

VIA ELECTRONIC MAIL

December 1, 2017

Melanie.bachman@ct.gov
Siting.council@ct.gov

Ms. Melanie A. Bachman, Esq., Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06501

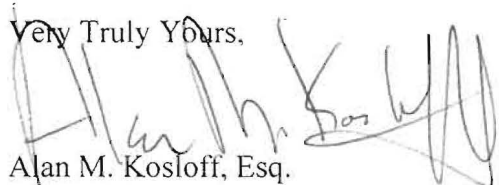
Re: Petition 1313 -DWW Solar II, LLC Petition for Declaratory Ruling that No Certificate of Environmental Compatibility and Public Need Is Required for a 26.4 Megawatt AC Solar Photovoltaic Electric Generating Facility in Simsbury, Connecticut

Dear Attorney Bachman:

Attached please find our Memorandum in Opposition to Petition along with two attachments: (1) a certified copy of a warranty deed from Girard Brothers Corporation to Sunlight Construction Inc. dated March 1, 2016 and recorded at Vol. 898, p. 383 of the Simsbury Land Records, and (2) a certified copy of the map referenced in the deed, map 3138, also on file in the Town Clerk's Office of the Town of Simsbury. An original and fifteen (15) copies of same have also been mailed to you via First Class Mail. postage pre-paid.

Please note that I have used a larger font than usual for the Memorandum in order to make the footnotes easier to read.

Very Truly Yours,


Alan M. Kosloff, Esq.

Enclosures

Cc: Service List (via electronic mail)

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

DWW SOLAR II, LLC PETITION FOR
DECLARATORY RULING THAT NO
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED
IS REQUIRED FOR A 26.4 MEGAWATT
AC SOLAR PHOTOVOLTAIC ELECTRIC
GENERATING FACILITY IN SIMSBURY
CONNECTICUT

PETITION NO. 1313

November 30, 2017

**MEMORANDUM IN OPPOSITION TO DWW SOLAR II, LLC'S ("DWW
SOLAR") PETITION FOR DECLARATORY RULING**

Michael Flammini, Laura Nigro, Linda Lough, Lisabeth Shlansky, Zhenkui Zhang, John Marktell, Rob Perissi, Ed Wrobel and Christine Kilbourn-Jones ("Homeowner Parties") hereby join in the Connecticut Department of Agriculture's ("DOA") and Town of Simsbury's ("Simsbury") Memoranda in Opposition to DWW Solar's Petition.

In addition, the Homeowner Parties advance the following arguments:

FACTS:

DWW Solar seeks to gain approval of its solar power project ("Project") not by way of a Certificate of Environmental Compatibility and Public Need, but through a procedure in avoidance of that Certification process, specifically by seeking a declaratory ruling pursuant to Conn. Gen. Stat. §16-50k that a Certificate

is not required. It does so on the grounds that as a “grid side distributed resource” that generates up to 65 megawatts capacity that are connected to the transmission or distribution grid, it is entitled to avail itself of this abbreviated procedure. DWW Solar has made no showing that its Project has been approved by the Public Utility Regulatory Authority (“PURA”), successor to the Department of Public Utility Control (“DPUC”), nor could it because all of the energy generated by the Project will be sold to out-of-state customers.¹ Thus, the Project does not produce electric capacity for Connecticut customers. In fact, DWW Solar has admitted that its Project does not fulfill a “Public Need”; nor does its Petition establish that its Project fulfills a “Public Benefit.”

In the course of attempting to perfect its petition, DWW Solar purportedly gave notice pursuant to R.C.S.A. § 16-50j-40, *inter alia*, to “each person. . . appearing of record as an owner of property which abuts the proposed primary or alternative sites of the proposed facility”

¹ See Petitioner’s response to Flaminni, et al’s interrogatory 13: “Petitioner states in its answer to the Council's interrogatory #39 that the power generated by this project "will be sold in accordance with the terms of the project's PPAs." (a) Will any of the power purchasers be Connecticut customers?

RESPONSE: No”

ARGUMENTS:

I. DWW SOLAR FAILED TO GIVE NOTICE TO EACH PERSON APPEARING OF RECORD AS AN ABUTTING OWNER; THIS PROCEEDING IS THEREFORE VOID

Conn. Gen. Stat. §4-176(a) provides that,

“Within thirty days after receipt of a petition for a declaratory ruling, an agency shall give notice of the petition to all persons to whom notice is required by any provision of law and to all persons who have requested notice of declaratory ruling petitions on the subject matter of the petition.”

