



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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### VIA ELECTRONIC MAIL

April 11, 2019

Paul R. Michaud, Esq.  
Michaud Law Group LLC  
515 Centerpoint Drive, Suite 502  
Middletown, CT 06457

RE: **PETITION NO. 1312** – Candlewood 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 (26.5 megawatt DC) solar photovoltaic electric generating facility located on a 163 acre parcel at 197 Candlewood Mountain Road and associated electrical interconnection to Eversource Energy's Rocky River Substation on Kent Road in New Milford, Connecticut. **Court-ordered remand regarding visibility.**

Dear Attorney Michaud:

The Connecticut Siting Council (Council) requests your responses to the enclosed questions no later than April 25, 2019. To help expedite the Council's review, please file individual responses as soon as they are available.

Please forward an original and 15 copies to this office, as well as a copy via electronic mail. In accordance with the State Solid Waste Management Plan, the Council is requesting that all filings be submitted on recyclable paper, primarily regular weight white office paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators. Fewer copies of bulk material may be provided as appropriate.

**Please be advised that the original and 15 copies are required to be submitted to the Council's office on or before the April 25, 2019 deadline.**

Copies of your responses shall be provided to all parties and intervenors listed on the service list, which can be found on the Council's pending matters website.

Any request for an extension of time to submit responses to interrogatories shall be submitted to the Council in writing pursuant to §16-50j-22a of the Regulations of Connecticut State Agencies.

Yours very truly,

Melanie A. Bachman  
Executive Director

MB/MP/lf

c: Council Members  
Parties and Intervenors

**Petition No. 1312 – Court-ordered Remand Regarding Visibility  
Interrogatories to Candlewood Solar, LLC  
Set One  
April 11, 2019**

1. Provide copies of the following exhibits on the Exhibit List dated December 4, 2018 (copy attached) from the Superior Court record in Docket No. CV-18-6042335-S:
  - a. Exhibit A (Map);
  - b. Exhibit B (View Point #3);
  - c. Exhibit C (View Point #6);
  - d. Exhibit D (Location Map); and
  - e. Exhibit E (Location Map).
2. Please submit a Visibility Analysis for the approved solar facility showing areas within one mile of the subject site that would potentially have a view of the facility seasonally and year round.
3. Please provide an aerial photograph of the approved solar facility. Superimpose the abutting property boundaries and the limits of work/clearing for the approved solar facility on the aerial photograph. Identify the abutting property owners on the aerial photograph. Also, on the aerial photograph, indicate the following distances:
  - a. The closest distance from the access drive limits of work/clearing to the nearest residential property line;
  - b. The closest distance from the access drive limits of work/clearing to the closest corner of the nearest residential structure;
  - c. The closest distance from the solar array limits of work/clearing to the nearest residential property line; and
  - d. The closest distance from the solar array limits of work/clearing to the closest corner of the nearest residential structure.
4. Provide a topographical map with the limits of work/clearing for the solar project superimposed on the map.
5. Referencing the New Milford Farmland & Forest Preservation Committee Memo, dated December 7, 2016, Finding No. 7 states, “The project also requires harvesting of timber, which is an acceptable use of productive forest lands; however, clear-cutting is not necessarily a preferred technique to do so.” What are Candlewood Solar, LLC’s (CS) and/or the property owner’s plans for the timber from the approved solar facility site?
6. For the approved solar facility, please revise, or expand upon, as necessary, the following Findings of Fact (FOF) from the Council’s December 21, 2017 final decision:
  - a. FOF #30;
  - b. FOF #112;
  - c. FOF #218;
  - d. FOF #219;
  - e. FOF #221;
  - f. FOF #222;
  - g. FOF #224; and
  - h. FOF #273.

7. Referencing FOF#218, it notes that, “The solar array would also be shielded in all directions by tree buffers.” More specifically, will the facility be shielded by on-site (i.e. on the subject property) tree buffers, off-site (i.e. on adjacent property) buffers, or a combination of both? Explain.
8. Referencing FOF#273, superimpose the limits of work/clearing on a core forest map.
9. Referencing page 21 of the transcript of the Council’s September 26, 2017 evidentiary hearing held at 3:00 p.m., CS was asked if it had looked at the Town of New Milford (Town) Zoning Commission’s recommendation for a 100-foot landscape buffer along the property’s frontage with Candlewood Mountain Road and along common property boundaries with single-family (homes), and CS was asked if it would be able to accommodate such a recommendation. CS replied that, “We have not looked at that to date.” Please provide an updated response.
10. Please provide a shade study analysis for the approved solar facility and reconcile such results with the limits of work/clearing between the fence lines of the solar facility and the adjacent property lines. Are the limits of clearing required to reduce shading effects or also for construction purposes? Explain.
11. Upon completion of construction, how would the five acre field area (proposed construction staging area) with frontage along Candlewood Mountain Road be used?
12. What is the estimated duration of construction of the approved solar facility? When would the five acre field area cease to be used as a staging area?

