

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Greenskies Clean Energy, LLC petition for a declaratory ruling for the proposed construction, maintenance and operation of a 3.0-megawatt-AC solar photovoltaic electric generating facility on two parcels at the Elmridge Golf Course located to the east and west of North Anguilla Road at the intersection with Elmridge Road, Stonington, Connecticut

Petition No. 1410

September 24, 2020

GREENSKIES CLEAN ENERGY, LLC'S RESPONSES TO THE SEPTEMBER 17, 2020 SET OF INTERROGATORIES DIRECTED TO GREENSKIES CLEAN ENERGY, LLC FROM DOUGLAS HANSON

Petitioner Greenskies Clean Energy, LLC (“GCE” or “Petitioner”) hereby submits the following responses to the Interrogatories that were directed to GCE by Douglas Hanson on September 17, 2020.

- 1. Do you agree that the Milone & MacBroom Visual Simulation (Part M-4, last page) does not represent a view from the Intervenor Hanson’s house or any immediate areas around the house, but instead represents a view from the farthest corner of the Hanson & Elmridge’s abutting properties?**

Petitioner documented the view from Mr. Hanson’s house at the property line since that is how regulatory setbacks and buffers are measured – from the property line at ground level to the proposed development on an abutting property. Moreover, Petitioner was never offered access to the interior of Mr. Hanson’s property by Mr. Hanson.

- 2. What was the purpose of placing a simulation from this location?**

The rationale for taking baseline photographs at the property line is to assess the point where the greatest potential, visual impact would occur from the abutting parcel. By taking the photos from the edge of the golf course property toward the proposed Project, Petitioner’s engineer/consultant captured the most wide-open/conservative view without accounting for or benefiting from the existing screening/buffer (e.g. berm, mature trees and understory growth, etc.) along the property line and further setback from the proposed Project from the property line to various points in within Mr. Hanson’s property. The view from the interior of Mr. Hanson’s yard would include the existing screening along the property line, which will remain in place. See Photo 2, Exhibit D2-East Photo Log from Petitioner’s response to CT Siting Council Interrogatories Set 1.

- 3. In response to Intervenor Hanson interrogatory #15, Petitioner states, “Petitioner did not perform simulations of Mr. Hanson’s view from various windows at various stories of his residence.” Please explain why you did not provide this information.**

It is the Petitioner's experience that land use planning documents and zoning regulations, along with environmental impact assessment/analysis regulations addressing potential visual impact of development on abutting properties, do not require visual simulations from private property or upper levels of residences. Visual impact assessment is typically performed at ground level from the line of sight from/to the proposed development. In fact, potential visual impacts are assessed for public viewsheds and not rear yards of private property to a view of development on an abutting private parcel. Moreover, during Petitioner's discussions of the Project with Mr. Hanson, Mr. Hanson never offered the Petitioner access to the Hanson property.

4. In response to Intervenor Hanson interrogatory #23, Petitioner, what "general land use planning principles/guidelines" is Petitioner referring to?

Local zoning ordinances and regulations, municipal plans of conservation and development, as well as Petitioner's understanding of general land use principles gained by its collective experience in designing and developing projects was utilized.

a. Please provide a copy of those guidelines.

Petitioner objects to this portion of the interrogatory as the local zoning ordinances, regulations and the plan of conservation and development are equally available to Mr. Hanson as they are to Petitioner.

5. Does Petitioner agree that the view from Intervenor Hanson's house will consist almost entirely of solar arrays when facing the direction of the project?

Petitioner objects to this interrogatory as it is subjective and calls for speculation. Therefore, no response is required. To the extent that a response is required, Petitioner states that Petitioner believes Mr. Hanson will have a wide view across a fairway that will remain in play between his property line and the proposed Project, followed by a view of a 20-30-foot deep landscape buffer in front of a seven (7)-foot high, green slatted fence that would be 190 feet away, with the first row of modules 217 feet from the property line. The modules were intentionally sited 30+/- feet beyond the fence to minimize visibility. Mr. Hanson will retain a view of the active portions of the golf course.

6. In response to Intervenor Hanson interrogatory #34, Petitioner states "Petitioner cannot possibly know the perspective of a nearby homeowner." Did Greenskies ever request that Milone & MacBroom (MMI) perform realistic visual simulations from abutting residences? If not, why not?

Please refer to Petitioner's responses to interrogatories 1 through 3, above. Petitioner engaged MMI to perform realistic visual simulations from the property lines of 5 and 6 Woodland Court, as provided in the Petition. In addition, Petitioner engaged MMI to perform and provide the following, additional visual simulations:

1. View from N. Anguilla Rd. looking toward the West Project area from the public right of way of the road;

2. View from 5 Fairway Ct. to the East Project area (requested by Town Planning & Zoning Commission); and
3. View from the rear yard of 143 N. Anguilla Rd. looking toward the West Project area, as requested by the property owner and initially offered.

These visual simulations are included as Exhibit A to the testimony of Michael Gagnon in this Petition.

a. Were you refused a request by you to obtain what nearby homeowner's perspective may be?

No. It would be highly unusual for Petitioner to request access to an abutting property, particularly access to the interior of an abutter's home, therefore Petitioner did not make such a request. It should be noted, however, that despite having several communications and a meeting with Petitioner, Mr. Hanson did not request Petitioner to undertake such visual simulations from his property, nor did he invite Petitioner into his home.

