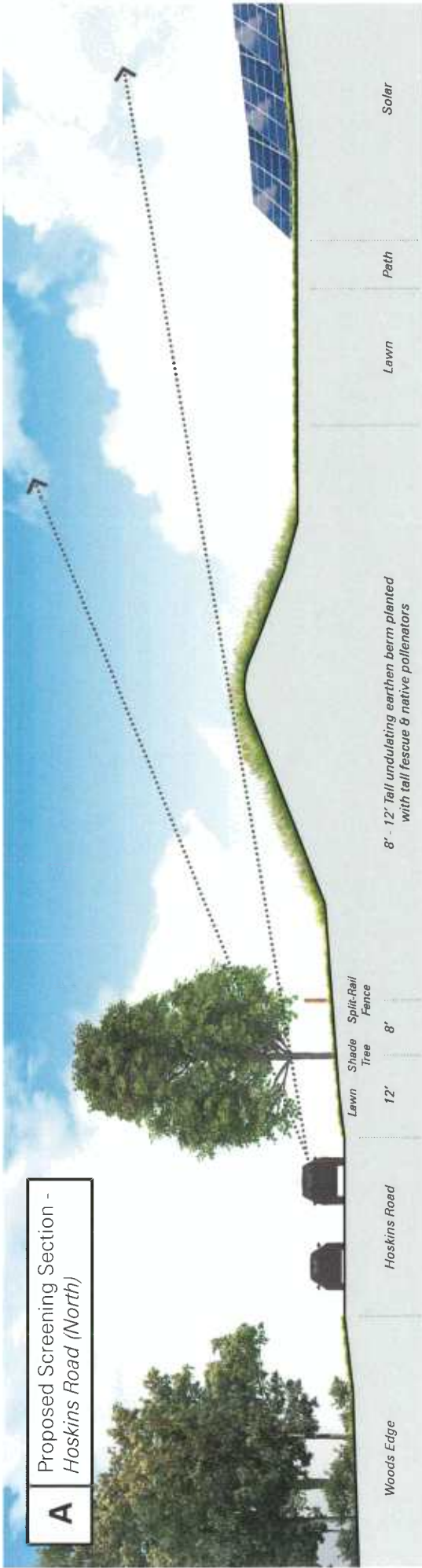
## Town of Simsbury

Recommended Context Sensitive Screening For  
CT Siting Council Petition 1313 Deepwater Wind LLC

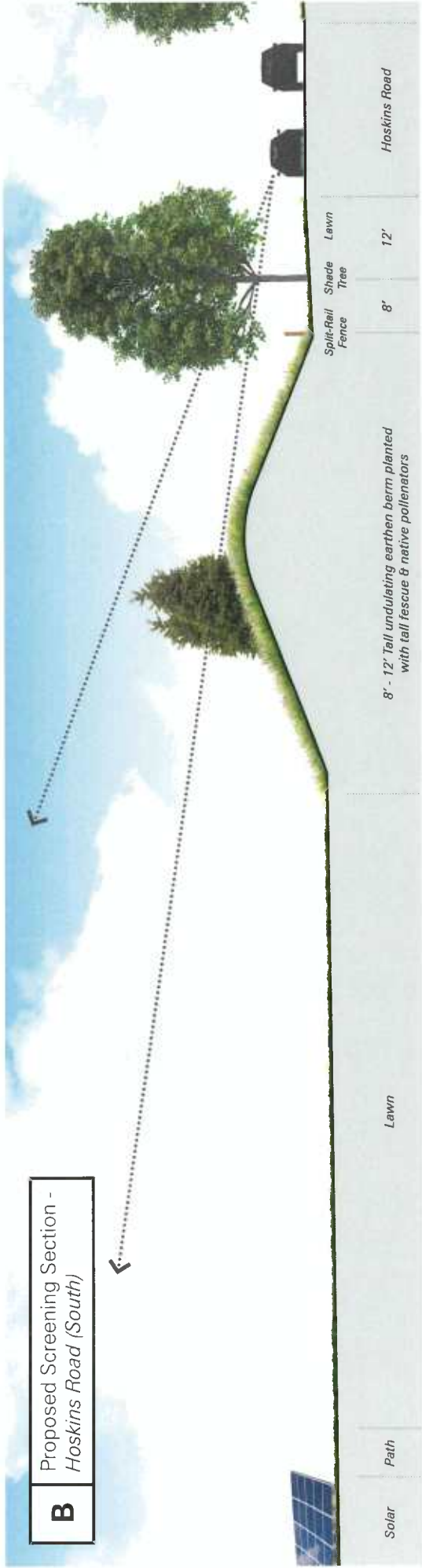


**Town of Simsbury**

Recommended Context Sensitive Screening For  
 CT Siting Council Petition 1313 Deepwater Wind LLC



