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May 30, 2019

DELIVERED VIA U.S. MAIL AND E-MAIL

Melanie Bachman, Esq.
Executive Director/Staff Attorney
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

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 Remand on Visibility**

Dear Attorney Bachman:

Enclosed are the original and fifteen (15) hard copies of Candlewood Solar, LLC's proposed Draft Findings of Fact regarding visibility. Electronic copies are also being provided to the parties on the service list.

Sincerely,

MICHAUD LAW GROUP, LLC

Paul R. Michaud

CANDLEWOOD SOLAR, LLC

Draft Findings of Fact

Visibility

1. The Property Line is the outer limit of the property controlled by CS. The Limit of Work is also the tree clearing limit on the property controlled by CS that will be fifty (50) feet from the Property Line. A natural vegetated area (“buffer”) will remain between the Property Line and Limit of Work/Limit of Tree Clearing. The Fence Line is the security fence located inside the Limit of Work that will surround the solar array. The solar array will be located inside the Fence Line furthest away from the Property Line. (Remand Tr. at page 24, lines 8 through 15. and Remand CS Interrogatory Response #6b). The solar array will be further away from the boundaries of the residential properties along Candlewood Mountain Road than originally designed, further reducing any concerns about visibility from the residential properties along Candlewood Mountain Road (Remand Tr. at page 7, lines 13 through 25, and page 8, lines 1 through 2).
2. CS consents to the voluntary termination of the Major Planned Residential Development District zoning that presently applies to the property and will work with the New Milford Zoning Commission to change the zoning of the property in its entirety to the R-80 zone, which shall include a 50-foot setback (buffer) from the Property Line. (Remand CS Interrogatory Response #6f).
3. The solar panels will be black or a light or dark blue in color with an anti-reflective coating to reduce reflection as much as possible. The solar array will also be shielded in all directions by tree buffers. (Original Hearing CS 2, responses 27 and 40; CS 13a, Sheets E-100). There are existing forested areas in most directions on adjacent parcels, further shielding the array from view. (Remand CS Interrogatory Response #6c). Shielding does not necessarily mean not visible but refers to limiting or obscuring a view. (Remand Tr. at page 9, lines 13 through 22). Additionally, the maximum height of the solar panels is 7 feet at a 12-degree tilt. (Remand Tr. at page 16, lines 11 through 14).
4. Where a lack of vegetative screening in the buffer zone is a concern, additional vegetative screening may be installed to further minimize the visual impacts on abutting residential properties. The PILOT agreement, which is a contractual agreement between CS and the Town of New Milford includes a provision whereby CS must take out a surety construction bond in the amount of \$100,000, which will cover the performance and cost of any additional landscaping required to be installed by the developer to address adverse visual impacts attributable to construction, installation and operation of the solar array beyond impact presented to the Town and the Council by CS as determined by the Council with input from relevant Town departments. (Remand CS Interrogatory Response #6b, and Environmental Assessment, Attachment C, and Remand Tr. at page 8, lines 17 through 25, and page 9, lines 1 thought 22).

5. The Limit of Work from the approved solar array to Candlelight Farms Airport is approximately 2,200 feet. (Remand CS Interrogatory Response #6a).
6. The closest distance from the approved project's Limit of Work to the nearest residential structure (guest house at 183 Candlewood Mountain Road) is approximately 280 feet (Remand CS Interrogatory Response #3), and this structure is approximately 350 feet from the project's Fence Line. (Remand CS Interrogatory Response #6b). The 50-foot setback (buffer) will increase the distance between the nearest residential structure (guest house at 183 Candlewood Mountain Road) and the Limit of Work/Limit of Tree Clearing to 330 feet. (Remand Tr. at page 23, lines 18 through 20). Although in leaf off conditions the project may be visible from the airport (Original Hearing, Finding of Fact No. 224), the fact that the residential properties along Candlewood Mountain Road may be at or near the same elevation as the airport does not mean that the project will be visible from those properties.
7. The closest distance from the solar array Limit of Work to the nearest residential structure (guest house at 183 Candlewood Mountain Road) is approximately 280 feet (Remand Hearing CS response #3), and this structure is approximately 350 feet from the solar array Fence Line. (Remand CS Interrogatory Response #6b).
8. The distance from the project's access road to the nearest residential property line is approximately 20 feet, and the distance from the project's access road to the nearest residential structure is approximately 160 feet. (Remand CS Interrogatory Response #3).
9. The construction period shall be approximately 12 months. It is anticipated that during construction an average of 20 trucks per day will enter and exit the project site. Once construction is complete, one truck will enter and exit the site once per month or less frequently for routine inspections and maintenance. (Remand CS Interrogatory Response #'s 6c, 11 and 12).
10. Construction hours for the solar project are anticipated to follow the Town of New Milford's regulatory requirements. Sunday and night work are not anticipated but should additional work time be required on Sundays or evenings, CS will coordinate this work with the Town of New Milford. (Remand CS Interrogatory Response #6g).
11. Following construction of the solar array, the approximately five-acre field to be used as a staging area adjacent to Candlewood Mountain Road will be restored back to preconstruction conditions (meadow/field) and left as open space. (Remand CS Interrogatory Response #12).
12. CS submitted 21 FAA Determinations of No Hazard to Air Navigation and analyzed the potential glare impacts to planes taking off or landing via the two principal directions for Candlelight Farms Airport. (Original Hearing CS 2, Response 40; Tr. 1, pp. 15-16 and Remand Hearing CS Interrogatory Response #6e).

