



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

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### VIA ELECTRONIC MAIL

February 25, 2019

Lee D. Hoffman, Esq.  
Pullman & Comley, LLC  
90 State House Square  
Hartford, CT 06103-3702

RE: **PETITION NO. 1313** – DWW Solar II, LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of a 26.4 megawatt AC solar photovoltaic electric generating facility on approximately 289 acres comprised of 5 separate and abutting privately-owned parcels located generally west of Hopmeadow Street (US 202/CT 10), north and south of Hoskins Road, and north and east of County Road and associated electrical interconnection to Eversource Energy's North Simsbury Substation west of Hopmeadow Street in Simsbury, Connecticut.

Dear Attorney Hoffman:

The Connecticut Siting Council (Council) requests your responses to the enclosed questions no later than March 12, 2019.

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.

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.

Sincerely,

Melanie A. Bachman  
Executive Director

c: Council Members  
Parties and Intervenors  
Aaron Svedlow, DWW Solar II, LLC  
Christopher Thurman, DWW Solar II, LLC

MB/RDM/CW



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### Petition No. 1313 DWW Solar II, Simsbury

#### Development and Management Plan Interrogatories

February 25, 2019

1. Has DWW entered into a written agreement with the Town of Simsbury, or other third party, in connection with the proposed walking path? If so, please submit a copy of the agreement pursuant to Connecticut General Statutes §16-50o.
2. In connection with the proposed walking paths through the site:
  - a. Who is liable for any personal injury? Does DWW have an insurance policy to cover any such liability?
  - b. The walking paths are adjacent to detention basins. Will there be protective barriers to ensure walking path users do not accidentally fall into the basins?
  - c. What recreational activities are permitted on the walking trails? Are any recreational activities prohibited, such as all-terrain vehicle use? If so, how would restrictions be enforced or the trail secured against such use?
  - d. The path is adjacent to two abandoned barns. Will the barns be secured to prevent trespass?
  - e. How will emergency access to the trail be maintained in the event of an injury or emergency?
  - f. Who is responsible for maintenance? What type of maintenance is necessary and how frequently would maintenance activities occur? (maintenance was not provided in the Vegetation Maintenance Plan)
  - g. What are the hours of accessibility? Are the hours of accessibility limited or unlimited?
  - h. Will there be signs posted related to the hours of accessibility, permitted and prohibited uses, etc.?
  - i. What measures are proposed to enforce security and deter vandalism?
  - j. Who will be responsible for responding to concerns and/or complaints related to the proposed walking path?
  - k. How will pet waste and litter along the walking path and solar field be managed?
3. Page 10 of the Council's December 21, 2017 Opinion under "Project Modifications" states, "DWW also proposed to incorporate wood chip walking paths on portions of the Project Site based on comments from area residents who currently walk on the portions of the private property. **The installation of walking paths is not necessary for operation of the facility and thus the Council will not order the inclusion of walking paths within the D&M Plan. The walking paths may have to be eliminated to account for Project Site re-configuration based on final stormwater features, access road alignment, or for expansion of certain solar arrays if solar panels are relocated from other areas of the Project Site.** (Emphasis added.)
  - a. What is the total area in acreage or square feet of the proposed walking path?
  - b. Did DWW explore use of the proposed walking path area, or any portion thereof, for expansion of the project site in lieu of leasing the additional parcel?
  - c. Did DWW explore use of the proposed walking path area, or any portion thereof, for additional vegetative screening?

4. Given the re-design of the Project and the re-location of all project-related equipment from Parcel 5 to other Project parcels, does DWW still intend to purchase Parcel 5?
5. Is the Project still rated at 26.5 MW AC?
6. Has the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities been filed with DEEP? What is its current status?
7. Does the proposed Landscape Plan conform to Town of Simsbury zoning regulations?
8. The Project clearing limit includes the clearing of an existing wooded buffer along the property line that abuts three residential properties on Howard Street. Can the solar arrays in this general area be shifted to the west, into the existing, unused open field area between wetland 4 and the proposed perimeter access drive in order to retain the existing vegetative buffer? Additionally, is it possible to eliminate the portion of the perimeter access road in this area to further accommodate a shift of the solar arrays to the west?
9. Please elaborate on D&M Plan Exhibit C, Section 2.30.1. Are high concentrations of soil contaminants expected? What contaminants are referred to?
10. D&M Plan Exhibit K, Section 3.4 and Site Plan Sheet C-1.2 states a state-listed plant species was previously identified in the Eversource right-of-way. Is the identified location within the Project disturbance limit? If so, what types of disturbance would occur? If not, does DWW intend to fence off this location? The D&M Site Plans do not show isolation/protection of this previously identified location.
11. D&M Plan Exhibit K, Section 5 states existing culverts would be inspected to confirm they are capable of supporting construction equipment. When would the inspections occur? If a culvert is not found to be structurally adequate, would it be replaced as a change to the D&M Plan?
12. D&M Plan Exhibit K, Section 7.3 states when necessary, topsoil will be windrowed and stabilized for use after decommissioning. What activity determines if topsoil storage is necessary? Where on the site are the proposed topsoil storage locations?
13. Referring to Exhibit N, please address the following
  - a. The work hours listed in Section 3.3.1 do not match the hours listed on D&M Plan p. 8;
  - b. Section 3.3.3, what is considered “normal daytime working hours”?
  - c. Section 4.2, has DWW consulted with the Town regarding children walking to school past the work site and laydown access points on Hoskins Road, and any related truck traffic time restrictions?