



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051
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VIA ELECTRONIC MAIL

January 18, 2022

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

Mr. Tim Garcia
DG Connecticut Solar, III, LLC
700 Universe Boulevard
Juno Beach, FL 33408
DL-DG-NEER-BUS-MGT@nexteraenergy.com

RE: **PETITION NO. 1426** - East Windsor Solar One, LLC Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 4.9-megawatt AC solar photovoltaic electric generating facility located west of the Ellington town boundary at 341 East Road, East Windsor, and associated electrical interconnection.

PETITION NO. 1426 – DG Connecticut Solar, III, LLC Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 4.9-megawatt AC solar photovoltaic electric generating facility located west of the Ellington town boundary at 341 East Road, East Windsor, and associated electrical interconnection.

Dear Attorney Hoffman and Mr. Garcia:

The Connecticut Siting Council (Council) is in receipt of email correspondence, dated January 16, 2022, from East Windsor First Selectman Jason Bowsza, on behalf of the residents at 67 and 69 Middle Road in East Windsor, who are located across the street from the above-referenced solar facility. The correspondence (attached) expresses concerns regarding noise emissions from operation of the facility that are described as buzzing, a loud fan and high-pitch ringing.

As First Selectman Bowsza correctly notes in the January 16, 2022 correspondence, East Windsor Solar One, LLC (EWSO) represented during the proceedings held on the facility that the calculated noise emissions from operation of the inverters and transformers would be below 55 dBA at the surrounding property lines and in compliance with the Department of Energy and Environmental Protection (DEEP) Noise Control Standards. Compliance with the DEEP Noise Control Standards can be verified by a site-specific noise measurement study.

Pursuant to the Council's May 10, 2021 Declaratory Ruling and the Council's July 30, 2021 approval of the D&M Plan for the solar facility, the Council requests EWSO and/or DG Connecticut Solar III, LLC (DGIII) to conduct a noise measurement study at the property lines of 67 and 69 Middle Road in East Windsor. If the study results in noise levels in excess of the DEEP Noise Control Standards, the Council requests submission of specific noise mitigation measures that could be employed to bring the facility into compliance with the DEEP Noise Control Standards.

Also, the Council's May 10, 2021 Declaratory Ruling ordered the submission of a Development and Management Plan (D&M Plan) for the facility. The D&M Plan was submitted by EWSO on May 21, 2021. While the D&M Plan was pending, on June 16, 2021, the Council received correspondence, pursuant to Condition No. 9 of the Declaratory Ruling, that the facility was transferred to DGIII on or about May 19, 2021.¹

The D&M Plan was approved by the Council on July 30, 2021 with conditions. In partial compliance with the Council's D&M Plan approval and the reporting requirements under Regulations of Connecticut State Agencies (RCSA) §16-50j-62(b), on August 3, 2021, EWSO, LLC notified the Council that construction of the solar facility would commence on or about August 5, 2021, and requested a modification to the submission of the required construction progress reports from monthly to quarterly. No further reports as to construction progress or notification of completion of construction and site rehabilitation were submitted thereafter. Therefore, this facility is not in compliance with the Council's Declaratory Ruling.

Please submit written correspondence to the Council by close of business on January 21, 2022 that acknowledges and addresses all of the above-referenced concerns, as well as provides an estimated date for submission of the requested noise study to the Council and First Selectman Bowsza.

Thank you for your attention to this very important matter.

Sincerely,



Melanie A. Bachman
Executive Director

Enclosures

cc: Hon. Jason Bowsza, First Selectman, Town of East Windsor (jbowsza@eastwindsorct.com)
State Senator Saud Anwar (Saud.Anwar@cga.ct.gov)
State Representative Jaime Foster (Jaime.Foster@cga.ct.gov)

¹ On January 10, 2022, the Council received unsigned correspondence from DG Connecticut Solar, III, LLC indicating on or about December 3, 2021, after merger of certain entities, it is the owner and operator of the solar facility. The Council has not acknowledged this correspondence to date.



TOWN OF EAST WINDSOR

FIRST SELECTMAN JASON E. BOWSZA

January 16, 2022

Attorney Melanie Bachman
Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051
(sent via email)

RE: Petition 1426 – East Windsor Solar One

Dear Attorney Bachman,

I am writing to you today on behalf of several homeowners whose newly constructed homes are located across the street from East Windsor Solar One (specifically at 67 and 69 Middle Road).