In this context, the term “all persons to whom notice is required by any provision of law” means those required by R.C.S.A. § 16-50j-40 to be notified. Attached hereto is (1) a certified copy of a warranty deed from Girard Brothers Corporation to Sunlight Construction Inc. dated March 1, 2016 and recorded at Vol. 898, p. 383 of the Simsbury Land Records, and (2) a certified copy of the map referenced in the deed, map 3138, also on file in the Town Clerk’s Office of the Town of Simsbury. We ask that these documents be marked and entered as Homeowner Parties Exhibits.² A comparison of the deed’s property description

² These documents were recently discovered; they would normally have been introduced as “rebuttal evidence”; however, at the last hearing session on November 2, the Council decided to abruptly end the hearing without giving the parties an opportunity to present rebuttal testimony or exhibits, thus, they are being offered now. Moreover, as the matters raised by the documents go to the subject matter jurisdiction of the Council to act on the Petition, such evidence may be presented at any time. Please note that the documents have been certified true copies by the Simsbury Town Clerk, and are therefore self-authenticating.

and the property as shown on map 3138 shows that this property abuts the DWW Solar Project along the eastern boundary of the Project site. A review of DWW Solar's Abutting Property Owner List and Notice³ reveals no mention of Sunlight Construction Inc. as having been notified pursuant to law.

Our courts have consistently refused to consider the adequacy of public notice to be a merely procedural matter and have unwaveringly treated failure to give proper public notice as a jurisdictional defect. *Wright v. Zoning Board*, 174 Conn. 488, 491, 391 A.2d 146 (1978); *Jarvis Acres, Inc. v. Zoning Commission*, 163 Conn. 41, 44, 301 A.2d 244 (1972); *Hartford Electric Light Co. v. Water Resources Commission*, 162 Conn. 89, 109, 291 A.2d 721 (1971), cited in *Sylvester Cocivi et al. v. Zoning Commission*, 20 Conn.App. 705, 707 (1990).

In *Hartford Electric Light Company v. Water Resources Commission*, 162 Conn. 89, 109 (1971) our Supreme Court stated,

“Failure to give proper notice constitutes a jurisdictional defect. *Hutchison v. Board of Zoning Appeals*, 138 Conn. 247, 251, 83 A.2d 201. Such a defect would result in lack of due process of law. *Hartford Trust Co. v. West Hartford*, 84 Conn. 646, 650, 81 A. 244. If the W.R.C. lacked jurisdiction, its determination was void. *Smith v. F. W. Woolworth Co.*, 142 Conn. 88, 93, 111 A.2d 552.”

³ DWW Solar's Petition, Exhibit E.

Thus, DWW Solar’s failure to adhere to the public notice requirements renders this proceeding void.

II. DWW SOLAR IS NOT ENTITLED TO AVAIL ITSELF OF THIS DECLARATORY RULING PROCEDURE

The language allowing so-called “grid side distributed resources” to avoid Certification proceedings by petition for declaratory ruling pursuant to Conn. Gen. Stat. §16-50k was added to the Public Utility Environmental Standards Act by Public Act 05-1. A fair reading of P.A. 05-1 demonstrates that it was intended to expedite Siting Council approvals of projects that were either approved by DPUC through a DPUC RFP process or were ordered to be developed by DPUC. Nowhere in P.A. 05-1 is there a manifestation of legislative intent to extend the privileges of the expedited declaratory procedure to projects that were not so approved or so ordered. Indeed, P.A. 05-1, S. 19 (codified as Conn. Gen. Stat. § 16-243r) expressly excludes grid-side distributed resources from the provisions of Conn. Gen. Stat. §16-50k unless those projects “add electric capacity.”⁴ Excerpts

⁴ See Conn. Gen. Stat. §16-243r:

“Sec. 16-243r. Customer-side distributed resources and grid-side distributed resources. Qualifications for applicability of certain provisions. The

from the OLR Research Report on LCO 6927, an intermediate draft of the bill that eventually became P.A. 05-1, confirm the specific legislative intent described above.⁵