**A** Proposed Screening Section - Hoskins Road (North)

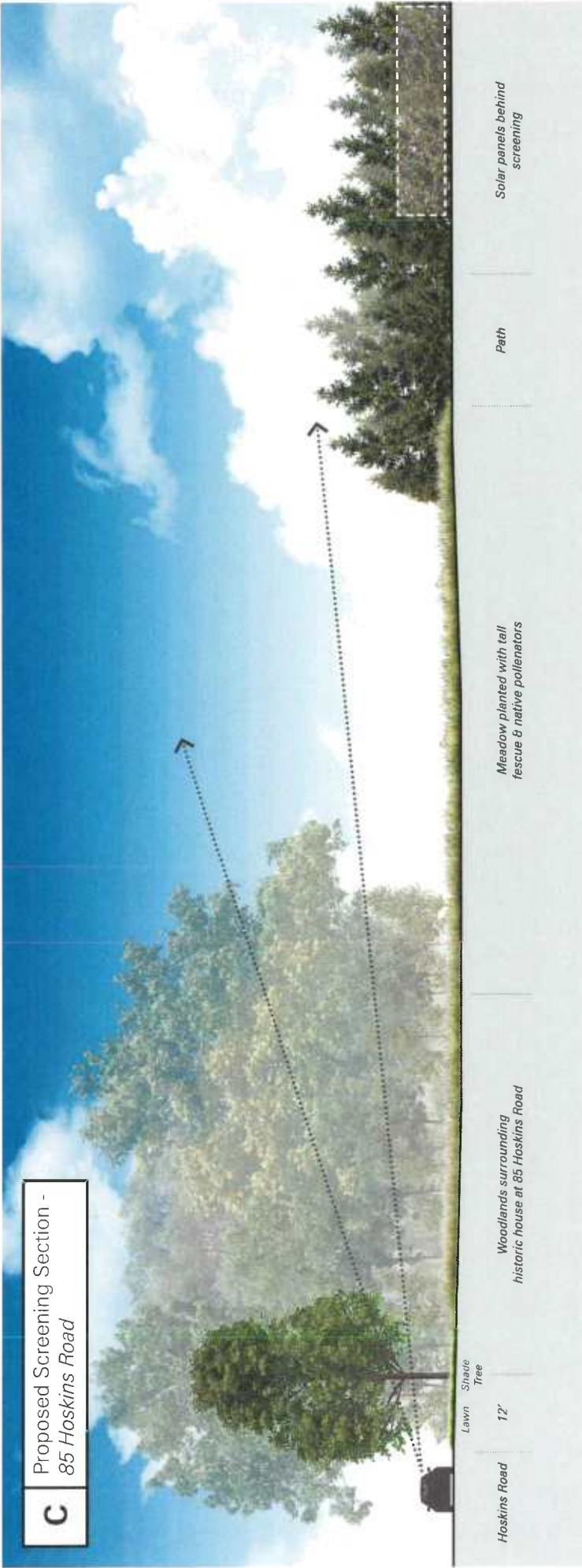


**B** Proposed Screening Section - Hoskins Road (South)



**Town of Simsbury**

Recommended Context Sensitive Screening For  
 CT Siting Council Petition 1313 Deepwater Wind LLC



**C** Proposed Screening Section -  
85 Hoskins Road

Hoskins Road

Lawn Shade Tree

12'

