



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

www.ct.gov/csc

VIA ELECTRONIC MAIL

July 31, 2019

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

RE: **PETITION NO. 1224** - Woods Hill Solar, LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of a 17.61 Megawatt AC Solar Photovoltaic Electric Generating facility located at 90 and 101 Woods Hill Road, Pomfret, Connecticut.

Dear Attorney Hoffman:

The Connecticut Siting Council (Council) is in receipt of your correspondence dated June 28, 2019 and July 30, 2019 regarding the status of restoration of the stone walls on the project property referenced above and the status of construction of the project.

On September 15, 2017, the Council submitted correspondence to Woods Hill Solar, LLC (WHS) in response to a resident complaint about removal of existing stone walls during construction activities at the site. WHS provided responses on September 18 and 22, 2017. Copies of the correspondence are attached. A September 19, 2017 investigation determined that portions of the stone wall along Woods Hill Road that were labeled "stone wall to remain" in the Development and Management Plan for the project were removed. Some removal was done by the former owner of the site and some removal was done by WHS when construction activities began at the site. WHS met with the landowner and developed a solution to rebuild the stone wall and provide additional plantings or other visual screening.

The Council acknowledges that WHS has addressed the restoration of stone walls on the property referenced in your correspondence dated June 28, 2019 and July 30, 2019 (attached) and no further action is required. Additionally, the Council acknowledges that construction of the project is substantially complete and WHS is working to ensure that all necessary permanent stormwater stabilization measures are in place at the site prior to terminating its General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities issued by the Connecticut Department of Energy and Environmental Protection.

This acknowledgment applies only to the correspondence from WHS dated June 28, 2019 and July 30, 2019. Any significant changes to the above-referenced project require advance Council notification and approval.

Thank you for your attention and cooperation.

Sincerely,

Melanie A. Bachman
Executive Director

MB/CW

c: Council Members
Maureen Nicholson, First Selectman, Town of Pomfret
Briony Angus, Senior Project Manager, Tighe & Bond

Enclosures: Council September 15, 2017 correspondence
WHS September 19, 2017 correspondence
WHS September 22, 2017 correspondence
WHS June 28, 2019 correspondence
WHS July 30, 2019 correspondence



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September 15, 2017

Lee Hoffman, Esq.
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103-3702

RE: **PETITION NO. 1224** – Woods Hill Solar, LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of a 20 Megawatt AC Solar Photovoltaic Electric Generating facility located at 90 and 101 Woods Hill Road, Pomfret, Connecticut.

Dear Attorney Hoffman:

The Connecticut Siting Council (Council) received a telephone call from Mr. Ryan Brais, Zoning Enforcement Officer of the Town of Pomfret, on September 14, 2017 regarding resident complaints about construction activities at the above-referenced site.

There are two matters of concern:

1. construction activities at the site are commencing at 5:30 AM and concluding at 6:30 PM seven days per week; and
2. existing stone walls have been removed from the length of Woods Hill Road when the plans indicate the stone walls would remain.

Pursuant to the Council's May 13, 2016 decision and the Council's August 31, 2017 approval of the Development and Management Plan (D&M Plan), construction hours are Monday through Friday from 7:30 AM through 5:00 PM. Should the project developer require a change in the approved works hours, a written request should be submitted to the Council for review and approval. Otherwise, the project developer is restricted to the construction hours approved in the May 13, 2016 decision and the August 31, 2017 approval of the D&M Plan.

Although the Council did not impose a condition in the May 13, 2016 decision or the August 31, 2017 D&M Plan approval regarding retention of the existing stone walls along Woods Hill Road, Plan Sheet C-008 of the approved D&M Plan clearly depicts "Stone Walls to Remain" in the vicinity of 100 Woods Hill Road. If there is a modification to the approved D&M Plan, a written request for modification should be submitted to the Council for review and approval.

Please submit written correspondence to the Council on or before Friday, September 22, 2017 that directly addresses the above-referenced concerns and how Woods Hill Solar, LLC plans to attend to those concerns.

Thank you for your attention to this important matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Melanie A. Bachman', with a stylized, flowing script.

Melanie A. Bachman
Executive Director

c. Honorable Craig Baldwin, First Selectman, Town of Pomfret
Ryan Brais, Zoning Enforcement Officer, Town of Pomfret
Briony Angus, Senior Project Manager, Tighe & Bond

MAB/CMW

6/11/12 10:00 AM ✓

**PULLMAN
& COMLEY**
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September 19, 2017

VIA ELECTRONIC MAIL AND U.S. MAIL

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

Re: Petition 1224 – Woods Hill Solar, LLC; Construction Hours

Dear Ms. Bachman:

I am writing on behalf of my client, Woods Hill Solar, LLC, in response to your September 15, 2017 letter concerning the above-referenced project. In that letter, you raise two concerns: the timing of construction activities at the Project and whether existing stone walls have been removed from the Project site.

