

BRUCE L. MCDERMOTT
203.772.7787 DIRECT TELEPHONE
860.240.5723 DIRECT FACSIMILE
BMCDERMOTT@MURTHALAW.COM

March 25, 2019

**VIA ELECTRONIC MAIL
AND FIRST CLASS MAIL**

Mr. James J. Murphy, Vice-Chairman
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Re: Petition No. 1354 – Chatfield Solar Fund, 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 1.98-megawatt AC solar photovoltaic electric generating facility located in Killingworth, Connecticut

Dear Vice-Chairman Murphy:

Enclosed please find the original and fifteen (15) copies of Chatfield Solar Fund's objection to KARS pre-filed testimony in connection with the above-described petition.

I certify that a copy hereof has been furnished on this date via electronic mail and/or first class mail, postage prepaid, to all parties, intervenors and participants of record for this petition as of this date.

Please feel free to contact me with any questions concerning this submittal at (203) 772-7787.

Very truly yours,



Bruce L. McDermott

Enclosures

Murtha Cullina LLP
265 Church Street
New Haven, CT 06510
T 203.772.7700
F 203.772.7723

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

Chatfield Solar Fund, LLC, petition for a declaratory	:	Petition No. 1354
ruling, pursuant to Connecticut General Statutes	:	
§ 4-176 and §16-50k, for the proposed construction,	:	
maintenance and operation of a 1.98-megawatt AC	:	
solar photovoltaic electric generating facility on	:	
approximately 25 acres located generally south of	:	
Route 80 (North Branford Road) and east of	:	
Chestnut Hill Road in Killingworth, Connecticut, and	:	
associated electrical interconnection to Eversource	:	
Energy’s Green Hill Substation located at 775 Green	:	
Hill Road, Madison, Connecticut.	:	March 25, 2019

**OBJECTION OF CHATFIELD SOLAR FUND, LLC TO
KARS PRE-FILED TESTIMONY**

The petitioner, Chatfield Solar Fund, LLC (“Chatfield”) respectfully submits this objection to the “Supplemental Pre-filed Testimony” of Fire Marshal James McDonald (the “Pre-Filed Testimony”), a witness of the Killingworth Advocates for Responsible Solar (“KARS”), with the Connecticut Siting Council (“Council”) on March 22, 2019. The Pre-Filed Testimony was not timely served upon Chatfield and to date, has not been served upon Chatfield. In support of its objection, Chatfield states the following:

1. KARS was granted party status in the proceeding at the Council’s February 21, 2019 hearing. 2/21/19 Tr. at 9.
2. On February 25, 2019, Chatfield and KARS were provided a revised schedule for the petition, which included a deadline for filing any pre-filed testimony with the Council. This deadline was March 19, 2019. Attachment A.
3. On March 22, 2019, after the established deadline for filing pre-filed testimony with the Council, James McDonald filed the Pre-Filed Testimony with the

Council as a witness on behalf of KARS. Attachment B. To date, the Pre-Filed Testimony has not been properly served upon Chatfield by KARS.

4. Upon information and belief, the Council through its Executive Director has informed KARS of the existence of the “Connecticut Siting Council Information Guide to Party and Intervenor Status” (the “Guide”) by providing KARS with a link to the Guide. The Guide provides the following concerning the Council’s service requirements: “The Council, parties and intervenors must send a copy of any document filed in a docket to every person on the service list ...” To date, KARS has not provided Chatfield with the Pre-Filed Testimony. Moreover, counsel for Chatfield asked KARS to provide Chatfield with copies of all filings by KARS with the Council (Attachment C)—to date KARS has refused to do so.

Therefore, in light of KARS’ disregard for the Council’s established schedule and service list requirements, Chatfield objects to KARS untimely and improperly served Pre-Filed Testimony dated March 22, 2019, and asks that it be excluded from the record.

Respectfully submitted,
Chatfield Solar Fund, LLC

By: 

Bruce L. McDermott
Samuel R. Volet
Murtha Cullina LLP
265 Church Street
New Haven, CT 06510
Tel: 203-772-7787
bmcdermott@murthalaw.com

CERTIFICATION

This is to certify that on this 25th day of March, 2019, a copy of the foregoing has been electronically delivered to all other known parties and intervenors.



Bruce L. McDermott

ATTACHMENT A



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: www.ct.gov/csc

SCHEDULE

PETITION NO. 1354 – Chatfield Solar Fund, 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 1.98-megawatt AC solar photovoltaic electric generating facility on approximately 25 acres located generally south of Route 80 (North Branford Road) and east of Chestnut Hill Road in Killingworth, Connecticut, and associated electrical interconnection to Eversource Energy's Green Hill Substation located at 775 Green Hill Road, Madison, Connecticut.