As you can see from the enclosed correspondence submitted to me by the homeowners, they understand the public benefit associated with the solar development located at East and Middle Roads. However, they each voice reasonable concerns and complaints concerning the noise resulting from the solar development to the point that it is having an adverse impact on their abilities to enjoy their homes.

In the *Findings of Fact*² adopted by the Connecticut Siting Council (CSC), the council notes the following:

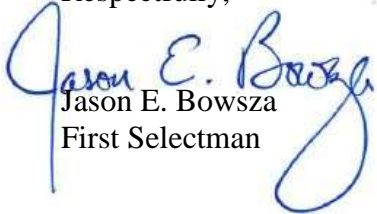
- 120. Once operational, **noise from the project would be minimal** (emphasis added). Noise emissions from the generating equipment would be from the inverters and transformers. The loudest project equipment would be the 2,000 kVA transformer, which would have a maximum sound level of 68 dBA at 1-foot from the equipment. Sound would reduce with distance and the transformers are inactive at night. (EWSO 1, p. 44)
- 121. The nearest property line to the transformer is 125 feet to the north and is a residential parcel at 309 East Road. Calculated noise emissions, using the Inverse Square Law, were determined to be below 55 dBA at the surrounding property lines. With residential receptors, the **DEEP Noise Control Standards would be 61 dBA during the daytime and 51 dBA at nighttime** (emphasis added). (EWSO 1, p. 44; RCSA §22a-69-3.5)

² https://portal.ct.gov/-/media/CSC/3_Petitions-medialibrary/Petitions_MediaLibrary/MediaPetitionNos1421-1430/PE1426/DECISION-finaldocs/PE1426_FOF_final.pdf

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The homeowners who shared their complaints with me raise reasonable concerns that the expectations communicated to the CSC and included in their *Findings of Fact* may not reflect the reality of the project now installed. As actual circumstances may not reflect those anticipated by the CSC, I would ask that you kindly provide remedies available to the homeowners who are left to bare the effect of the solar development on their homes.

Respectfully,



Jason E. Bowsza
First Selectman

Cc: State Senator Saud Anwar, 3rd Senate District
State Representative Jaime Foster, 57th House District
Dana Van Steenburgh
Josh Bergendahl

From: Contact form at East Windsor CT <cmsmailer@civicplus.com>
Sent: Friday, December 31, 2021 10:24 AM
To: Jason Bowsza <jbowsza@eastwindsorct.com>
Subject: [East Windsor CT] RE: Solar Farm East Road (Sent by Dana Van Steenburgh, danav@lbissell.com)

Hello jbowsza,

Dana Van Steenburgh (danav@lbissell.com) has sent you a message via your contact form (<https://www.eastwindsor-ct.gov/user/50/contact>) at East Windsor CT.

If you don't want to receive such e-mails, you can change your settings at <https://www.eastwindsor-ct.gov/user/50/edit>.

Message:

Hi Jason - We need your help. My name is Dana Van Steenburgh. I live across the street (67 Middle Road) from the new solar farm located on East and Middle roads. At the online hearing held we were informed that there would be minimum noise generated from the power generation. In fact that is not the case. The inverters and power system are located across the street. While the system is operating a constant high pitch ringing sound can be heard. It is unbearable enough to keep us from using our front yards. (My next door neighbor is also complaining.) Both my neighbor and myself are newcomers to Broad Brook. We moved in to this new development just before it was announced that a solar farm was to be built on the property across the street. We love it here. What can we do? Perhaps there is a method to deaden the sound? Stop on by during the day when it's operating and take a listen. Let me know what you think. Your advice is appreciated. Thanks, Dana

My phone number is (860)604-3989

From: Contact form at East Windsor CT <cmsmailer@civicplus.com>
Sent: Friday, December 31, 2021 4:27 PM
To: Jason Bowsza <jbowsza@eastwindsorct.com>
Subject: [East Windsor CT] Middle Road Solar field (Sent by Josh Bergendahl, Bergyd@me.com)

Hello jbowsza,

Josh Bergendahl (Bergyd@me.com) has sent you a message via your contact form (<https://www.eastwindsor-ct.gov/user/50/contact>) at East Windsor CT.