With respect to the first issue, Woods Hill Solar, LLC has discussed the issue with its contractor. As your letter points out, the anticipated construction hours enumerated in the Project's D&M Plan were from 7:30 a.m. through 5:00 p.m. Mondays through Fridays. Conditions at the site, however, have gone beyond the anticipated and the Project would like to expand its construction hours. To do so, however, the Project recognizes that such expansion of construction hours would require Siting Council approval.

Effective immediately, the Project can confirm that all construction activities for the Project will occur from 7:30 a.m. through 5:00 p.m., Mondays through Fridays, until the Siting Council approves any requested extension of such construction hours. This letter will therefore serve as Woods Hill Solar, LLC's formal request to expand its construction hours. Woods Hill Solar, LLC is also mindful of the fact that its neighbors would likely prefer later construction times to beginning construction earlier in the day. Accordingly, Woods Hill Solar, LLC requests approval for construction hours that will occur from 7:30 a.m. through 7:30 p.m. Mondays through Saturdays. No construction hours will occur on Sundays.

With respect to the issue regarding existing stone walls, as the Siting Council is well aware, there are several stone walls that were slated for removal from the Project site, as well as several stone walls that were anticipated to remain on the Project site. Woods Hill Solar, LLC will send a representative to the Project site later this week to ascertain which stone walls have been removed and which stone walls still remain at the Project site. These walls will then be

PULLMAN

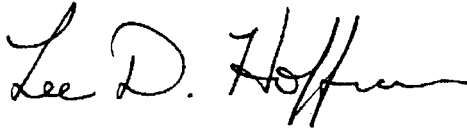
ATTORNEYS

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correlated with the relevant maps and drawings that were provided to the Siting Council in the D&M Plan submission. Once this review is completed, we will advise the Siting Council of our findings.

Should you have any questions concerning the foregoing, please contact me at your convenience. I certify that a copy of this letter has been provided to all parties listed below and any parties on the service list for this Petition.

Sincerely,

A handwritten signature in black ink that reads "Lee D. Hoffman". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Lee D. Hoffman
Counsel for Woods Hill Solar, LLC

cc: Christina M. Walsh, Connecticut Siting Council
Honorable Craig Baldwin, First Selectman, Town of Pomfret
Ryan Brais, Zoning Enforcement Officer, Town of Pomfret
Briony Angus, Senior Project Manager, Tighe & Bond

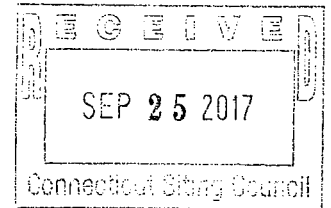
**PULLMAN
& COMLEY LLC**
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September 22, 2017

VIA ELECTRONIC MAIL AND U.S. MAIL

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



Re: Petition 1224 – Woods Hill Solar, LLC; Construction Hours

Dear Ms. Bachman:

I am writing on behalf of my client, Woods Hill Solar, LLC, in response to your September 15, 2017 letter concerning the above-referenced project. Specifically, I am writing to follow up on my correspondence of September 19, 2017 relating to whether existing stone walls have been removed from the Project site in contravention of the Project's D&M Plan.

As I stated in my September 19 letter, Woods Hill Solar, LLC sent a representative to the Project site on September 19th to investigate which stone walls have been removed and which stone walls still remain at the Project site, and to correlate the removed stone walls against the relevant maps and drawings in the Project's D&M Plan. Our review indicated that portions of the stone wall along Woods Hill Road that were labeled "stone wall to remain" in the D&M Plan were removed.

Some of this removal was done by the former owner of the site prior to Woods Hill Solar assuming control of the site, however, a portion of this removal was undertaken once Woods Hill Solar began its construction activities. All construction personnel have been alerted to this issue, and no further stone wall removal will occur, except for those stone walls that are clearly slated for removal in the D&M Plan.

Woods Hill Solar personnel have met with the abutting landowner most directly affected by this removal to discuss visual mitigation options to address this matter. Another meeting to discuss this issue is scheduled for later today. It is our hope that Woods Hill Solar can develop a solution to this issue that will be amenable for all parties concerned by rebuilding a stone wall if that is feasible, or providing for additional plantings, fencing or some other form of visual screening. Assuming that the parties can reach such a solution, Woods Hill Solar would then provide the solution to the Siting Council and request an amendment to its D&M Plan to allow for the implementation of such a solution.

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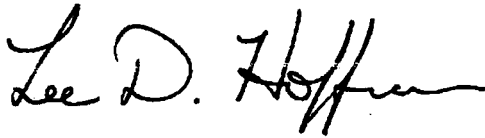
ATTORNEYS

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I trust that the foregoing adequately addresses the Siting Council's inquiry for the time being. Should you have any questions concerning the foregoing, please contact me at your convenience.

I certify that a copy of this letter has been provided to all parties listed below and any parties on the service list for this Petition.

Sincerely,

A handwritten signature in black ink that reads "Lee D. Hoffman". The signature is written in a cursive style with a large, stylized "L" and "H".