provisions of sections 7-233y, 16-1, 16-32f, 16-50i, **16-50k**, 16-50x, 16-243i to 16-243q, inclusive, 16-244c, 16-245d, 16-245m, 16-245n, 16-245z and 16-262i and section 21 of public act 05-1 of the June special session **apply to new customer-side distributed resources and grid-side distributed resources developed in this state that add electric capacity** on and after January 1, 2006, and shall also apply to customer-side distributed resources and grid-side distributed resources developed in this state before January 1, 2007, that (1) have undergone upgrades that increase the resource's thermal efficiency operating level by no fewer than ten percentage points or, for resources that have a thermal efficiency level of at least seventy per cent, have undergone upgrades that increase the resource's turbine heat rate by no fewer than five percentage points and increase the electrical output of the resource by no fewer than ten percentage points, (2) operate at a thermal efficiency level of at least fifty per cent, and (3) add electric capacity in this state on or after January 1, 2007, provided such measure is in accordance with the provisions of said sections 7-233y, 16-1, 16-32f, 16-50i, 16-50k, 16-50x, 16-243i to 16-243q, inclusive, 16-244c, 16-245d, 16-245m, 16-245n, 16-245z and 16-262i and section 21 of public act 05-1 of the June special session*. On or before January 1, 2009, the Public Utilities Regulatory Authority, in consultation with the Office of Consumer Counsel, shall report to the joint standing committee of the General Assembly having cognizance of matters relating to energy regarding the cost-effectiveness of programs pursuant to this section.

(June Sp. Sess. **P.A. 05-1, S. 19**; P.A. 07-242, S. 18; P.A. 11-80, S. 1; P.A. 13-5, S. 36; P.A. 14-134, S. 122.)” (emphasis added)

⁵ The bill requires electric utilities to identify, by August 1, 2005, real property owned by the utility, its parent company, or affiliate that it could lease to a successful bidder in the first RFP described below for use in grid-side distributed resources projects.

DPUC must identify, by October 1, 2005, (1) the locations of new generating facilities with a capacity of up to 65 megawatts that would create the greatest reduction in FMCCs in the period 2006 through 2010, (2) the appropriate size, fuel source, and operating features of these resources, and (3) other distributed resources.

DPUC must develop, through a contested case completed by January 1, 2006, principles and standards for the two RFPs described below. DPUC must conduct the first RFP by May 1, 2006. DPUC can retain a consultant to help develop the RFP and help it to pick the winning bidders. The cost of the consultant is recoverable through the FMCC charge.

The first RFP must seek proposals to reduce FMCCs over the period 2006 through 2010. The proposals can be for customer-side or grid-connected distributed resources with a capacity of up to 65 megawatts or contracts between a utility and another party for up to 15 years to buy generation capacity rights in the area where the utility is authorized to operate. Proposals for grid-connected resources and long-term contracts must include a draft contract for transferring the capacity rights associated with the proposal. Utilities cannot submit proposals, but their affiliates can, subject to the laws that govern interactions between utilities and their affiliates. All proposals must agree to forgo or credit locational installed capacity payments and similar payments. DPUC must publicize the RFP in several ways.

By August 1, 2006, DPUC must evaluate all of the proposals and approve those that result in the greatest reduction of FMCCs during the designated period. **Approved projects are eligible to enter into long-term contracts with the utilities, with DPUC approval and are eligible for approval from the Siting Council by declaratory ruling under certain circumstances.** Approved customer-side distributed resources projects are eligible for long-term financing and the natural gas, and backup power subsidies described above, but not the capital subsidy.

DPUC must approve a long-term contract for it to become effective. For DPUC to approve a contract, it must (1) result in the lowest reasonable costs, (2) increase reliability, and (3) minimize FMCCS over time. Utilities that enter into such contracts must either sell capacity rights into market or retain them for services they provide to customers who do not choose competitive suppliers. Contracts costs are recovered through the FMCC charge. OLR Research Report, May 27, 2005, 2005-R-0514 “Analysis of Amendment to AAC Energy Independence”, Kevin E. McCarthy, Principal Analyst, at pp. 6 – 7. . . **By law, a Siting Council certificate is needed to build most types of power plants, and one of the factors the council must consider is whether the plant produces a public benefit. The bill establishes a rebuttable presumption that there is public benefit in building the projects approved by DPUC in the RFPs and projects that DPUC has ordered a utility to build.** OLR Research Report, at p. 7 (emphasis added)

* * * * *

The bill specifies that its provisions apply to distributed resources developed in Connecticut that add capacity on or after January 1, 2006 **and in accordance with its provisions.** Id., p. 10. (emphasis added)

Against this background, DWW Solar is not entitled to avail itself of the declaratory ruling procedure and its petition must be denied.