If you don't want to receive such e-mails, you can change your settings at <https://www.eastwindsor-ct.gov/user/50/edit>.

Message:

Jason,

I live at 69 Middle Rd. in Broad Brook. I reached out to you last year with questions on the proposed solar project at the corner of East and Middle road and you were helpful in answering my questions at the time. It seems like they have mostly completed the project now and I am quite upset about the outcome of it.

At first I was not happy to hear that a solar field was going to be installed across the street, as I liked the open land view that I got, and it's the main reason I decided to build a house here. After talking with yourself and listening in on the various zoom calls about the project, I realized it's benefit overall and figured it was better to have that installed than to have noisy neighbors whether it be residential or commercial. Unfortunately now I realize that a solar field can be an annoying noisy neighbor.

There is a constant loud fan noise from the installation, it is buzzing all day long and into the night. I cannot enjoy my front yard at all and I can hear the noise in my backyard even with my 6 foot solid privacy fence. To me, this is completely unacceptable to listen to all day long. In my opinion I pay an excessive amount in property taxes (over \$8,000 a year) to have to listen to a constant buzzing noise. This not only ruins my previously peaceful property for myself, but I am sure ruins the resale value of my property.

I don't understand how this can be considered acceptable across from a residential neighborhood. I feel like the installation of these loud units could have been thought out better. Whether it's installed more towards the center of the solar field, or on East road where there is no residential households. Please let me know what can be done about this as I built what I thought was a forever home here, and now I am seriously reconsidering that move.

Thanks,
Josh Bergendahl



Lee D. Hoffman
90 State House Square
Hartford, CT 06103-3702
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lhoffman@pullcom.com
www.pullcom.com

June 16, 2021

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

Re: **PETITION NO. 1426 - East Windsor Solar One, 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 4.9-megawatt AC solar photovoltaic electric generating facility located west of the Ellington town boundary at 341 East Road, East Windsor, Connecticut and associated electrical interconnection.**

Dear Attorney Bachman:

I am writing on behalf of my client, East Windsor Solar One, LLC, in connection with the above-referenced Petition. Pursuant to the Condition No. 9 of the Council's approval of Petition No. 1426, this letter will serve as notice that the East Windsor Solar One, LLC facility has been transferred to DG Connecticut Solar III, LLC, an affiliate of NextEra Energy Resources, LLC, on or about May 19, 2021. The individual responsible for management and operations of the East Windsor Solar One facility going forward will be Tim Garcia, NextEra Energy DG Business Management (Email: DL-DG-NEER-BUS-MGT@nexteraenergy.com).

If you have any questions or need any additional information about the transfer of the East Windsor Solar One facility, please contact me. Thank you in advance for your cooperation.

Sincerely,

Lee D. Hoffman

January 10, 2022

Via Electronic Mail

Attn: Melanie Bachman, Esq.
Executive Director and Staff Attorney
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: PETITION NO. 1426 - East Windsor Solar One, 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 4.9-megawatt AC solar photovoltaic electric generating facility located west of the Ellington town boundary at 341 East Road, East Windsor, Connecticut and associated electrical interconnection - Notification of Change in Ownership.

Dear Ms. Bachman:

Pursuant to Condition No. 9 in the Connecticut Siting Counsel's ("CSC") Findings of Fact, Opinion, and Decision and Order ("Declaratory Ruling") (Petition No. 1426), this correspondence serves as notice that, on or about December 3, 2021, after merger of certain entities, DG Connecticut Solar III, LLC, an affiliate of NextEra Energy Resources, LLC, is the owner and operator of the facility. DG Connecticut Solar III, LLC will continue to ensure compliance with the terms, limitations, and conditions contained in the Declaratory Ruling. The individual responsible for management and operations of this facility will continue to be Tim Garcia, NextEra Energy DG Business Management (Email: DL-DG-NEER-BUS-MGT@nexteraenergy.com).

If you have any questions or need any additional information about the merging of the entities, please contact Tim Garcia.

Thank you for your consideration,

Stephie Maragh

Cc:
Tracy L. Backer
Tim Garcia