Lee D. Hoffman
Counsel for Woods Hill Solar, LLC

cc: Christina M. Walsh, Connecticut Siting Council
Honorable Craig Baldwin, First Selectman, Town of Pomfret
Ryan Brais, Zoning Enforcement Officer, Town of Pomfret
Briony Angus, Senior Project Manager, Tighe & Bond

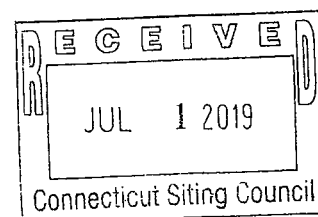


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June 28, 2019

VIA ELECTRONIC MAIL AND U.S. MAIL

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



Re: Petition 1224 – Woods Hill Solar, LLC; Restoration of Stone Walls

Dear Ms. Bachman:

I am writing on behalf of my client, Woods Hill Solar, LLC, in connection with correspondence from September 2017 concerning the removal of portions of a stone wall in the Project area for this site.

As indicated in prior correspondence, Woods Hill Solar, LLC sent representatives to the Project site to investigate which stone walls have been removed, to correlate the removed stone walls against the relevant maps and drawings in the Project's D&M Plan and to discuss the situation with the property owner that was most directly affected by the removal of the stone wall.

Our review indicated that portions of the stone wall along Woods Hill Road that were labeled "stone wall to remain" in the D&M Plan were removed. Some of this removal was done by the former owner of the site prior to Woods Hill Solar assuming control of the site, however, a portion of this removal was undertaken once Woods Hill Solar began its construction activities. Woods Hill Solar reconstructed the wall to the best of its ability. Unfortunately, not all of the rocks in the wall could be replaced, given that some of the rocks were removed before Woods Hill Solar assumed control of the Project site.

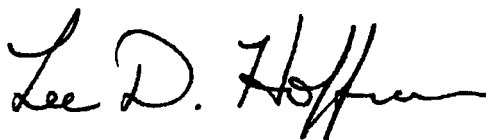
As such, Woods Hill Solar could not match the rocks on the remaining portion of the wall, so that it would appear to be a continuous wall. The best available option was to restore as much of the wall as possible, which is what Woods Hill Solar has done. As such, Woods Hill Solar believes that this issue has been appropriately addressed and that no further action is needed.

I trust that the foregoing adequately addresses this issue to the Siting Council's satisfaction. If that is not the case, or if you have any questions concerning this matter, please contact me at your convenience.

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I certify that a copy of this letter has been provided to all parties listed below and any parties on the service list for this Petition.

Sincerely,

A handwritten signature in black ink that reads "Lee D. Hoffman". The signature is written in a cursive style with a large, stylized "L" and "H".

Lee D. Hoffman
Counsel for Woods Hill Solar, LLC

cc: Christina M. Walsh, Connecticut Siting Council
Honorable Craig Baldwin, First Selectman, Town of Pomfret
Ryan Brais, Zoning Enforcement Officer, Town of Pomfret
Briony Angus, Senior Project Manager, Tighe & Bond



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July 30, 2019

VIA ELECTRONIC MAIL AND U.S. MAIL

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

Re: Petition 1224 – Woods Hill Solar, LLC; Restoration of Stone Walls

Dear Ms. Bachman:

I am writing on behalf of my client, Woods Hill Solar, LLC, as a follow-up to my June 28, 2019 letter to you. I am also writing to provide you with an update as to the construction status of the Project.

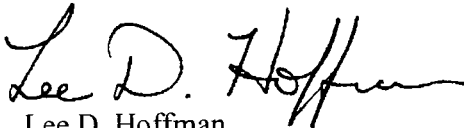
With respect to the stone wall issue I identified in my June 28, 2019 letter, as you know, Maureen Nicholson, the First Selectman of the Town of Pomfret asked some questions relating to this issue. I contacted Ms. Nicholson, explained both the issue and the location of the stone wall involved, and answered all of her questions concerning this matter. I believe that my answers were sufficient to address all of those questions. As a result, there do not appear to be any more outstanding issues associated with the stone walls on the Project site. Accordingly, Woods Hill Solar believes that this issue has been appropriately addressed and that no further action is needed. Please confirm that this is the Council's understanding as well at your earliest convenience.

In addition, I am writing to provide you with an update on the status of the construction of the Project. The Project is substantially fully constructed and is generating electricity into the grid. The Project site is fully stabilized from a stormwater perspective, and has been for some time. The only thing remaining to complete at the Project site is to ensure that all necessary permanent stormwater stabilization measures are in place at the site. At that time, the Project anticipates that it will terminate its General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities in accordance with applicable CT DEEP regulations. Once the General Permit is terminated, the Project will be completed with its construction, and the Project will notify the Siting Council of this completion. The Project will also continue monitoring stormwater discharges for a period of time after the General Permit is terminated.

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If you have any questions concerning this matter, please contact me at your convenience. I certify that a copy of this letter has been provided to all parties listed below and any parties on the service list for this Petition.

Sincerely,



Lee D. Hoffman
Counsel for Woods Hill Solar, LLC

cc: Christina M. Walsh, Connecticut Siting Council
Maureen Nicholson, First Selectman, Town of Pomfret
Briony Angus, Senior Project Manager, Tighe & Bond