



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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VIA ELECTRONIC MAIL

February 2, 2024

The Honorable Denise Raap
First Selectman
Town of Litchfield
Town Office Building
74 West Street
Litchfield, CT 06759
1stselectman@townoflitchfield.org

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.

Dear First Selectman Raap:

The Connecticut Siting Council (Council) received your correspondence concerning Petition No. 1442 on January 30, 2024. As noted therein, the Council issued a final decision to approve the construction, maintenance and operation of the above-referenced solar facility in Litchfield and Torrington on September 23, 2021.

Mr. Viola was a party to the petition. While it was pending, Mr. Viola submitted concerns related to visual impact, pesticides, invasive species, drainage, soil erosion and sediment control.¹

In reaching a final decision on a petition for a declaratory ruling, the Council carefully considers all of the facts contained in the evidentiary record that is developed by the Council, the petitioner, parties and intervenors, and all of the concerns received from members of the public who submit written statements to the Council. Please note that the Council developed a deliberate schedule to provide all persons with an opportunity to participate in the proceeding.

The Council's September 23, 2021 final decision required SR Litchfield, LLC (SRL) to submit a Development and Management (D&M Plan) Plan for the facility that was submitted in phases, with a copy of each phase provided to Mr. Viola for comment. After review, the Council approved each phase with conditions on January 18, 2022; June 9, 2023; and December 8, 2023.

Mr. Viola provided comments regarding a modification of a stormwater management structure north of his property. A preliminary Project design identified the structure as a detention basin with an outlet structure at the southeast end. The Project was subsequently re-designed both prior to and during the D&M Plan process, and the structure was changed to a wet swale that discharges at the southeast end.

¹ Ron Viola Request for Party Status, March 2, 2021, available at [PE1442-20210302-Party-Status-Request-Form---Signed.pdf \(ct.gov\)](http://portal.ct.gov/csc/PE1442-20210302-Party-Status-Request-Form---Signed.pdf)

In its final decision to approve the facility, Condition No. 1 of the Council's Declaratory Ruling required submission of a copy of a DEEP-issued Stormwater Permit prior to the commencement of construction and consultation with DEEP regarding permitting requirements for the proposed stormwater basins prior to construction. DEEP issued the Stormwater Permit for the facility on September 28, 2023.

Any modifications to the stormwater management design, including the wet swale north of Mr. Viola's property, are under the jurisdiction of DEEP through its Stormwater Permit. SRL and Mr. Viola met with the DEEP Stormwater Division regarding the wet swale design last month. If any modifications are made to the stormwater management design, or to the approved facility site plan, those modifications are required to be submitted to the Council for review and approval. We have not received any requests from SRL for modifications to the stormwater management design to date.

Thank you for your interest and concern in this very important matter.

Sincerely,



Melanie A. Bachman
Executive Director

MAB/RDM/laf

c Service List, dated March 26, 2021

From: 1st Selectman <1stselectman@townoflitchfield.org>
Sent: Tuesday, January 30, 2024 11:47 AM
To: Bachman, Melanie <Melanie.Bachman@ct.gov>
Subject: Silicon Ranch Project - Petition No 1442 - SR Litchfield LLC

Melanie A. Bachman, Esq.
Executive Director
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 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.

Dear Attorney Bachman,

I am writing to you today representing the best interests of our Town of Litchfield residents, taxpayers and specifically all abutting property owners to the Silicon Ranch Project. I am concerned with multiple issues related to this project.

Ron Viola, an abutting property owner, has had to hire an attorney to help him protect not only his property rights but also insure that his home is not damaged by the blasting that will be starting today. He shares that he has received no responses to emails about his concerns and feels as though his valid concerns are being ignored by the developers of this massive project.

There is also a 4 acre area designated as a Town of Litchfield Conservation easement on Mr Viola's property that seems to have not been considered when the SR Litchfield drainage plan was designed. With thousands of trees being removed and with that their stabilizing root systems and the blasting of a bedrock, there is a concern about the amount of runoff water anticipated to be collected and how and where it will dissipate.

***Quote from Ron Viola* "There are Drainage and Surface water laws and regulations we ALL must abide by. The fact that the CSC, or DEEP has approved or issued permits does not matter if I have an expert that tells me their design is wrong and my property and house is at significant risk, so I am advising you of that and advise you to do due-diligence to protect all residents on their total storm protection and drainage plan.**

My new home construction was well excavated and well designed with above ground swales and underground drains of its own, and does not have any standing water or wet-basement

problems. It was NOT designed to handle a 340' swale emergency overflow after 100's of feet of blown out bedrock.

Whether their design is right or wrong, my property is not an emergency draining basin for their massive solar utility whether it's close to my house or not. We have all seen unprecedented rainfalls of late making any historical 100 year / 1000 year storm event statistics obsolete, and my property and home is not an experiment of what might happen in theory.

This situation can be easily remedied by SRL by changing the emergency outflow to East or West avoiding my property completely.

We sent this professional assessment to SRL on January 12, 2024 have not even received an acknowledgement of receipt. They can tell us why they disagree, or redesign, but to date we have heard nothing and are considering our next options."

I ask that your department respond to Ron Viola's concerns and ensure that his property, neighboring property and our town roads are not negatively impacted by this massive project. Ron also noted that the work on the project has extended past 7pm which is outside their permitted hours.

Sincerely,

Denise Raap
Litchfield First Selectman
(860) 567-7550
email: Draap@townoflitchfield.org