



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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Hearing Program
Petition No. 1312
Tuesday, May 14, 2019
Court-Ordered Remand Regarding Visibility Hearing
1 p.m.
Hearing Room Two, Ten Franklin Square
New Britain, CT 06051

- I. Opening by Council
 - A. Statement read by Chair.
 - B. Comments by Public Official(s) (if any)
 - C. Motions (if any)
 - D. Administrative Notice taken by Council

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MAPS

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E. State Agency comments

1. State of Connecticut Department of Transportation, dated August 28, 2017
2. State of Connecticut Council on Environmental Quality, dated August 30, 2017
3. Department of Energy and Environmental Protection's Interrogatory Responses to the Town of New Milford, Set One, dated September 19, 2017
4. State of Connecticut Department of Energy and Environmental Protection, dated September 21, 2017

F. Public Official comments

1. United States Senator Richard Blumenthal and Congresswoman Elizabeth H. Esty, dated September 22, 2017
2. State Representative Richard A. Smith, 108th District, dated September 21, 2017

II. Appearance by Project Developer: Candlewood Solar, LLC
Representative: Paul R. Michaud, Esq.
Michaud Law Group LLC

A. Administrative Notice.

1.

B. Exhibits for Identification.

1. Petition for a Declaratory filed by Candlewood Solar, LLC, received June 28, 2017, and attachments.
2. Candlewood Solar, LLC's Responses to Council Interrogatories, Set One, dated August 28, 2017
3. Candlewood Solar, LLC's Pre-filed Testimony, dated September 19, 2017
 - a. Jim Walker, Ameresco, Inc.
 - b. Joel Lindsay, Ameresco, Inc.
 - c. Robert Bukowski, Pamela M. Chan, Amec Foster Environment & Infrastructure, Inc. and Brian Butler, Oxbow Associates, Inc.
4. Candlewood Solar, LLC's Responses to Town Interrogatories, Set One, dated September 19, 2017
5. Candlewood Solar, LLC's Affidavit of Sign Posting with Photograph, dated September 19, 2017
6. Candlewood Solar, LLC's Witness Resumes and Company Qualifications and Experience, received September 19, 2017
 - a. Jim Walker, Ameresco, Inc.
 - b. Joel Lindsay, Ameresco, Inc.
 - c. Amec Foster Wheeler Statement of Qualifications
 - d. Robert Bukowski, Amec Foster Environment & Infrastructure, Inc
 - e. Pamela M. Chan, Amec Foster Environment & Infrastructure, Inc.
 - f. Brian Butler, Oxbow Associates, Inc.
 - g. Oxbow Associates, Inc. Statement of Qualifications
7. Candlewood Solar, LLC's Phase IA Cultural Resources Assessment Survey of the Proposed Candlewood Solar Facility in New Milford, Connecticut, September 2017
8. Candlewood Solar, LLC's Federal Aviation Administration Determination of No Hazard to Air Navigation Letters, received September 19, 2017
9. Candlewood Solar, LLC's Supplemental Sign Posting Affidavit, signed and dated September 25, 2017
10. Candlewood Solar, LLC's Field Review Map, received September 25, 2017
11. Candlewood Solar, LLC's Responses to Council Interrogatories, Set Two, with attachments, dated October 24, 2017
12. Candlewood Solar, LLC's Responses to Council Interrogatories, Set Three, dated October 24, 2017
13. Candlewood Solar, LLC's Supplemental Pre-filed Testimony with attachments, dated October 24, 2017
 - a. Joel Lindsay, Ameresco, Inc.
 - b. Robert Bukowski, Amec Foster Environment & Infrastructure, Inc.
 - c. Patricia Foster, Amec Foster Environment & Infrastructure, Inc.

14. Resume of Patricia Foster
15. Conservation Restriction Area, dated October 24, 2017
16. Updated Proposed Conditions Map, dated October 24, 2017
17. Revised Response to Council Interrogatory #14 including Phase 1B Report, dated October 24, 2017
18. Oxbow Species Account Report, dated October 20, 2017
19. Correspondence to DEEP NDDDB from Amec Foster Wheeler, dated October 27, 2017
20. Correspondence to SHPO from Amec Foster Wheeler, dated October 26, 2017
21. Candlewood Solar LLC's Responses to Council Interrogatories for Court-Ordered Remand Regarding Visibility and attachments, dated May 2, 2019

C. Swear Witnesses

1. Jim Walker, Ameresco, Inc.
2. Joel Lindsay, Ameresco, Inc.
3. Robert Bukowski, Amec Foster Wheeler Environment & Infrastructure, Inc.
4. Pamela Chan, Amec Foster Wheeler Environment & Infrastructure, Inc.
5. Brian Butler, Oxbow Associates, Inc.
6. Patricia Foster, Amec Foster Wheeler Environment & Infrastructure, Inc.

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Town of New Milford
3. Department of Agriculture (DOAg)
4. Rescue Candlewood Mountain

III. Appearance by Party: Town of New Milford

Representative: Daniel E. Casagrande, Esq.
Cramer & Anderson LLP

A. Administrative Notice.

1. FUSS & O'NEILL, *Low Impact Development Appendix to the Connecticut Stormwater Quality Manual*, August 2011, Partners for the Connecticut Low Impact Development and Stormwater General Permit Evaluation- Connecticut, *available at* http://www.ct.gov/deep/lib/deep/water/nps/swgp/lid_stormwaterfinal.pdf
2. FUSS & O'NEILL, *Low Impact Development Appendix to the Connecticut Guidelines for Soil Erosion and Sediment Control Manual*, August 2011, Partners for the Connecticut Low Impact Development and Stormwater General Permit Evaluation- Connecticut, *available at* http://www.ct.gov/dot/lib/dot/documents/dpolicy/waternoise/compliance/helpsoftware/Report_LIDAppendixSoilErosion&SedimentControl_20110800.pdf