III. DWW SOLAR IS NOT ENTITLED TO SITING COUNCIL APPROVAL OF ITS PROJECT BECAUSE THE PROJECT DOES NOT SATISFY A PUBLIC NEED NOR DOES IT CONSTITUTE A "PUBLIC BENEFIT" WITHIN THE MEANING OF CONN. GEN. STAT. §16-50p

DWW Solar has admitted that its Project does not fulfill a "Public Need" as defined in Conn. Gen. Stat. §16-50p.⁶ Moreover, DWW Solar cites Section 4.0 of its Petition to support its contention that the Project "confers other public benefits to the State and the region"; however, none of the so-called benefits cited in

⁶ See Petitioner's response to Flaminni, et al's interrogatory 15: "Why is your facility necessary for the reliability of the electric power supply of the State of Connecticut in view of DEEP's determination that, "Resources within Connecticut are expected to be sufficient to meet Connecticut's Local Sourcing Requirement as defined by the Transmission Security Analysis criteria through 2024. Within the Connecticut sub-area specifically, no new capacity will be needed because existing resources, planned transmission, and energy efficiency will exceed the local requirement beyond the ten-year IRP horizon." (See DEEP 2014 Integrated Resource Plan, at p.13 as restated in the Council's Docket No. F-2014/2015 10-year Load Forecast, at p. 48)

RESPONSE: Objection. This Interrogatory calls for a legal conclusion for which no response is required. To the extent a response is required, Petitioner states that as the Siting Council has previously ruled, this matter is a petition for declaratory ruling. Therefore, the provisions relating to applications for certificates do not apply. Moreover, although this Project is not necessary for the reliability of the electric power supply of the State of Connecticut, it confers other benefits to the State and the region as articulated in Section 4.0 of the Petition.(emphasis added)

Section 4.0 pertain to the statutorily recognized “public benefit” wherein a facility is necessary for the reliability of the electric power supply of the state [of Connecticut] or for the development of a competitive market for electricity. Against this background, the Petition does not support a finding that the Project fulfills a “public need” or bestows a “public benefit” as those terms are defined in Conn. Gen. Stat §16-50p.

Nevertheless, DWW Solar persists in its contention that public need and public benefit are not relevant to the Council’s ruling on its Petition. However, the Homeowner Parties believe that DWW Solar mischaracterizes the Council’s prior ruling. In its ruling on DOA’s motion to deny, the Council observed,

“In *FairwindCT, Inc v Connecticut Siting Council*, the Connecticut Supreme Court determined that although the Council was only required to determine compliance with DEEP’s air and water quality standards, the Council has discretion to consider additional standards “as it shall deem appropriate.”⁷

Thus, the Council, after reviewing the entire record can consider whether DWW Solar has satisfied the Public Need/Public Benefit standards of Conn. Gen. Stat. §16-50p. It is submitted that since DWW Solar has failed to demonstrate a

⁷ See Petition No. 1313, CSC Ruling on Department of Agriculture’s Motion to Deny, September 22, 2017, at p. 7.

public need or public benefit for its Project, the Council should deny the petition.⁸ Indeed, it would constitute an abuse of the Council's discretion to turn a blind eye to the lack of both a public need and public benefit of this Project when measured against the formidable environmental and land use concerns raised by DOA, Simsbury and the Homeowner Parties in this matter.

IV. IF THE PROJECT IS TO BE APPROVED BY THE COUNCIL, THE COUNCIL SHOULD INSIST UPON STRICT ADHERENCE TO THE 1999 DEEP/DHS GENERAL GUIDANCE ON DEVELOPMENT OF FORMER AGRICULTURAL PROPERTIES ("GUIDANCE")

The Guidance was jointly developed by DEEP and DHS to address environmental and public health concerns attendant to certain agricultural land containing residual pesticides. The record reflects a history of pesticide application throughout the Project site that raises such concerns. It would be prudent for the Council to insist that the Petitioner conduct its activities in strict conformity with the Guidance. This could be accomplished as part of the D&M planning activities.

⁸ See DOCKET NO. 470 – NTE Connecticut, LLC Application for a Certificate of Environmental Compatibility and Public Need, May 11, 2017, Opinion.

Respectfully submitted,

Michael Flammini

Laura Nigro

Linda Lough

Lisabeth Shlansky

Zhenkui Zhang

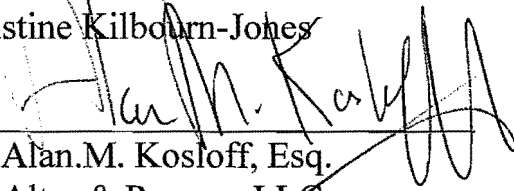
John Marktell

Rob Perissi

Ed Wrobel

Christine Kilbourn-Jones

By:


Alan.M. Kosloff, Esq.

