

# 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."

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

*An Equal Opportunity Employer*  
[www.simsbury-ct.gov](http://www.simsbury-ct.gov)

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

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:***

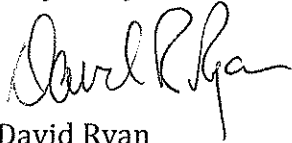
- a. The need for the proposed use in the proposed location.***
- b. The existing and future character of the neighborhood in which the use is to be located.***
- c. The location of main and accessory buildings in relation to one another.***
- d. The height and bulk of buildings in relation to other 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