



Jesse A. Langer
(t) 203.786.8317
(f) 203.772.2037
jlanger@uks.com

LEED Green Associate

October 3, 2017

***VIA FEDERAL EXPRESS AND
ELECTRONIC MAIL***

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:

This office represents the Town of Simsbury (“Town”). On behalf of the Town, I have enclosed the Prefiled Testimony of James D. Rabbitt in connection with the above-captioned matter. In accordance with § 16-50j-12 of the Regulations of Connecticut State Agencies and the Connecticut Siting Council’s July 21, 2017 correspondence, I have enclosed an original and fifteen (15) copies of each.

If you have any questions concerning the objection, please do not hesitate to contact me.

Very truly yours,

Jesse A. Langer

Enclosures

cc: *Service List (via regular mail and electronic mail)*

Updike, Kelly & Spellacy, P.C.
One Century Tower • 265 Church Street • New Haven, CT 06510 (t) 203.786.8300 (f) 203.772.2037 www.uks.com

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

.....) PETITION NO. 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) October 2, 2017
GENERATING FACILITY IN SIMSBURY)
CONNECTICUT)

PREFILED TESTIMONY OF JAMES D. RABBITT

I, James D. Rabbitt, AICP, hereby offer the following as my prefiled testimony concerning the above-captioned matter. I am the Director of Planning and Community Development for the Town of Simsbury ("Town"). My resume is appended hereto as Attachment A. I have reviewed the Petition for Declaratory Ruling, and related documentation ("Petition"), submitted by DWW Solar II, LLC to the Connecticut Siting Council. I have articulated the Town's position concerning the Petition as it relates to the Town's Zoning Regulations, which is appended hereto as Attachment B.

{LEFT BLANK INTENTIONALLY}

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 2nd day of October, 2017.


James D. Rabbitt

Subscribed and sworn before me this 2nd day of October, 2017.


Cindy R. Butler

Notary Public
My Commission Expires: MY COMMISSION EXPIRES 1/31/2018



ATTACHMENT A

JAMES D. RABBITT, AICP

Director of Planning and Community Development, Town of Simsbury, CT

QUALIFICATIONS PROFILE

Analytical and skilled **Certified Planner** with graduate education and over 28 years of municipal and regional experience.

- Expertise in private sector, municipal development and regulatory review process including all aspects of development from concept through design, permitting and final construction with a strong emphasis on architecture, engineering and design principals.
- Extensive expertise in community development policies (Conservation and Development Plans), organizational policies and practices, including preparing reports and correspondence, performing research, processing complex data, and maintaining confidentiality of sensitive information. Experience, and working knowledge with Zoning and Subdivision Regulations, Inland Wetlands Regulations, as well as, Traditional Neighborhood Design (TND), Transit Orientated Developments (TOD) and other general land use development regulations.
- Strong skill set and professional emphasis on design and architectural review.
- Proactive and hands-on; consistently producing top-quality work on routine assignments and special projects through outstanding follow-through and attention to detail including supervision of union and non-union employees.
- Track record of formulating effective solutions to information-management needs; streamlining regulatory duties to improve time management.
- Adept at managing relationships with internal and external clients; address inquiries and requests, balance conflicting priorities, and coordinate diplomatic problem resolutions.
- Strong proficiencies with software tools, including MS Office (Word, Excel, PowerPoint, Outlook), WordPerfect, and Apple products. Working knowledge with Geographic Information Systems and CAD.