Alter & Pearson LLC

Their Attorney

CERTIFICATION

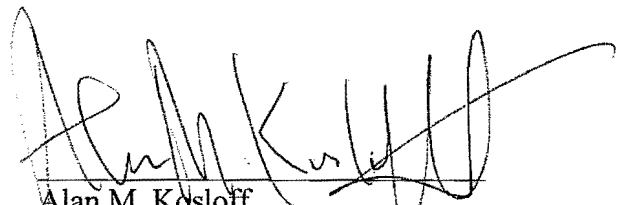
I hereby certify that on this day that the foregoing was delivered by electronic mail in accordance with RCSA §16-50j-12, to all parties and intervenors of record, as follows:

Counsel for DWW Solar II, LLC
Lee D. Hoffman, Esq.
Pullman & Comley, LLC
90 State House Square Hartford, CT 06103-3702
lhoffman@pullcom.com

Counsel for Town of Simsbury
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Robert M. DeCrescenzo, Esq.
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Counsel for the Connecticut Department of Agriculture
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Hartford, CT 06103
Jason.Bowsza@ct.gov




Alan M. Kosloff
Commissioner of the Superior Court
December 1, 2017

02

AFTER RECORDING, RETURN TO:

Meyers, Piscitelli & Link, LLP
56 East Main Street
P.O. Box 805
Avon, CT 06001-0805


Doc ID: 001841320003 Type: LAN
BK 898 PG 383-385

WARRANTY DEED

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW YE, that **GIRARD BROTHERS CORPORATION**, a Connecticut corporation have an address of 2 Farms Village Road, Simsbury, CT 06070, (hereinafter referred to as "Grantor"), for consideration of TWO MILLION ONE HUNDRED THIRTY FOUR THOUSAND and 00/100 DOLLARS (\$2,134,000.00) paid and received to its full satisfaction of **SUNLIGHT CONSTRUCTION INC**, a Connecticut corporation having an address of 166 West Main Street, Avon, CT 06001 (hereinafter referred to as "Grantee") does give, grant, bargain, sell and confirm unto the said Grantee and its successors and assigns forever:

ALL that certain piece or parcel of land, together with all buildings and improvements thereon, if any, situated in the Town of Simsbury, County of Hartford, and State of Connecticut, and more particularly described on Exhibit A attached hereto and made a part hereof.

Said premises are conveyed subject to any declarations, covenants, restrictions and easements of record, any and all provisions of any ordinance, public law or governmental regulation, provided that none of the aforesaid encumbrances render the Premises unmarketable or prevent or materially interfere with the use and enjoyment of the Premises for residential development purposes as proposed by Grantee, and provided that there are no violations of same, and real estate taxes in favor of the Town of Simsbury coming due after closing, which Grantee shall assume and agree to pay.

TO HAVE AND TO HOLD the above granted and bargained premises with the appurtenances thereof, unto it the said Grantee, its successors and assigns forever, to them and their own proper use and behoof.

AND, ALSO, the said Grantor, does for itself and its successors, covenant with the said Grantee, its successors and assigns, that at and until the ensealing of these presents, it is well seized of the premises as a good and indefeasible estate in fee simple and has the right to bargain and sell the same in manner and form as is above written; and that the same is free from all encumbrances except as described herein.

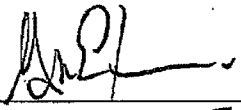
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CT: 16 005 00 5 335

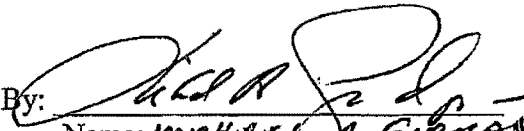
AND FURTHER, the said Grantor does by these presents bind itself and its successors and assigns forever to WARRANT and DEFEND the above granted and bargained premises to the Grantee, its successors and assigns, against all lawful claims and demands whatsoever.

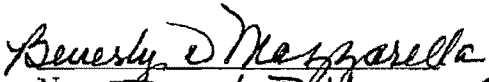
IN WITNESS WHEREOF, Grantor has caused this deed to be duly executed on this 1st day of March, 2016.

WITNESSED BY:

GIRARD BROTHERS CORPORATION
A Connecticut Corporation


Name: Glenn E. Knierim, Jr.

