



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

Web Site: portal.ct.gov/csc

VIA ELECTRONIC MAIL

September 1, 2022

Kenneth C. Baldwin, Esq.
Robinson + Cole
280 Trumbull Street
Hartford, CT 06103-3597
kbaldwin@rc.com

RE: **PETITION NO. 1442** - SR Litchfield, LLC declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 19.8-megawatt AC solar photovoltaic electric generating facility on 6 contiguous parcels located both east and west of Wilson Road south of the intersection with Litchfield Town Farm Road in Litchfield, Connecticut, and both east and west of Rossi Road, south of the intersection with Highland Avenue in Torrington, Connecticut, and associated electrical interconnection. **Partial Development and Management Plan-Phase 1 - Revision.**

Dear Attorney Baldwin:

The Connecticut Siting Council (Council) is in receipt of your correspondence dated September 1, 2022 regarding the revision to the Partial Development and Management (PD&M) Plan for the above-referenced facility site that was approved by the Council on January 18, 2022.

Pursuant to Regulations of Connecticut State Agencies §16-50j-62(b), your request to remove two dead ash trees, each identified by a red "X" on the Tree Clearing Plan (Sheet C502) attached to the request, that are on property owned by SR Litchfield, LLC along the southeast property boundary, but outside of the approved site limits of disturbance, in coordination with the abutting property owner, is hereby approved.

This approval applies only to the PD&M Plan revision dated September 1, 2022.

Please be advised that deviations from the standards established by the Council in the Declaratory Ruling and approved PD&M Plan are enforceable under the provisions of Connecticut General Statutes § 16-50u.

Thank you for your attention and cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Melanie A. Bachman".

Melanie A. Bachman
Executive Director

MB/lf

KENNETH C. BALDWIN

280 Trumbull Street
Hartford, CT 06103-3597
Main (860) 275-8200
Fax (860) 275-8299
kbaldwin@rc.com
Direct (860) 275-8345

Also admitted in Massachusetts
and New York

September 1, 2022

Melanie A. Bachman, Esq.
Executive Director/Staff Attorney
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: Petition No. 1442 – SR Litchfield, LLC Petition for a Declaratory Ruling, Pursuant to Connecticut General Statutes §4-176 and §16-50k, for the Proposed Construction, Maintenance and Operation of a 19.8-Megawatt AC Solar Photovoltaic Electric Generating Facility in Litchfield and Torrington, Connecticut

Removal of Dead Trees from the Subject Parcel

Dear Ms. Bachman:

This letter will confirm our recent conversation regarding Ron Viola's intent to remove several dead Ash trees from his property and his offer to remove two others on the adjacent parcel owned by SR Litchfield, LLC ("SR"). As you will recall, Mr. Viola, an adjacent property owner, was a party in Petition No. 1442.

Mr. Viola reached out to SR on August 12, 2022, about his plans to remove several dead Ash trees that are in a wooded area of his parcel adjacent to the SR property line. Mr. Viola also identified two dead trees that he believes are on SR property. Attached is a copy of Mr. Viola's email and attachments, including two photographs and a map showing the approximate location of the two trees Mr. Viola intends to remove from the SR property. I note, for your reference, that the two dead trees identified by Mr. Viola on the SR parcel are outside of the limits of disturbance approved by the Council as a part of the Phase 1 (tree clearing) D&M Plan for the approved solar facility.

In the spirit of cooperation with its neighbor, SR intends to authorize Mr. Viola to remove ONLY the two dead trees identified by Mr. Viola from the SR parcel. If you have any

Melanie A. Bachman, Esq.
September 1, 2022
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concerns with Mr. Viola's proposed tree removal plan please let me know as soon as possible before he authorizes the tree removal work to commence.

Thank you in advance for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth C. Baldwin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kenneth C. Baldwin

KCB/kmd
Attachments
Copy to:

Ali Weaver
Ronald M. Viola, Trustee
Dominick Thomas, Esq.

From: Ron Viola <vmron@yahoo.com>
Sent: Friday, August 12, 2022 6:50 AM
To: Morgan Day <morgan.day@siliconranch.com>; Ali Weaver <ali.weaver@siliconranch.com>
Subject: [External]68 Wilson Dead Tree Removal Litchfield

Warning: This email originated from outside of the Silicon Ranch email system. DO NOT CLICK LINKS or ATTACHMENTS in this email unless you recognize the sender and know the content is safe.

Hello Morgan and Ali, I hope this note finds you both well.

I don't know the status of your SR project but regardless of the project, SR and I are abutting neighbors and I am addressing this matter unrelated to the project as I would with any abutting residential neighbor.

This is regarding dead tree removal bordering our respective properties.

The shortest story I can tell you is there are at least twenty (20) dead Ash trees literally on my fence line and SR's fence line. Two (2) of these dead Ash trees are SR's. This is an old farm fence I don't care too much about and some trees have actually grown into it. These are very old trees many over 60 feet tall. Tragically, many if not all the Ash trees in Connecticut were destroyed years ago by the Emerald Ash Borer beetle.

All these trees were here well before I bought the property. The former owners took care of some on the driveway and I knew someday I would have to deal with the rest. These trees have now become very rotted and dangerous in areas I freely walk with my dogs as well as landscapers etc. Very large limbs are now coming down and frankly nothing would survive a direct hit from a fallen limb. It doesn't take wind to make this happen. A very large one came down last week into my yard with at least a 12" diameter.

I am contracting with a reputable licensed, and insured tree removal and arborist firm (KDF) to remove the eighteen (18) on my side of the fence including up and down my West side which abuts SR.

I am asking in the spirit of neighbors and human and animal safety for SR to pay for the two (2) on the SR side of the fence line. This is an area that will not be cleared by your solar project and would be next to impossible for SR to get that area certainly not for two trees. KDF can fell the trees on my property and will clean up and remove from my side.

This is a one-time opportunity while they have their equipment here in September. It would be very difficult to fell these trees on the SR side of the property because they will hit other trees and still remain standing. Dropping them in my yard is the safest and cleanest way to remove them. Further if they or any parts of them fall, it will be into my yard.

I am spending well into \$five figures to remove my trees and the SR cost would be under \$2k.

Again, these trees are NOT deep in the forest. They are right on our property lines by inches on either side of this old fence where they present a significant safety hazard.

I am attaching photos of the two (2) SR trees. Parts may look green, but they are very dead and those are vines. I'm also attaching the KDF quote. The ones on either side will be the ones I will be cutting down. KDF would be happy to deal with SR directly, but time is of the essence as they will be on my property in early September. I'm also attaching an SR tree clearing diagram with red X's of where these trees are. If you'd like to reimburse me, I will sign that side of the contract and it be for that amount. KDF does not need and couldn't if they wanted to, go on the SR property. They'd do this from a bucket truck on my side over the fence.

I'm hoping SR will agree to a very small expense in the interest of safety and our future relationship as good neighbors. This is a one-time opportunity to have these trees safely removed by professionals from my side of the property.

If you are no longer on the solar project, please forward to the responsible SR parties.

I'm signing my part of the deal regardless of SR's decision to remove the safety hazards I can act on but I'd really need SR to seriously consider the safety issue, small expense and the timing of the physical opportunity from my side of the properties.

Happy to talk on the phone if you'd like to call me. 917-375-3233.

If anyone from SR is in the area currently I am happy to give them a look from my property.

Hope to hear from you soon.

Regards,

Ron Viola
68 Wilson Road
Litchfield, CT 06759

Best Regards, Ron

