



TOWN OF EAST WINDSOR

FIRST SELECTMAN JASON E. BOWSA

March 6, 2023

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

Re: East Windsor Solar One

Ms. Bachman:

I am writing to you again to reiterate complaints from residents in my community pertaining to East Windsor Solar One (Petition 1426).

As you are aware, that development is in close proximity to a newly built residential subdivision. On March 2, 2021 and again on January 16, 2022, I wrote to you sharing concerns about noise emission in close proximity to a newly-constructed subdivision. Those correspondences are attached.

In each case, over a span of now more than two (2) years, the petitioner has indicated that they were aware of the conditions and that they would be taking steps to mitigate the intrusion on residences in close proximity. To date, to my knowledge, and based on communications received recently from those residents, no mitigation has occurred.

In the event that an approved petition is transferred from one owner to a subsequent one, §16-50k(b) says that the new owner must "agree to comply with the terms, limitations and conditions contained" within the Certificate of Environmental Compatibility and Public Need. A duration of longer than two years for relief from the intrusion of noise on neighboring properties is not acceptable.

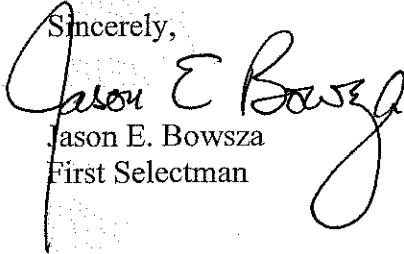
I am writing, again, to ask the Siting Council to intervene and provide relief to residents in the area, as has been acknowledged and agreed to previously.

The Town understands that local zoning regulations do not apply to projects that are under the jurisdiction of the Siting Council. However, the State Building Code and Fire Code do apply. Therefore, while waiting for remedial action from the project owner or from the Siting Council, I am directing the Building Official for the Town of East Windsor to examine the project location and consult with the State Building Code to determine if the conditions at the location are in violation of the code or codes that do remain in effect and under local administration.

The project manager for East Windsor Solar One is not acting in good faith, and has not acted in good faith, and the residents are owed timely relief. Any help that you or the Council can provide would be appreciated by the Town and its residents.

Thank you for your prompt attention to this continuous complaint.

Sincerely,



Jason E. Bowsza
First Selectman

Cc: State Senator Saud Anwar
State Representative Jaime Foster
State Representative Carol Hall
State Representative Eleni Kavros DeGraw
State Senator MD Rahman
Dana Van Steenburth
Josh Bergendahl
Ken Rich – Town of East Windsor Building Official
Will Herchel – Verogy
Brian Fitzgerald – Verogy
Lee Hoffman, Esq.

Attachments



TOWN OF EAST WINDSOR

FIRST SELECTMAN JASON E. BOWSA

March 2, 2021

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

Re: Petition Number 1426

Attorney Bachman,

I am writing to relay concerns that have been brought to my office from neighbors in the vicinity of the property associated with Petition Number 1426.

As you know, East Windsor will soon host the Gravel Pit Solar project, the largest grid-scale solar development in New England. We understand the importance of the state's renewable energy goals and are happy to be a part of the solution.

However, the two projects are quite different in terms of the impact on homeowners. Whereas Gravel Pit Solar will have a minimal impact in terms of visibility, the same is not true for East Windsor Solar One. In fact, a new subdivision is in close proximity – and direct eye line – of the site proposed under this application. Many of those homeowners were not aware of the proposed project and its proposed location and are understandably upset.

The Town was able to reach an agreement with Gravel Pit Solar that was in the interests of all parties. The agreement included a tax stabilization agreement (guaranteeing revenue to the Town over the next twenty years or more), as well as consideration for aesthetic improvements and local labor. No such agreement has been reached with East Windsor Solar One, although conversations have taken place.

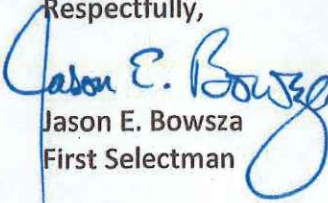
The other significant difference between the two projects pertains to the land intended to be used. In the case of Gravel Pit Solar, the main reason for the Town of East Windsor's support was that the project was to be built largely on an over-excavated gravel mine with limited alternative use which had become an attractive nuisance inviting illegal ATV use and other

March 2, 2021
Melanie Bachman, Esq.
RE: Petition Number 1426
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illicit activities. There was a clear public benefit to resolving those issues. The subject site under consideration in Petition Number 1426 is exclusively on farmland and near residential housing. No similar public benefit to the Town exists in this case.

Because of the lack of any revenue surety, and because of the concerns raised by homeowners in the area, the Town wishes to note that there is still work to be done to satisfy our needs and concerns regarding this project. If possible, the Town would request additional time to attempt to resolve outstanding concerns of the Town and the nearby residents with the applicant.

Respectfully,


Jason E. Bowsza
First Selectman

Cc: State Senator Saud Anwar
State Representative Jaime Foster

Jason Bowsza

From: Contact form at East Windsor CT <cmsmailer@civicplus.com>
Sent: Friday, December 31, 2021 10:24 AM
To: Jason Bowsza
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

Jason Bowsza

From: Contact form at East Windsor CT <cmsmailer@civicplus.com>
Sent: Friday, December 31, 2021 4:27 PM
To: Jason Bowsza
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

Jason Bowsza

From: Jason Bowsza
Sent: Sunday, January 16, 2022 3:43 PM
To: Bachman, Melanie
Cc: danav@lbissell.com; bergyd@me.com; Sen. Anwar, Saud; Rep. Foster, Jaime
Subject: Concerns regarding Petition 1426 - East Windsor Solar One
Attachments: [East Windsor CT] RE: Solar Farm East Road (Sent by Dana Van Steenburgh, danav@lbissell.com); [East Windsor CT] Middle Road Solar field (Sent by Josh Bergendahl, Bergyd@me.com); Complaint to CSC re Petition 1426 EWSO.docx

Good evening Attorney Bachman,

I hope this email finds you well. Please see the attached letter from the Town concerning East Windsor Solar One (Petition 1426), as well as complaints from abutting property owners.

Thanks for any help you can provide.

Best,

~ Jay

Jason E. Bowsza
First Selectman
Town of East Windsor
11 Rye Street
Broad Brook, CT 06016



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*¹ adopted by the Connecticut Siting Council (CSC), the council notes the following:

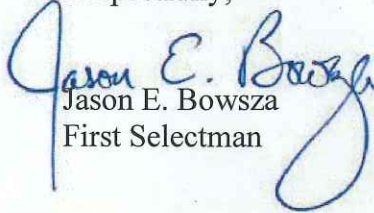
- 120. Once operational, **noise from the project would be minimal** (emphasis added). Noise emissions from the generating equipment would be from the inverters and transformers. The loudest project equipment would be the 2,000 kVA transformer, which would have a maximum sound level of 68 dBA at 1-foot 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)

¹ 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