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LEED Green Associate

October 3, 2017

**VIA FEDERAL EXPRESS AND
ELECTRONIC MAIL**

*Melanie.bachman@ct.gov
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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 Town of Simsbury’s Responses to the First Set of Interrogatories by the Connecticut Siting Council in connection with the above-captioned matter. I have enclosed an original and fifteen copies.

Please do not hesitate to contact me with any questions.

Very truly yours,

A handwritten signature in blue ink that reads 'Jesse A. Langer'.

Jesse A. Langer

Enclosures

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

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

DWW SOLAR, II, LLC PETITION)	PETITION NO. 1313
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)	October 3, 2017
SIMSBURY CONNECTICUT)	

**THE TOWN OF SIMSBURY'S RESPONSES TO THE FIRST SET
OF INTERROGATORIES BY THE CONNECTICUT SITING COUNCIL**

The Town of Simsbury (“Town”) respectfully submits the following responses and non-privileged documentation to the First Set of Interrogatories to the Town by the Connecticut Siting Council (“Council”).

Q1. When were the following residential developments that abut the site permitted:

- a. Munnisunk Drive area
- b. Knollwood Circle area
- c. Litchfield Drive/Berkshire Way
- d. Saxton Brook Drive
- e. Dorset Crossing
- f. Flintlock Ridge

Were any of these developments on agricultural lands or within core forest?

What is the permitted buffer zone from the residential areas to adjacent wetlands and watercourses?

A1-1. The following developments were approved/permitted on:

- a. Munnisunk Drive – September 10, 1973
- b. Knollwood Circle – January 9 1950, revised April 12, 1955, revised June 10 1968
- c. Litchfield/Berkshire Way – July 22, 1975
- d. Saxton Brook Drive – September 10, 1973
- e. Dorset Crossing – May 15, 2012
- f. Flintlock Ridge – May 2, 1967

A1-2. Yes - Please see tax map, with soils overlay, appended hereto as Attachment A.

A1-3. The Town’s Inland Wetlands and Watercourse Act Regulations define the term “regulated area” as being within 100 feet of inland wetland soils and watercourses.

Please note that, with the exception of Dorset Crossing, all above mentioned residential subdivision pre-date inland wetland and watercourse regulations for the Town; therefore, a setback to inland wetland soils and/or watercourses was not established with the approval of these subdivisions.

Q2. Have any of the five project parcels been previously approved for any form of development (i.e., subdivision, recreation, commercial, etc.) by any local land use board? If yes, please provide general description of what the town has approved.

A2. According to Planning Department files, there is no record of an approved development by any of the Town's land use boards on any of the five subject parcels.

Q3. Are the areas surrounding the project site served by a municipal/regional water supply system or are there private wells? If there are public water supply sources, please identify such areas.

A3 The streets located within the Town and within the immediate area to the north, west, southeast and south of the project site are served by public water, which is supplied by the Aquarion Water Company.

A3-1. The streets located to the northeast of the project site (i.e., Knollwood Circle, Howard Street, Centerwood Road, Willard Street, Gordon Street, Wescott Road and Hopmeadow Street) are not served by public water, but rely on private wells for their source of potable water.

A3-2. Public water supply source wells owned and operated by Aquarion Water Company are located southeast of the project site east. These wells are located on Eno Place and in the rear of 1280 Hopmeadow Street (near Simsbury Self Storage) both east of Hopmeadow Street.

Q4. Reference the Town's Interrogatories to the Petitioner, Set 1, Q. 6. Please describe the historic characteristics of the surrounding neighborhood. Are 10-foot vinyl fences allowed in residential zones? With exception to the Hoskins Road area, does the Town find a 10-foot high vinyl fence that serves as visual mitigation from neighborhoods objectionable? If landscaping is planted in current agricultural areas that would serve as buffers, would the landscaping serve to restrict land available for model pollinator habitat or prevent potential future agricultural use of these areas?