Type of Proceeding: Civil - Administrative Appeal

Date(s) of Proceeding: December 4, 2018



Court	<input checked="" type="checkbox"/> Geographic Area number <u>15</u>	<input type="checkbox"/> Judicial District of: <u>New Britain</u>	<input type="checkbox"/> Housing Session	At (Town) <u>New Britain</u>
Name of case <b>Rescue Candlewood Mountain, et al. v. CT Siting Council, et al.</b>			Name(s) of Clerk(s)	
Name of Judge		Name(s) of court reporter(s)		Docket number <b>HHB-CV-18-6042335-S</b>

Plaintiff's Exhibits		Entered as Full or ID	Defendant's Exhibits		Entered as Full or ID
<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	1. Certified Zoning Map	12/4/18	<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	A. Map	1/8/19
<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	2. Portion of Zoning Map	12/4/18	<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	B. View Point #3	1/8/19
<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	3. Colored Zoning Map	12/4/18	<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	C. View Point #6	1/8/19
<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	4. Proposed Conditions Map-Figure 12	12/4/18	<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	D. Location Map	1/8/19
<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	5. Proposed Conditions Map-Figure 12 (Labeled)	12/4/18	<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	E. Location Map	1/8/19
<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	6. Google Map	12/4/18	<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	F. Letter dated 12/4/17	1/8/19
<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	7. Ostrove and Dunham Property Map	12/4/18	<input type="checkbox"/> ID <input type="checkbox"/> Full	G.	
<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	8. Deed-195 Candlewood Mountain Road	12/4/18	<input type="checkbox"/> ID <input type="checkbox"/> Full	H.	
<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	9. Photos - Dunham Property <sup>AS</sup> <sub>SD</sub>	12/4/18	<input type="checkbox"/> ID <input type="checkbox"/> Full	I.	
<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	10. Deed (1974)-214 Candlewood Mountain Road	12/4/18	<input type="checkbox"/> ID <input type="checkbox"/> Full	J.	
<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	11. Deed-214 Candlewood Mountain Road	12/4/18	<input type="checkbox"/> ID <input type="checkbox"/> Full	K.	
<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	12. Brochures	12/4/18	<input type="checkbox"/> ID <input type="checkbox"/> Full	L.	
<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	13. Candlelight Farms Inn - Website	12/4/18	<input type="checkbox"/> ID <input type="checkbox"/> Full	M.	
<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	14. Photo Looking at Candlelight Farms	12/4/18	<input type="checkbox"/> ID <input type="checkbox"/> Full	N.	
<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	15. Deed-5 Green Pond Road	1/8/19	<input type="checkbox"/> ID <input type="checkbox"/> Full	O.	
<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	16. Flight Pattern	1/8/19	<input type="checkbox"/> ID <input type="checkbox"/> Full	P.	
<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	17. CAA 3/16/18 Letter	1/8/19	<input type="checkbox"/> ID <input type="checkbox"/> Full	Q.	
<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	18. Zoning Commission 9/11/17 Letter	1/8/19	<input type="checkbox"/> ID <input type="checkbox"/> Full	R.	
<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	19. Deed-175 Candlewood Mountain Road	1/8/19	<input type="checkbox"/> ID <input type="checkbox"/> Full	S.	
<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	20. Photos - Ostrove Property	1/8/19	<input type="checkbox"/> ID <input type="checkbox"/> Full	T.	
<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	21. Posthauer 9/18/17 Letter		<input type="checkbox"/> ID <input type="checkbox"/> Full	U.	
<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	22. Photos - Miscellaneous Candlewood Mountain Road	1/8/19	<input type="checkbox"/> ID <input type="checkbox"/> Full	V.	
<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	23. Photos	1/8/19	<input type="checkbox"/> ID <input type="checkbox"/> Full	W.	
<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	24. Letter to FAA	1/8/19	<input type="checkbox"/> ID <input type="checkbox"/> Full	X.	
<input checked="" type="checkbox"/> ID <input checked="" type="checkbox"/> Full	25. FAA Response	1/8/19	<input type="checkbox"/> ID <input type="checkbox"/> Full	Y.	
<input type="checkbox"/> ID <input type="checkbox"/> Full	26.		<input type="checkbox"/> ID <input type="checkbox"/> Full	Z.	

Plaintiff's exhibits returned to	Date	Defendant's exhibits returned to	Date
Receipt acknowledged (Attorney for Plaintiff)	Date	Receipt acknowledged (Attorney for Defendant)	Date