PROFESSIONAL EXPERIENCE

November 2015 to Present	Dir. of Community Planning & Community Dev., Town of Simsbury , Simsbury, CT
October 1996 to November 2015	Senior Planner, Southeastern Connecticut Council of Governments , Norwich, CT
October 1996 to November 2015	Town Planner, Town of Lisbon , Connecticut (Contract with SECCOG)
December, 2006 to June 2009	Town Planner, North Stonington , Connecticut (Contract with SECCOG)
January 1989 to July 1996	Regional Planner, Northeastern Connecticut Council of Governments , Killingly, CT
July 1, 1996 to Present	Town Planner, Town of Pomfret , Connecticut (Planning Consultant)
July 1, 1996 to Present	Town Planner, Town of Sterling , Connecticut (Planning Consultant)
July 1, 1990 to November 2015	Planning Consultant, Multiple Projects, MA, CT, RI

EDUCATION AND CREDENTIALS

Bachelor of Science in Business (Accounting), 1988

CENTRAL CONNECTICUT STATE UNIVERSITY – New Britain, CT

Graduate Education – Community Planning and Area Development, 1991-1995 (39 credits)

UNIVERSITY OF RHODE ISLAND – South Kingston, RI

American Institute of Certified Planners – Member

American Planning Association – Member, Speaker – APA Regional Conference 2009

Certified Wetlands Enforcement Officer (CT DEEP), CAZEO Training, and Flood Management Training FEMA

CCM - Policy Committee on Land Use, Housing and Community Development 2014-Present

Multiple – National Highway Institute and National Transit Institute Certifications including TOD's

Former CO-CHAIR Connecticut Greenways Council

Former CO-CHAIR Bicycle/Pedestrian Advisory Committee CTDOT

2010 Special Achievement Award – Connecticut Greenways Council



Project Portfolio

PROJECTS

200 Hopmeadow (North) - The Ridge at Talcott Mountain Proposed mixed use development (Former, ITT-Hartford Insurance Office and Data Center) under the Town's Form Based Code for proposed traditional neighborhood development which included: 288 residential units, 120 bed assisted living facility and 11,600 sq.ft. of retail – performed architectural, landscaping, site plan and regulatory review for the Town of Simsbury (40 acre site).

200 Hopmeadow (South): Concept plans for the redevelopment of the southern portion of former ITT-Hartford Insurance Office and Data Center owned by the Silverman Group under the Town's Form Based Code – performed preliminary architectural, landscaping, site plan and regulatory review for the Town of Simsbury (100 acre site).

Barber Cove – Iron Horse Blvd.: Concept plans for the redevelopment of a large site contractors yard owned by the Girard Brothers Corporation under the Town's Form Based Code – performed preliminary architectural, landscaping, site plan and regulatory review for the Town of Simsbury (10 acre site).

Casterbridge Crossing: Proposed work force housing project (88 units) – performed architectural, site plan and regulatory review for the Town of Simsbury – 60 acre site.

Killingly Energy Limited Partnership (KELP): Proposed wood burning cogeneration facility – performed site plan and regulatory review (DEP, State Siting Council, Local) for the Town of Killingly.

Wheelabrator/Riley Energy, Co-Generation Facility: Lisbon Connecticut – performed site plan and regulatory review for proposed ash-landfill, as well as, various land-use applications for improvements to physical plant for the Town of Lisbon.

Exeter Energy Plant/CMS Energy Corporation: (31 Megawatt waste tire-fueled plant) – performed site plan and regulatory review for proposed facility expansions and improvements to physical plant for the Town of Sterling.

Wheelabrator Putnam Ash Residue Landfill: Performed preliminary/background analysis on municipal landfill (MSW) for the Town of Putnam. The final result of the analysis resulted in the development of a nine-million cubic yard ash landfill. This project currently provides 400,000 tons per year of ash disposal for four of Connecticut's six waste-to-energy plants. The 186-acre site contains six 10-acre ash disposal cells designed to be built sequentially throughout its 25-year life.

Armetta/Lisbon Industrial Park, Limited Partnership: Regulatory/Design review of proposed Resource Reduction Facility (Construction Demolition), 1,000 ton per day, Industrial Park, Lisbon, CT.

Armetta/Lisbon Industrial Park, Limited Partnership: Regulatory/Design review of proposed 900,000 cubic yard quarry Lisbon, CT.

Westerly Hospital: Prepared site analysis, master parking, circulation and facilities plan in advance of proposed facility improvements, Client Westerly Hospital.

Day Kimball Hospital: Regulatory/design review of proposed hospital expansion (emergency room and administration building) located on Route 44, Putnam, CT.