By: 
Name: MICHAEL A. GIRARD
Title: PRESIDENT


Name: Beverly D. Mazzarella

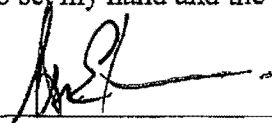
STATE OF CONNECTICUT:

: ss. Avon

COUNTY OF HARTFORD :

On this 1st day of March, 2016 before me, the undersigned officer, personally appeared Michael A. Girard, the President of Girard Brothers Corporation, a Connecticut corporation, who acknowledged himself to be the person whose name is subscribed to the within instrument and acknowledged that he, being duly authorized to do so, executed the same as the President of Girard Brothers Corporation, for the purposes therein contained as his free act and deed and said companies' free act and deed.

IN WITNESS WHEREOF, I hereunto set my hand and the official seal.


Glenn E. Knierim, Jr.
Commissioner of the Superior Court

Grantee's Mailing Address:
166 West Main St.
Avon, CT 06001

Exhibit A

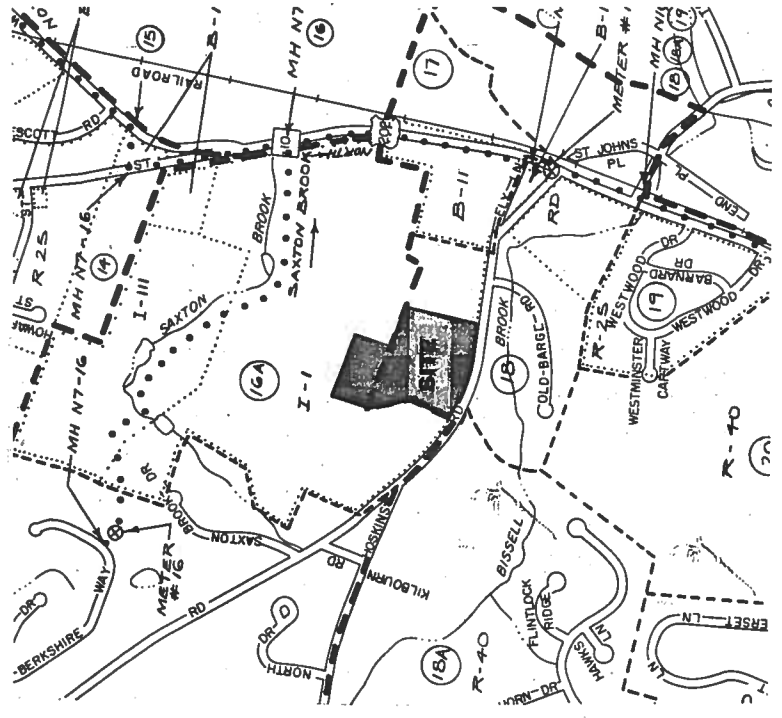
A certain piece or parcel of land situated in the Town of Simsbury, County of Hartford and State of Connecticut, shown as Lot 5 on a map entitled "Subdivision Plan 1 Property of Girard Brothers Corporation 32 — 54 Hoskins Road — Simsbury, Conn. Scale 1 IN = 100 FT July 15, 1993 Ed Lally and Associates Windsor, Conn., Rev. 12/6/93, per Town Approval", ("Subdivision Plan 1 map") which map is on file in the Town Clerk's Office in said Town of Simsbury as Map No. 3138.

Together with the easements shown on such Subdivision 1 map as follows:

The easement designated as "Easement for Access & Utilities in favor of Lot 5" on Lot 1 as shown on such map; and

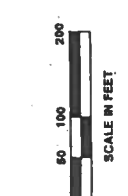
The easement designated as "Utility easement in favor of Lot 5" on Lot 6, as shown on said map.

Together with rights in and to a cartway from the College Highway to the property described in a deed from Percy R. Tetro, Sr. and Marie T. Tetro to Michael A. Girard and Daniel E. Girard, trustees, dated October 4, 1974, and recorded in the Simsbury Land Records on October 4, 1974, at Volume 211 at page 885, as described in said deed and as modified by an Agreement to Relocate Right of Access between Culbro Corporation and Girard Brothers Corporation, et al. dated April 18, 1994, and recorded on April 19, 1994, in Volume 428 at page 1070 of the Simsbury Land Records. The modified portion of such cartway is shown as "Right of Way Reserved by Culbro Corporation For Ingress, Egress, Utilities and Drainage Purposes, 88,573 Sq. Ft, or 2.03 Acres" on a map or plan entitled "Proposed Land to be Conveyed To THE TOWN OF SIMSBURY Hopmeadow Street Route 10 Simsbury, Connecticut date 01-18-94 revised 04-13-94 scale 1" = 100' F.A, Hesketh & Associates, Inc."



