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May 29, 2019

VIA EMAIL AND FEDEX OVERNIGHT DELIVERY

Melanie A. Bachman, Esq.
Executive Director/Staff Attorney
State of Connecticut Siting Council
Ten Franklin Square
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**RE: Petition No: 1312
Candlewood Solar, LLC – 20 MW Solar Photovoltaic Project
New Milford Assessor's Map Parcels 26/67.1, 9.6, and 34/31.1
Candlewood Mountain Road, New Milford, Connecticut—
Court-ordered remand regarding visibility**

Dear Attorney Bachman:

Enclosed, for filing with the Siting Council, please find the original and fifteen copies of the Town of New Milford's draft findings of fact.

Copies of this filing are also being provided to the parties on the service list.

Very truly yours,

CRAMER & ANDERSON, LLP

By 
Daniel E. Casagrande, Esq., Partner

DEC/smc
Enclosures

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

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. :

MAY 29, 2019

THE TOWN OF NEW MILFORD'S DRAFT FINDINGS OF FACT

The Town of New Milford (the "Town") hereby provides the Connecticut Siting Council ("Siting Council") with its draft findings of fact regarding the above-referenced proceeding:

1. The only plans available to the Connecticut Siting Council, the Town of New Milford, and other intervenors to conduct an assessment of the visual impacts of the Candlewood Solar (CS) project on the residentially zoned properties located to the south and west on Candlewood Mountain road are entitled: "CANDLEWOOD SOLAR, 20 MW (AC) Solar PV Development, Candlewood Mountain Road, New Milford, Connecticut, December 19, 2018, Issued for Construction."
2. The existing vegetation on the residentially zoned properties located on Candlewood Mountain Road to the south and west of the CS property where the solar arrays are proposed consists of large mature trees having heights in the range of 80' to 100' with a thin understory.
3. Existing plans show that the existing vegetation on the Candlewood Solar property will be entirely removed along approximately 3,000' of the residentially zoned

properties located Candlewood Mountain Road located to the south and west of the solar arrays.

4. Removal of the vegetation along the southerly and westerly property line will expose the visibility of the arrays and related site improvements from the surrounding properties.
5. The solar arrays as shown on the available plans will be highly visible from the property n/f Dunham due to the sparse vegetation and lack of a meaningful vegetative buffer.
6. CSC has previously determined that the solar arrays will be visible from Candlelight Farms Airport during leaf off conditions.
7. Solar generating facilities are classified as "Utility" under the State of Connecticut Land Use system (SLUCONN) and "industrial" under the North American Industrial Classification (NAICS).
8. The Town of New Milford recommended, and continues to recommend, that a 100-foot vegetative buffer be maintained along the boundary with the residentially zoned properties on the basis that the solar generating facility is a utility/ industrial land use that is incompatible with the adjacent current and future residential uses.
9. CS has not performed an assessment of the visual impact of the proposed development on the adjacent residentially zoned properties to the south and west.
10. CS is in the process of revising the site plans for the proposed development in order to meet the requirements of the Connecticut Department of Energy and Environmental Protection (CTDEEP) to obtain a Stormwater General Permit for Construction Sites (SWGPP).
11. CS has represented that the revised plans will show that no construction will occur within 50' of the residentially zoned properties to the south and west.
12. CS will not perform an assessment of the visual impact on the adjacent properties until the revised plans have been approved by CTDEEP.

13. Since revised plans have not been completed, it is not possible for anyone to accurately and effectively evaluate the visual impacts and identify areas where the existing vegetation is sufficient to provide an adequate buffer between the incompatible land uses and where additional plantings should be installed.
14. Revisions to the plans that were approved by CSC as part of its approval of the Development and Management Plan (D&M) will require review and approval by the CSC prior to the initiation of construction.
15. The Town of New Milford and intervenors will be permitted to review and comment on the revised plans prior to CSC approval.
16. A 100' (no construction) vegetative buffer is consistent with the intent of the New Milford Zoning Regulations to protect residential properties that abut properties to be used for industrial uses, and the revised plans shall indicate such 100' buffer on CS's property abutting the residential properties to the south and west of the project.

TOWN OF NEW MILFORD

By:



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CERTIFICATION OF SERVICE

I certify that a copy of the above was or will immediately be delivered electronically on May 29, 2019 to all counsel and self-represented parties of record and that written consent for electronic delivery was received from all counsel and self-represented parties of record who were or will immediately be electronically served.

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