Warren, Massachusetts: Assisted in the development of an economic development plan for downtown. Prepared redevelopment plans, master parking and circulation plans and spatial analysis. Client – Town of Warren, MA.

Jamestown, Rhode Island: Assisted in the preparation of a preliminary redevelopment plan for Jamestown, RI (Main Street/Ferry Landing). Prepared master parking and circulation plans including spatial analysis.

Phelp Brook Golf Course: Regulatory review of Environmental Management report for proposed two 18-hole golf courses (Fazio – North Course 6,800 yards, par 70, Faldo – South Course 6,868 yards, par 72) located on Swantown Hill Road, North Stonington, CT. Site size, 488 +/- acres.

Franklin Hills Estates and Country Club: Regulatory/design review of proposed resort style 18-hole golf course (Raymond Hearn – 7,299 yards, par 72) located on Route 32, Franklin, CT. Site size 377 +/- acres.

Lisbon Valley Golf Course: Regulatory/design review of proposed 9-hole (2,600yd), Kendal Road, Lisbon, CT. Site size, 85 acres.

Town of Pomfret Recreational Facilities: Performed design, regulatory review and construction supervision for Town recreational facilities (tennis, volleyball, basketball and soccer) for the Board of Selectmen.

Multi-purpose Trails/Bike Facilities: Performed design, design review and regulatory review of multiple trails throughout eastern Connecticut (Pomfret Airline Trail, Putnam River Trail, Moosup Valley Trail, Killingly Trolley/Quinebaug River Trail, Lisbon, CT - Shetucket River Trail).

Town of Thompson: Performed design, regulatory review and construction supervision for recreational facilities and waterfront park for the Board of Selectmen.

Town of Lisbon: Performed design review and regulatory review for recreational facilities (soccer, track, tennis, basketball, baseball) for the Board of Selectmen.

Byron Brook Country Club & Resort: Regulatory review (Regional) of proposed resort style 18-hole golf course (Raymond Hearn – 7,299 yards, par 72) located on Route 97/I-395, Norwich, CT. Site size, 350 +/- acres.

New England Labor Training Academy: Regulatory/Design review of Office/Administration building expansion (30,000 sq.ft.), Route 97, Pomfret, CT.

Milltown Commons (TND): Regulatory/Design review of proposed Traditional Neighborhood Development proposed in North Stonington (900,000 sq.ft.). Town of North Stonington, CT.

Lisbon Landing: Regulatory/Design review of southeastern Connecticut's second largest retail development (690,000 square feet). Route 12, Lisbon, CT.

Crossing at Lisbon: Regulatory/Design review of southeastern Connecticut's third largest retail development (325,000 square feet). Route 12, Lisbon, CT.

United Health Foods - Warehouse: Regulator/Design review for 500,000sq.ft. building addition for the Town of Killingly.

Various Sand and Gravel and/or Quarry operations: Design and regulatory review for multiple municipalities (+/- 1,000 acres and 5,000,000 cubic yards of removal).

Various Subdivisions and single family developments: Design and regulatory review for multiple municipalities. (+/- 500 parcels over 200 developments).

Garden Court: Design/Regulatory review for proposed multifamily development with 525 units for the Town of North Stonington.

Six Flags Amusement Park: Proposed Regulatory review for proposed national amusement park for the Town of North Stonington and the Council of Governments.

Pomfret Business Park - Murdock Property: Preliminary master plan for the development of +/- 300 acres town owned parcel. Prepared schematic design and environmental analysis to determine the development potential of the property.

Pomfret School - Independent Coeducation College Preparatory Boarding/Day School (9-12) Pomfret CT: Performed design and regulatory review for Master Plan development including athletic field and facility upgrades [housing, tri-generation (electric, heating and cooling), and academics] on their 500 acre campus. Provided construction inspections for various campus projects associated with ongoing upgrades.