KEY PLAN
SCALE: 1" = 800 FT

- NOTES:**
1. PROPERTY OF GIRARD BROTHERS CORP.
 2. PARCEL AREA = 20.882 ACRES
 3. ZONE = R-1 AND R-15
 4. ZONE REGULATIONS:
 - FRONT YARD = 30 FEET
 - REAR YARD = 30 FEET
 - LOT AREA = 15,000 SF
 - LOT FRONTAGE = 100 FEET
 - BUILDABLE SQUARE = 5776 SF
 5. TOTAL LOTS PROPOSED: 10. LOTS COVERS = 4.18 ACRES = 181,907 SF
 TOTAL OPEN SPACE PROVIDED: 208 X 142,245 SF
 6. TANK FOR PROTECTIVE PURPOSES TO BE SET BY DEVELOPER
 7. CONCRETE MILESTONE TO BE SET BY DEVELOPER
 8. COASTAL GEODETIC SURVEY (C.G.S.) DATUM
 9. ALL CONSTRUCTION TO BE DONE IN ACCORDANCE WITH THE TOWN OF SIMSBURY STANDARDS AND SPECIFICATIONS FOR CONSTRUCTION
 10. THE DEVELOPER SHALL CLEAN ALL DEBRIS, TRASH, RUBBISH AND DISCARDED MATERIALS FROM THE SITE AND REMOVE THEM FROM THE TOWN OF SIMSBURY AND THE STATE DEP.
 11. ANY ADDITIONAL EROSION CONTROL MEASURES DEEMED NECESSARY BY THE TOWN ENGINEER DURING THE CONSTRUCTION OF ANY SITE IMPROVEMENT SHALL BE IMPLEMENTED BY THE DEVELOPER. IN ADDITION THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND EROSION CONTROL MEASURES UNTIL ALL DISTURBED AREAS HAVE BEEN STABILIZED TO THE SATISFACTION OF THE TOWN ENGINEER.
 12. HOUSE STYLES, ORIENTATION, AND VEGETATIVE REMOVAL, AS SHOWN ARE CONCEPTUAL. FINAL HOUSE DESIGN, ETC., SHALL BE DETERMINED AFTER SELECTION OF FINAL HOUSE DESIGN AND STYLE.
 13. INDIVIDUAL SITE PLANS SHALL BE SUBMITTED TO THE TOWN FOR EACH LOT. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND EROSION CONTROL MEASURES UNTIL ALL DISTURBED AREAS HAVE BEEN STABILIZED TO THE SATISFACTION OF THE TOWN ENGINEER.
 14. THE DEVELOPER AND HOME BUILDERS SHALL PRACTICE EFFECTIVE DUST CONTROL MEASURES TO KEEP DUST AND BLOWN DEBRIS FROM AFFECTING ADJACENT PROPERTIES.
 15. THE PROPER APPLICATION OF MODERN ARCHITECTURAL PRACTICES WILL PROVIDE FOR MANY POSSIBLE METHODS OF UTILIZING ACTIVE OR PASSIVE SOLAR DESIGN ELEMENTS IN THE PROPOSED HOUSES.
 16. DIRECT BURIAL OF SINGLE WALL UNDERGROUND FUEL TANKS IS PROHIBITED IN THIS SUBDIVISION.
 17. TOPOGRAPHY TAKEN FROM TOWN OF SIMSBURY TOPOGRAPHIC MAPS.