A4-1. The area is classic New England rural landscape, with scattered residential development; intermix with historic homesteads, woods and agriculture lands and narrow roads. The area has largely retained its rural agricultural feel from 1934. Since 1934, some of the farmland has been converted from pasture, cultivated soils and/or wood lands to residential uses, along with a few municipal functions (i.e., school, athletic fields, playgrounds and firehouse) as the community developed in the years following World War II. The Hoskins Road properties, specifically 85 and 100 Hoskins can be seen on

DWW's 1855 Map of Simsbury as Noah Hoskins and Asa Hoskins and the 1934 Aerial Photo. See Exhibit M (Figure 4) to the Petition. It should be noted that the majority of the surrounding residential developments were approved prior to the sweeping amendment to the 1948 Federal Water Pollution Control Act in 1972, commonly referred to as the Clean Water Act. The Town's population quadrupled between 1950 and 1980 (4,822 to 21,161). The majority of historic residential development in this area also predated regulatory revisions at the local level associated with visual impact presently contained in the Town's Subdivision Regulations and the Design Review Guidelines ("Guidelines") as referenced in the Town's Zoning Regulations ("Regulations"). Please see 1934 Fairchild Aerial Photo and present Google earth satellite image appended hereto Attachment B.

A4-2. Yes.

A4-3. Yes, the Town finds the proposed 10-foot high vinyl fence that is intended to serve as visual mitigation objectionable. Please see Exhibits A and D of the Town's Prehearing Submission.

A4-4. It is the Town's position that the placement of landscaping in current agricultural areas that would serve as buffers to the proposed project would neither restrict land available for model pollinator habitat nor prevent potential future agricultural use of these areas. Agricultural products and pollinator habitat can take many forms. Please see the Town's response to Interrogatory No. A6c.

Q5. In the Town's land use process, how does the Town mitigate the visual impact of commercial and residential development from abutting properties? Is such screening intended to render such development not visible?

A5-1. The Town developed the Guidelines and incorporated them into the regulatory process. The Town's Design Review Board ("DRB") was created in 1988 at the request of the Zoning and Planning Commissions. In 2011, the Town began to develop design guidelines for the Community, which culminated in the "Guidelines for Community Design" **October 15, 2012 - Design Review Board** - Town of Simsbury. This document is specifically referenced in the Regulations. The DRB reviews all applications associated with non-residential development and multi-family development before the Town's Zoning Commission.

A5-2. The Regulations and Subdivision Regulations, along with the Guidelines, make specific references to minimizing visual impact. The Town's land use regulations specify techniques to minimize visual impact. The Regulations also discuss a development's context and character and whether a project has been designed with the appropriate context and character. Page 10 of the Guidelines recommends that projects separate incompatible uses with large open space or natural buffers. Under site and landscape standards (page 12), the Guidelines recommend that parking be screened from street view (i.e. landscaping, berms, fencing, etc.). The Landscaping and Street Tree Plan (pages 16-17) Section under General Standards develops recommendations for varying landscape

material with projects scale (height and distances). Please see excerpts of buffer and screening examples from the Town's Guidelines which are appended hereto as Attachment C.

Q6. Referencing the Town's Pre-filed Testimony dated September 1, 2017, pp. 4-6, Town's Position, Section 3.

- a. Is the historic home at 85 Hoskins Road listed as a historic or noteworthy building in the Town's draft Plan of Conservation and Development?**
- b. Has the Town required other property owners/developers to create varied natural screening with berms to "enhance authenticity"? Please provide examples.**
- c. Would the creation of berms along the project frontage on Hoskins Road conflict with the DOAg's desire to disturb the least amount of agricultural land as possible?**
- d. Has the Town attempted to purchase the "south of Hoskins Road" property for preservation purposes?**
- e. Are the 3 barns in the north field area visible from any public roadways? Given the location of these barns, describe how they can contribute to "sense of place" values.**
- f. Is the Town satisfied that the Petitioner has listened to community concerns and attempted to redesign of the project to address these concerns prior to the project's submission to the Council? What are the remaining, specific areas the Town believes have an inadequate buffer to neighboring residences and the public?**