PROJECTS CONTINUED

Rectory School - Independent Coeducation Boarding/Day School (K-9) Pomfret CT: Performed design and regulatory review for Master Plan development including athletic field and facility upgrades (housing and academic) on their 138 acre campus. Provided construction inspections for various campus projects associated with ongoing upgrades.

Southeast Area Transit (SEAT): Provide transportation planning assistance to SEAT management and Board of Directors. Develop long-term transportation initiatives associated with the MPO (Metropolitan Planning Organization). Author of a “System In Transition” – Long-term multi-model evaluation of regional transportation in southeastern Connecticut. Current member of Project advisory team for Comprehensive Operational Analysis (COA).

JAMES D. RABBITT, AICP

Director of Planning and Community Development, Town of Simsbury, CT

Twenty-eight solid years of experience as a highly skilled, certified planner with proven experience in all facets of municipal planning in similarly sized communities, which I feel would make me a great asset to the Town of Simsbury. Mr. Rabbitt has been employed by the Town of Simsbury as their Director of Planning and Community Development since November 2015. Prior to Simsbury, Mr. Rabbitt was employed as a Senior Planner at the Southeastern Connecticut Council of Governments which was comprised of 22 municipality's and their 286,711 residents.

As a certified planner, with an undergraduate degree in business and a graduate education in Community Planning and Area Development, he is well versed and has a working knowledge of all aspects of municipal and regional land use planning and transportation. Over the years, he has developed a profound interest in the interrelationship between the built environment and its end users. Since 1988, he has been extremely fortunate to be able to work on a variety of projects and in that process has attended over a thousand municipal land use commission meetings, reviewed over three-million square feet of retail development, more than 200 residential developments including a multitude of office, industrial and mixed use projects. He was one of the first Connecticut planners to see an actual Traditional Neighborhood Development regulation developed and approved by a local land use board for a project in North Stonington, named Mill Town Commons. As a transportation planner, he has worked on transportation and transit initiatives that led to earmarks in excess of twenty million dollars, as well as, on projects as small as evaluating individual bus stop locations. He has been trained by the Federal Transit Administration in all facets of Transit Oriented Development (TOD's). As a planner at both the municipal and regional level he worked on the preparation of multiple Regional Transportation Plans, two Regional Transit Plans, three Regional Plans of Conservation and Development and five municipal Plans of Conservation and Development, three plans for which he was the principal author.

Over the years, his role as a certified planner has allowed him to focus on a multitude of planning issues and has given him an acute ability to see both sides of an issue while building lasting relationships. As a municipal planner and planning consultant, he has also had the opportunity to work on various economic development and municipal development projects that also included facility and infrastructure improvements in places such as, Brooklyn, Franklin, Lisbon, Pomfret, Putnam, Preston, Thompson, Killingly, Simsbury, Sterling, Colchester, New London, North Stonington, Norwich, Stonington, Stonington Borough, Cranston, RI, Jamestown, RI, Westerly, RI and Warren, Massachusetts. He has advised two municipalities in their development of first zoning codes, has updated multiple zoning codes, architectural design standards and inland wetland regulations, and has worked on open space initiatives that have protected over 1,000 acres in three municipalities. He has also built strong working relationships with two of Connecticut's well respected private schools, Pomfret School (500 acre campus) and Rectory School (138-acre campus) as Pomfret's Town Planner, which has given him insight into dealing with larger private educational institutions, as well as, providing them with valuable master planning insight. In addition to excellent communication skills, Mr. Rabbit has a strong grasp of civil engineering, architectural and urban design principals and has been extremely successful in overcoming/improving corporate architecture, stagnate design, poor circulation and bland landscape design in all of the communities in which he has been retained as their town planner. At a young age, he has developed the ability to manage complex budgets to ensure projects are executed on time and on budget. He also has the innate ability to effectively manage staff (union, non-union and consultants), multi-task and set priorities pertinent to prevailing issues.