Mr. Hanson had sufficient opportunity to provide his perspective and opinion through communications and a meeting/visit with Petitioner's staff and engineer. As noted in Petitioner's responses to previous interrogatories, Petitioner spoke with Mr. Hanson on April 23, 2020, provided an overview of the Project, and explained the CT Siting Council process. Mr. Hanson expressed his primary concern at the time was visual impact. Petitioner explained it was working on proposed visual simulations from the Woodland Court abutter property line as well as a landscape and screening plan. Mr. Hanson expressed that he didn't believe that the Project could be adequately screened. Petitioner offered to meet with him and obtain specific feedback on the plans.

On May 6, 2020, Petitioner's staff and project engineer met with Mr. Hanson on his property and in his rear yard, after placing brightly colored pin flags along the southern and southeastern fence lines of the proposed Project, so that the edge of the Project could be visualized and discussed during the meeting. The purpose of this exercise was so Petitioner could gain an understanding of Mr. Hanson's visual perspective from his rear property line. Petitioner shared and reviewed the site plan/layout superimposed on an aerial base, went over the landscape plan, answered Mr. Hanson's questions, and offered to provide screening along his property line. Petitioner and project engineer left their contact information with Mr. Hanson and asked that he reach out with further feedback before Petitioner submitted the Petition, which ended up being in early June. Petitioner did not hear from Mr. Hanson and, therefore, Petitioner's landscape designer proposed a landscape plan without the benefit of specific feedback from Mr. Hanson.

b. If so, who refused the request?

Please see the response to 6.a., above.

- 7. Understanding that Intervenor Hanson’s home is immediately adjacent to the Project site, did you ever request to come on his property and obtain a perspective of what his view would be, post-completion, *from the view point of his home*?**

Yes, Petitioner met with Intervenor Hanson on his property and offered to coordinate with regard to screening. Intervenor Hanson, however, never provided feedback or followed up. *See* Petitioner’s response(s) to interrogatory 6 and 6.a., above, for more detail.

- a. If so, who refused the request?**

Please see the response to 6.a., above.

- 8. Since the time of the Petitioner’s initial submission, has Greenskies or its affiliates subsequently entered into any additional land lease agreements with the owners of Elm Ridge Golf Course?**

Petitioner objects to this interrogatory on the grounds that it exceeds the scope of a Siting Council petition proceeding held pursuant to Conn. Gen. Stat. § 16-50k. Subject to the foregoing objection, Petitioner states that it has not entered into any additional land lease agreements with the owners of Elm Ridge Golf Course.

- a. If so, please provide the lease dates and property areas leased, as well as a copy of the lease.**

Please see Petitioner’s response to 8.a. above.

- 9. What type of method of construction has Greenskies used in the past to create a greater level of visual boundaries of solar rays [sic] in other projects it has done in order to provide nearby properties more of a visual impediment to having to look at solar arrays?**

Typically, during the design and engineering of a project, Petitioner coordinates with the project’s civil engineer, landscape designer and environmental consultant, as well as project neighbors, to develop a design that adequately screens proposed projects from nearby properties. There are various measures that can be taken into consideration, including, various types of fencing and height of fencing, mixture of evergreen and deciduous species within the landscape plan, and the use of soil berms. If soil berms are utilized, they must be accounted for in site grading and proposed conditions for stormwater analysis.

- 10. Is the Petitioner willing to consult with Mr. Hanson to discuss what type of alternative visual barriers are possible at the Project site to allow him to have input on what level of visual barriers may be possible at the Project site?**

As noted in Petitioner’s response to interrogatory 6.a., Mr. Hanson had ample opportunity to coordinate and consult with Petitioner during the design phase of the proposed Project. Instead, he chose to wait and become an intervening party to this Petition. Petitioner is willing

to consider consulting with Mr. Hanson regarding final revisions to the landscape and screening plan, however, Petitioner would note that the ultimate decision(s) regarding such plans remains with the Siting Council.

- 11. Referencing Mr. Hanson’s stated concerns regarding the negative impact of the array upon his property contained in his request to be made a party herein (dated June 4, 2020) and Petitioner’s correspondence to the Stonington Planning & Zoning Commission dated August 20, 2020 (Exhibit E at pp. 6-7 of Petitioner’s response to Douglas Hanson’s Interrogatories also dated August 20, 2020), has the Petitioner made any inquiry of Milone & MacBroom of what would be required to develop any conceptual renderings of the screening/fence of the array as may be visual from the neighboring properties, the time needed to prepare such conceptual renderings and the projects cost of preparing the same?**

Please refer to Petitioner’s response(s) to interrogatory 6 and 6.a., above.

- a. If not, why?**

Please see Petitioner’s response(s) to interrogatory 6 and 6 a., above.

- b. If your response is in the affirmative, what was Milone and MacBroom’s response?**

Please see Petitioner’s response(s) to interrogatory 6 and 6a., above.

- 12. Are you willing to do a conceptual rendering and share it with Mr. Hanson prior to the public hearing?**

Please see Petitioner’s response(s) to interrogatory 6 and 6.a., above. Within the limited time available, Petitioner has prepared additional visual simulations prior to the public hearing. They are included as Exhibit A to the testimony of Michael Gagnon.

Respectfully submitted,
GRE GRACRUX LLC

By:  _____
Lee D. Hoffman

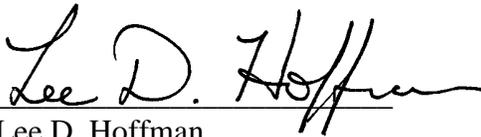
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CERTIFICATION

I hereby certify that on this 24th day of September 2020, the foregoing was delivered by electronic mail, in accordance with § 16-50j-12 of the Regulations of Connecticut State Agencies, to the following parties and intervenors of record:

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