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SUPERIOR COURT

2019 MAR 5 PM 4 03

JUDICIAL DISTRICT OF
NEW BRITAIN SUPERIOR COURT

CV 18 6042335 S

RESCUE CANDLEWOOD MOUNTAIN, : JUDICIAL DISTRICT
ET AL.

V. : OF NEW BRITAIN

CONNECTICUT SITING COUNCIL, : MARCH 5, 2019
ET AL.

CV 18 5021642 S : SUPERIOR COURT

CARL M. DUNHAM, JR. : JUDICIAL DISTRICT

V. : OF NEW BRITAIN

CONNECTICUT SITING COUNCIL, : MARCH 5, 2019
ET AL.

ORDER

This appeal is pending a ruling on the plaintiffs' aggrievement. Hearings were held on this issue on December 4, 2018, January 8, 2019, and January 9, 2019. The court has reviewed the record as presented at these hearings and has decided to remand these appeals to the defendant Siting Council. The basis of the remand is solely to clarify whether the findings and the opinion of the Siting Counsel on visibility agree with the agency record. See *Commission on*

(2335 #148)
(-1412 #134)

Human Rights & Opportunities v. Hartford, 138 Conn. App. 141, 154, note 9 (2012): “By analogy, a trial court hearing administrative appeals has the same power [as the appellate courts for a further articulation under Practice Book § 60-5], which sometimes is necessary to reach a reasoned and informed decision.”

The court has identified the following findings and sections of the opinion of the Siting Council as the matters to be addressed. These are not exclusive of any other findings or portions of the opinion that the Siting Council may further address. Findings ## 112, 218, 219, 221, 222, 224, and 273. There is also a finding referencing the Town zoning commission recommending a 100 foot buffer around the project. (Finding # 30). The relevant visibility discussion is found in the opinion at 2526. The plaintiffs have also cited to a conditions map in the record. Finally the environmental assessment, Exhibit B (Record 231-237) states that “the existing trees . . . would remain and provide a visual buffer.” The testimony in this court on January 9, 2019 indicates that the foregoing statement is incorrect, due to the intended tree removal by Candlewood Solar, LLC.

The court also asks that the attorney for Candlewood Solar, Paul Michaud, to contact DEEP, and to write to the court and the parties regarding the status of the issuance by DEEP of the storm water plan. (Siting Council order at 2531).

SO ORDERED.

BY THE COURT

A handwritten signature in black ink, appearing to read "H.S. Cohn", written in a cursive style.

Henry S. Cohn, J.T.R.