ATTACHMENT B



Town of Simsbury

933 HOPMEADOW STREET

P.O. BOX 495

SIMSBURY, CONNECTICUT 06070

Office of Planning and Community Development

October 2, 2017

The Petition for Declaratory Ruling submitted by DWW Solar II, LLC ("DWW") contemplates a twenty-six megawatt utility scale AC solar photovoltaic electric generating facility ("Facility") on approximately 289 acres in the northern part of the Town of Simsbury ("Town"). The proposed location of the Facility is comprised of five separate parcels and located generally west of Hopmeadow Street (US 202/CT 10), north and south of Hoskins Road, and north and east of County Road; including an associated electrical interconnection to The Connecticut Light and Power Company *d/b/a* Eversource Energy's North Simsbury Substation west of Hopmeadow Street in the Town.

The five parcels are designated as either I-1 or R-40 Zones under the Simsbury Zoning Regulations ("Regulations"). Simsbury Zoning Regs., Art. 2 §§ A and B; Simsbury Zoning Map. The Facility is not permitted "as of right" under the Regulations. Simsbury Zoning Regs., Art. 7 §§ B and I. Additionally, as a general matter, the Facility is not permitted by Special Exception in either an I-1 or R-40 Zone. Simsbury Zoning Regs., Art. 7 §§ C and I.

There are two avenues under the Regulations in which DWW might be able to obtain approval of the Project.¹ The first avenue is to seek an amendment of the Zoning Regulations under Article 13 to include solar projects such as the Facility as permitted most likely by Special Exception. The second avenue is under Article 7, Section A of the Regulations. That section provides in relevant part:

The following uses are declared to possess such special characteristics that each must be considered as an individual case. They may be permitted as a special exception in any zone after a public hearing, subject to conditions and modifications as determined by the Commission. In evaluating the uses, the Commission shall apply the standards set forth in Section C of this article. The Commission shall require the approval of a Site Plan prepared in accordance with Article Five, Section J. . . . 3. Public Utility installations needed for the public convenience and necessity.

(Emphasis added.) Simsbury Zoning Regs., Art. 7 § A(3).

It does not appear that DWW and/or the Facility would constitute a "Public Utility" as defined by the Regulations. DWW and/or the Facility are not a "public service company" that operates for the public convenience and necessity and is extensively regulated by the State. General Statutes § 16-I(3). Rather, DWW and/or the Facility would likely fall under the definition of a "private power producer," and "private power production facility" which are distinct from a "public service company" and is not regulated anyway near that of a "public service company." General Statutes § 16-243(b)(1) and (3). As referenced above, "private power production facilities" are not permitted in either an I-1 or R-40 Zone under the Regulations.

Assuming for the sake of argument that DWW and/or the Facility constitute a "Public Utility," or that DWW is able to amend the Regulations to allow solar facilities by Special Exception, then DWW would have to submit an Application for Special Exception in accordance with Article 7, § C, ¶ 10 of the Regulations.

¹ Solar projects are not expressly prohibited in any zone. Simsbury Zoning Regs., Art. 6.

The standards for a Special Exception which the Facility must be weighed against include the following:

- a. The need for the proposed use in the proposed location.
- b. The existing and future character of the neighborhood in which the use is to be located.
- c. The location of main and accessory buildings in relation to one another.
- d. The height and bulk of buildings in relation to other structures in the vicinity.
- e. Traffic circulation within the site, amount, location, and access to parking, traffic load or possible circulation problems on existing streets.
- f. Availability of water to the site and adequate disposal of sewage and storm water.
- g. Location and type of display signs and lighting, loading toner and landscaping.
- h. Safeguards to protect adjacent property and the neighborhood its general from detriment.

Simsbury Zoning Regs., Art. 7, § C, ¶ 10.

Ultimately, the Facility would undergo a thorough review, similar to an Application for Certificate of Environmental Compatibility and Public Need.

Sincerely,



James D. Rabbitt, AICP
Director of Planning and Community Development

Telephone (860) 658-3245
Facsimile (860) 658-3205

www.simsbury-ct.gov

An Equal Opportunity Employer
8:30 - 7:00 Monday
8:30 - 4:30 Tuesday through Thursday
8:30 - 1:00 Friday