Petition Received	10/23/2018
Council Interrogatories	
• Set-One issued	11/21/2018
• Set-One responses due (w/Council extension)	01/02/2019
• Set-Two issued	01/16/2019
• Set-Two responses due	02/06/2019
• Set-Three issued	02/26/2019
• Set-Three responses due	03/19/2019
Comment Period Deadline	11/26/2018
Comment Period Deadline (w/Council extension)	12/17/2018
Council 60-day Action – Hold Public Hearing	12/06/2018
Deadline for Action	12/22/2018
Pre-hearing conference 11:00 a.m.	01/30/2019
Deadline for filing of Interrogatories between Participants	02/07/2019
Pre-filed testimony and responses to interrogatories due	02/14/2019
Deadline to request Party/Intervenor status	02/14/2019
Field review (2:00 p.m.)	02/21/2019
Hearing (3:00 p.m. and 6:30 p.m. in Killingworth)	02/21/2019
Final Deadline for filing of Interrogatories between Participants	03/12/2019
Final Deadline for Pre-filed testimony, late filed exhibits, and responses to interrogatories	03/19/2019
Continued Public Hearing Session (1:00 p.m. in New Britain)	03/26/2019
Close of Evidentiary Record	03/26/2019
Close of Public Comment Record	04/25/2019
Draft Findings of Fact	04/25/2019
Draft Findings of Fact, Opinion & Decision & Order	05/09/2019
Deadline for Decision	04/21/2019

Siting Analyst: Robert Mercier

Revised 2/25/2019

ATTACHMENT B



TOWN OF KILLINGWORTH

FIRE MARSHAL'S OFFICE
323 Route 81
Killingworth, CT 06419
(860) 391-5603 (Cell)
(860) 663-1182 (Ofc)
(860) 663-3305 (Fax)
(860) 399-7921 (Dispatch)

Robert Stein, Chairman
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

March 22, 2019

RE: 1.98 MW Photo-voltaic generating facility
Chatfield Solar Fund, LLC
Killingworth, CT
Petition No 1354

Chairman Stein:

I have been in contact with the development company representatives on at least 3 occasions to discuss each of my concerns as stated in my January 2, 2019 letter. To date none of the concerns have been addressed to my satisfaction.

The provisions of Chapter 18 have not been adequately addressed in the proposal as required by the 2018 CT State Fire Safety Code (effective October 1, 2018) which is based upon the 2015 Edition of NFPA 1 Fire Code. Chapter 18 Fire Department Access: Access to the site with the provisions of fire access roads adequate in design and maintained to support the imposed loads of fire apparatus shall be provided with an all-weather driving surface have not been addressed in the proposal, (18.2.3.4.2). The proposed site plan contains a bridge to cross a water feature within the complex. As required under the CT Fire Code (18.2.3.4.5.2), The Bridge shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. I have received no documentation regarding the bridge design proposed for the complex.

The total size of the installation (16+acres) and the scope of the photo-voltaic generating facility (5700+ panels & multiple inverter locations) as an unattended installation, would increase the prospect of a delay in reporting any fire incident on site which increases the risk of fire spread.

As I have stated previously, the town of Killingworth has no municipal water supply within the town. Due to the inadequate access to the site as currently proposed I would require an onsite water supply be installed, as provided by the CT Fire Code (18.2.3.1.4) "the AHJ shall be authorized to require additional fire protection features".

Such an onsite water supply and its' requirements are covered in NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting, 2012 Edition.

Additionally, the CT Fire Code in Chapter 11 has the following provisions for Ground Mounted Photovoltaic System Installations (11.12.3).

Clearances, A clear area of 10 ft. around a ground mounted photovoltaic system shall be provided (11.12.3.1).

Noncombustible Base, A gravel base or other noncombustible base acceptable to the AHJ shall be installed and maintained under and around the installation. (11.12.3.2).

Security Barriers, Fencing, Skirting or other suitable security barriers shall be installed when required by the AHJ (11.12.3.3).

In my discussions to date with the site developer, related to the above referenced requirements, they have rejected the installation of a noncombustible material under and around the installation citing environmental concerns without providing any documentation that the DEEP would object to the enforcement of this CT Fire Code provision.

I have expressed concerns related to the proposed single point of access to the site for ground personnel within the security barrier (2900+feet in length). The placement of Firefighters on the ground within such a large facility (16+ acres) could create a situation where they would be cut off from a means of escape. This would also be true for other onsite personnel within the complex. The site development company agreed that a number of personnel gates could be installed over the length of the security barrier.

The unresolved issues cited above have significant consequences to effectively provide fire protection to the proposed Photo-voltaic generating facility. As such, the proposed plan if approved would be in violation of the 2018 CT Fire Code.

Thank you for the opportunity to submit these additional comments to the Council regarding the proposed 1.98 MW Photo-voltaic generation facility.

Respectfully yours,

James McDonald
Fire Marshal
Killingworth, CT
860-663-1182

ATTACHMENT C

Bruce McDermott

From: Bruce McDermott
Sent: Wednesday, February 20, 2019 10:45 AM
To: 'killingworthforesposablesolar@gmail.com'
Cc: 'Bachman, Melanie'
Subject: Petition 1354

Dear Ms. Sekban: Melanie Bachman has been kind enough to forward me your various correspondence to the Council concerning Petition 1354. By this email I request that you copy me on all filings you make with and correspondence you have with the Council concerning the merits of the Petition. There is no need to provide me with hard copies but rather I wish only to receive electronic copies.