Woodlands surrounding historic house at 85 Hoskins Road

Meadow planted with tall fescue & native pollinators

Path

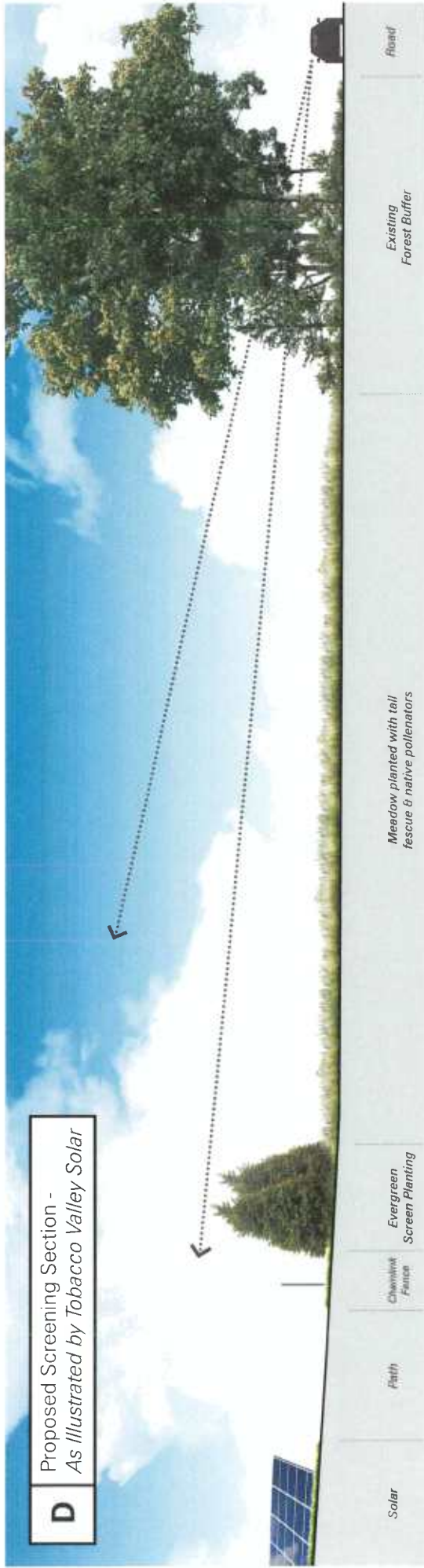
Solar panels behind screening



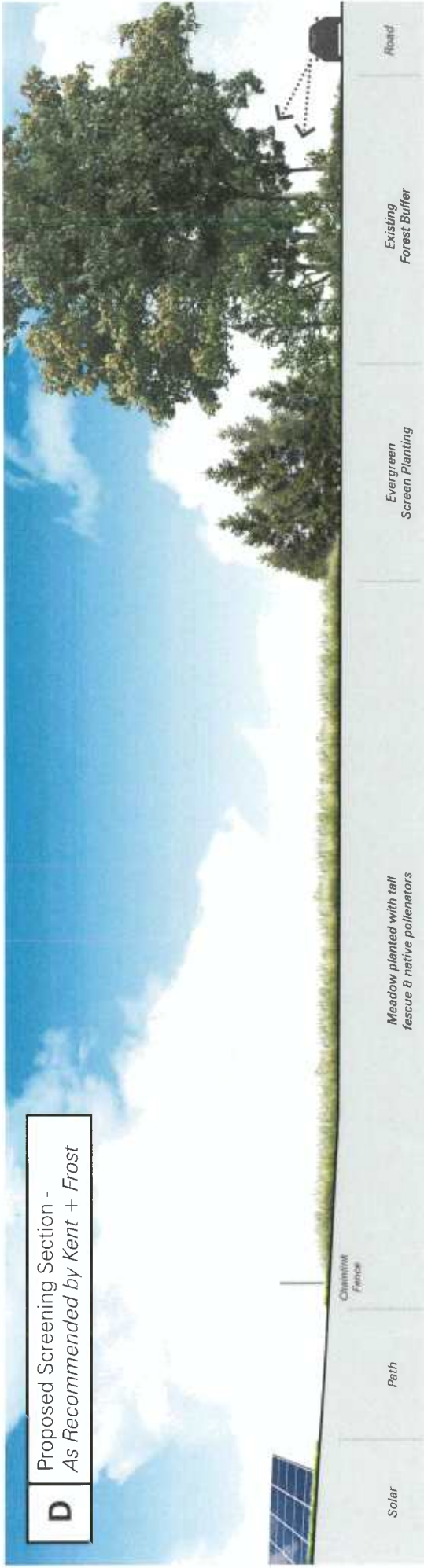
**Town of Simsbury**

Recommended Context Sensitive Screening For  
CT Siting Council Petition 1313 Deepwater Wind LLC

**D** Proposed Screening Section -  
As Illustrated by Tobacco Valley Solar



**D** Proposed Screening Section -  
As Recommended by Kent + Frost



**Town of Simsbury**  
Recommended Context Sensitive Screening For  
CT Siting Council Petition 1313 Deepwater Wind LLC

Viewpoint 39 - Hoskins Road  
Existing Conditions



**Town of Simsbury**

Recommended Context Sensitive Screening For  
CT Siting Council Petition 1313 Deepwater Wind LLC

Viewpoint 39 - Hoskins Road  
As Proposed by *Tobacco Valley Solar*



**Town of Simsbury**

Recommended Context Sensitive Screening For  
CT Siting Council Petition 1313 Deepwater Wind LLC



Viewpoint 39 - Hoskins Road  
As Recommended by Kent + Frost



Street trees and fence on south side of road have been omitted from this rendering for visual clarity



## Town of Simsbury

Recommended Context Sensitive Screening For  
CT Siting Council Petition 1313 Deepwater Wind LLC