B. Exhibits for Identification.

1. Town of New Milford's Request for Party Status, dated July 19, 2017
2. Town of New Milford's Zoning Commission Correspondence, dated July 14, 2017

3. Town of New Milford's Planning Commission Correspondence, dated July 24, 2017
4. Town of New Milford's Zoning Commission Regular Meeting Minutes, dated July 25, 2017
5. Town of New Milford's Zoning Commission Correspondence, dated September 11, 2017
6. Town of New Milford's Office of Inland Wetlands Commission Correspondence, dated September 18, 2017
7. Town of New Milford's Conservation Commission Correspondence, dated September 18, 2017
8. Town of New Milford's Farmland & Forest Preservation Committee Correspondence, dated September 18, 2017 and Attached Memorandum, dated December 7, 2016
9. Town of New Milford's Responses to Council Interrogatories for Court-Ordered Remand Regarding Visibility and attachments, dated May 1, 2019
10. Town of New Milford's Pre-filed Testimony of Vincent C. McDermott and Matthew J. Sanford and attachments, dated May 6, 2019

C. Swear Witnesses

1. William Taylor, Chairman, New Milford Zoning Commission
2. Laura Regan, Land Use Supervisor/Zoning Enforcement Officer, Town of New Milford
3. James Ferlow, Inland Wetlands Enforcement Officer, New Milford Inland Wetlands & Watercourses Commission
4. Steve Kleppin, Chairman, New Milford Farmland & Forest Preservation Committee
5. Vincent C. McDermott, FASLA, AICP, Milone & MacBroom, Inc.
6. Matthew J. Sanford, PWS, Milone & MacBroom, Inc.

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Candlewood Solar
3. DOAg
4. Rescue Candlewood Mountain

IV. Appearance by Party: Department of Agriculture

Representative:

A. Administrative Notice.

B. Exhibits for Identification.

1. Department of Agriculture's Request for Party Status, dated August 1, 2017
2. Department of Agriculture's Responses to Council Interrogatories, Set I, dated October 20, 2017

C. Swear Witnesses

1. Kipen Kolesinskas, Consulting Conservation Scientist
2. Stephen Anderson

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Candlewood Solar
3. Town of New Milford
4. Rescue Candlewood Mountain

V. Appearance by Party and CEPA Intervenor: Rescue Candlewood Mountain

Representative: Daniel E. Casagrande, Esq.
Cramer & Anderson LLP

A. Administrative Notice.

1. CONNECTICUT GENERAL ASSEMBLY, *Public Act 17-218 - An Act Concerning the Installation of Certain Solar Facilities on Productive Farmlands, Incentives for the Use of Anaerobic Digesters by Agricultural Customer Hosts, Applications Concerning the Use of Kelp in Certain Biofuels and the Permitting of Waste Conversion Facilities, Sections 1 and 2*, Raised S.B. No. 943 Session Year 2017, effective July 1, 2017, available at <https://www.cga.ct.gov/2017/ACT/pa/2017PA-00218-R00SB-00943-PA.htm>
2. UNIVERSITY OF CONNECTICUT-COLLEGE OF AGRICULTURE AND NATURAL RESOURCES, *Core Forest Explained*, Center for Land Use Education and Research (CLEAR), available at http://clear.uconn.edu/projects/landscape/forestfrag/measuring/core_explained.htm
3. UNIVERSITY OF CONNECTICUT-COLLEGE OF AGRICULTURE AND NATURAL RESOURCES, *Landscape Fragmentation Tool (LFT)*, v. 2.0, Center for Land Use Education and Research (CLEAR), available at <http://clear.uconn.edu/tools/lft/lft2/index.htm>

B. Exhibits for Identification.

1. Rescue Candlewood Mountain's Request for Party and CEPA Intervenor Status, dated September 6, 2017
2. Rescue Candlewood Mountain's Comments from Carl M. Dunham, Jr., dated July 19, 2017
3. Rescue Candlewood Mountain's Comments from Lisa Ostrove, dated July 19, 2017
4. Rescue Candlewood Mountain's Comments from Lisa Ostrove, dated July 26, 2017
5. Rescue Candlewood Mountain's Comments from Timothy Abbott, Housatonic Valley Association, dated July 26, 2017
6. Rescue Candlewood Mountain's Pre-filed Testimony, dated September 19, 2017
 - a. Starling Childs
 - b. Timothy Abbott
 - c. Russell Posthauer
 - d. Lisa Ostrove
 - e. Carl Dunham
7. Rescue Candlewood Mountain's Comments from Ostrove family, dated October 8, 2017
8. Rescue Candlewood Mountain's Supplemental Pre-filed Testimony of Russell Posthauer, dated October 20, 2017
9. Rescue Candlewood Mountain's Responses to Council Interrogatories, dated October 24, 2017
10. Candlewood Mountain Core Forest Habitat Map, submitted November 14, 2017
11. Rescue Candlewood Mountain's Responses to Council Interrogatories for Court-Ordered Remand Regarding Visibility and attachments, dated May 1, 2019

12. Rescue Candlewood Mountain's Pre-filed Testimony of Carl M. Dunham, Jr. and attachments, dated May 6, 2019

C. Swear Witnesses

1. Starling Childs, Connecticut Forester
2. Timothy Abbott, Regional Land Protection and Greenprint Director, Housatonic Valley Association
3. Russell Posthauer, P.E., CCM Engineering
4. Lisa Ostrove
5. Carl M. Dunham, Jr.

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Candlewood Solar
3. Town of New Milford
4. DOAg

VI. Closing by Connecticut Siting Council.