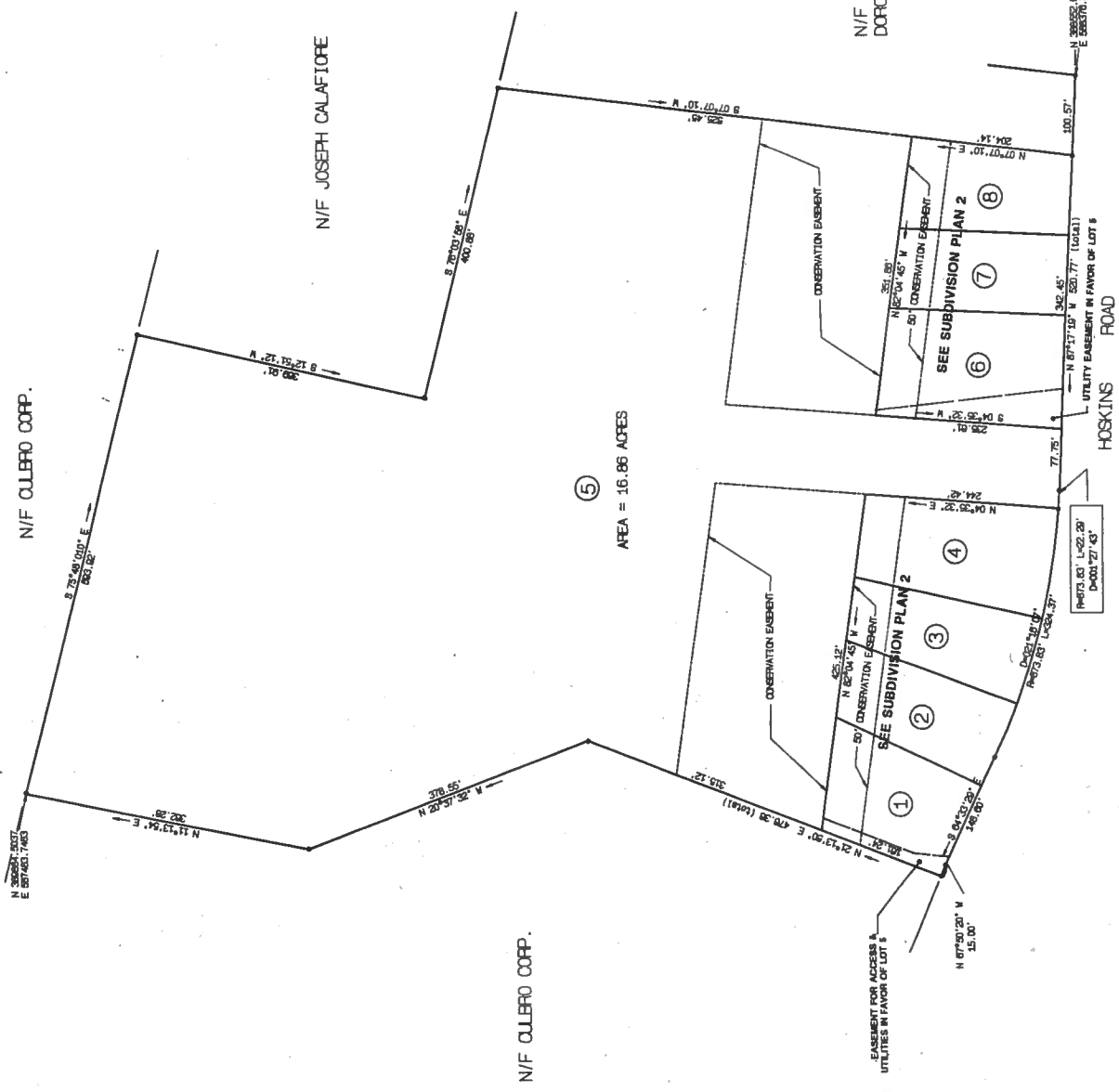
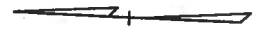


CHEST REPROGRAPHICS
FIXED LINE-WYLAR

SUBDIVISION PLAN 1

PROPERTY OF
GIRARD BROTHERS CORPORATION
36 - 54 HOSKINS ROAD - SIMSBURY, CONN.

DATE: JULY 15, 1993
3/38



A TRUE COPY OF ORIGINAL
 [Signature]
 ASST. TOWN CLERK SIMSBURY, CT
 DATE Nov 28, 2017

RECEIVED FOR THE TOWN PLAN COMMISSION BY
 Nancy Stearns on 9/21/93
 I HEREBY CERTIFY THAT ON 10/26/93
 THE TOWN PLAN COMMISSION OF SIMSBURY, CONNECTICUT
 APPROVED THIS PLAN AND THE GRASS, LAWN, LOCATION,
 LOTS, AND IMPROVEMENTS OF THE STRIPTS IN SAID PLAN.
 [Signature]
 CALHOUN
 SECRETARY

RECEIVED FOR FILING ON 10/26/93
 BY [Signature] TOWN CLERK
 IN ACCORDANCE WITH STATE STATUTE 8-16c, ALL WORK IN
 CONNECTION WITH THE SUBDIVISION MUST BE COMPLETED BY
 10/26/93



12/06/93	PER TOWN APPROVAL
DATE	

REVISION
SCALE: 1" = 100 FT