13. The No Hazard Determinations are based on the height and location of the proposed facility, not glare-related issues. (Original Hearing Tr. 1, pp. 15-16)
14. FAA does not require a glare analysis for this project. Notwithstanding, a glare analysis has been performed using the Solar Glare Hazard Analysis Tool developed by Sandia National Laboratory. The analysis shows that the glare hazard is minimal and at acceptable levels for safe airport operation. (Original Hearing Tr. 1, p. 16; Tr. 3, p. 78; CS 1, p. 26)
15. A shading analysis was performed, and Candlewood Solar accepts any loss of production by the solar panels due to portions of the solar panels being shaded. (Remand CS Interrogatory Response #10).
16. The nearest public recreation area is the approximately 5,420-acre Candlewood Lake, located approximately 815 feet east of the proposed revised solar array and approximately 467 feet east of the electrical interconnection corridor. Lynn Deming Park is located on the northeastern side of Candlewood Lake (approximately 1,698 feet from the edge of the proposed revised solar array) and includes the use of the lakefront and the lake. Recreational uses associated with Lynn Deming Park and Candlewood Lake include but are not limited to swimming, picnicking, fishing, boating, kayaking, canoeing, scuba diving, and water skiing. (Original Hearing CS 2, responses, 11, 12 and 13; CS 13a, Sheet E100; CS 13c, p. 2).
17. For the originally proposed project, CS does not expect that the solar array or associated electrical interconnection poles would be visible from any portion of the main body of Candlewood Lake. Moreover, CS does not expect that the changes from the originally proposed project to the proposed revised project will change the visibility from Candlewood Lake. (Original Hearing CS 2, response 13; CS 13c, p. 3).
18. An approximately 100-foot section of the electrical interconnection route may be visible from the discharge canal to the northeast of Lynn Deming Park, but not from the main body of Candlewood Lake. (Original Hearing CS 2, response 13).
19. The relocation of a portion of the electrical interconnect route east of the facility to old road cut would not provide any new views of the electrical interconnect route from Candlewood Lake. (Original Hearing CS 13c, p. 3-4).
20. Across Candlewood Lake, by Lynn Deming Park, the proposed revised solar array would not be visible, nor would the electrical interconnect. (Original Hearing Tr. 4, p. 113).
21. The Housatonic Range Trail/Blue Trail System is approximately 933 feet north of the northern limit of work associated with the proposed project and approximately 963 feet north of the project fence line. Views of the trail would be screened from existing intervening vegetation. (Original Hearing CS 13c, p. 2; Tr. 4, pp. 115-116).

22. The 100-foot buffer area requirement outlined in Section 130-040 of the Town of New Milford Zoning Regulations applies to specific zones and districts where any parcel in any of these zones is used for a use other than a single family residence and abuts a residentially zoned parcel containing a single family dwelling or a multi-family dwelling. The project site, the parcel, is not located within any of the zones outlined in Section 130-040 of the New Milford Zoning Regulations either as it is currently zoned, Major Planned Residential Development or under the R-80 zone which is what the Town, in the PILOT agreement, requested the parcel be changed. (Remand Tr. at page 34, lines 11 through 22, and the Town of New Milford Responses to Council Interrogatories for Court-Ordered Remand Regarding Visibility and attachments, Tab B).