A6a. No. There is no singular reference to 85 Hoskins Road in the Town's 2007 Plan of Conservation and Development ("2007 POCD"). However, the various tobacco fields and barns on Hoskins Road are listed under Character Places – Simsbury Treasures Aesthetic Places #30 on page 46 the 47 of the 2007 POCD, on the map titled "Character Places Simsbury's Treasures." In addition, 85 Hoskins Road (Asa Hoskins House - 1840) is identified in the 2013 Simsbury, Connecticut Historical and Architectural Resources Inventory in West Simsbury and Wolcott Road Area 2013 at page 39 (IF #83 and 84) and page 43 (Map #'s 83 and 84). The Town and the Connecticut State Historic Preservation Office funded the study through the Community Investment Act of the State of Connecticut. Please see excerpts from the 2007 POCD, which are appended hereto as Attachment D.

A6b. Yes. Please see a list of projects/properties, which is appended hereto as Attachment E. Some examples include: (1) Former Hartford Casualty Insurance Corporate Headquarters - 200 Hopmeadow (South); (2) Silverman Group Development of 200 Hopmeadow (North); and (3) Stop & Shop – Bushy Hill Road Hoffman Auto Dealership (Route 44 and Bushy Hill Road).

A6c. No. The majority of the proposed berm on the north side of Hoskins Road as depicted in the submission by the Town's consultant, Kent + Frost, is located on areas presently used as access roads and/or laydown areas or is not and has not been put into productive agriculture. Please see Attachment F.

A6d. No.

A6e. No. The barns in the north fields are not visible from the public right of way. However, it should be noted that these structures contribute to the overall agricultural theme and have a substantial role in the capacity of historical/cultural resource to the area.

A6f-1. No.

A6f-2. The following areas would have an inadequate buffer to neighboring residences and the public:

Area 1: Hoskins Road and easterly portions of County Road looking north into the proposed development.

Area 2: Hoskins Road looking south into the proposed development, which includes impact to properties on the north side of Hoskins across from the proposed project (i.e. 100 Hoskins Road)

Area 3: 85 Hoskins Road

Area 4: The homes immediately north of the intersection with County Road and Hoskins Road County Road just west of the proposed project. The homes on the right of Saxton Brook Drive immediately abutting the proposed project.

Area 5: The homes on the west side of Howard Street.

Area 6: The homes on the corner of Centerwood and Gorden Street.

Area 7: The homes on the west side of Knollwood Circle.

Area 8: Litchfield Road (during construction).

The Town has demarcated the areas of concern on an aerial map taken from DWW's Petition, which is appended hereto as Attachment G.

Q7. Referencing the Office of Community Development comments. How can the Town preserve its agrarian legacy if the Town desires a road through agricultural lands (middle solar field) from Wolcott Avenue to the Hoskins/County Road intersection? Is this planning consistent with residential or commercial development? Would such a road be contrary to "sense of place" and character places?

A7. Policy 1 of the 2007 POCD (page 132) provides that the Town should "Study and implement new designs for the existing state and local road system to maximize efficiency, implement access management techniques, enhance road and roadway aesthetics, and generally provide for the safe and efficient flow of people and vehicles to meet the current and future demands of Simsbury's residents, businesses, and visitors." Objective A of Policy 1 further states under A5 that the Town should proceed with the "construction of . . . a collector road between the intersections of Wolcott

Road/Hopmeadow Street and Hoskins Road/County Road, along with the necessary intersection improvements” The Town developed this recommendation to create a Transportation link between Wolcott Road, across Route 10 through Casterbridge Road over to Hoskins, as depicted in the 2007 POCD, to address congestion in the area and provide an improved east-west connection through the northern portion of the community. However, the recommendation to locate a road in this area in and of itself would not impair the Town’s agrarian legacy. The Town has development standards associated with all types of development along all of its roads that attempt to achieve a balance between growth and legacy. These standards are informed by the 2007 POCD, including p. 86, entitled “**How We Want To Grow - Special Areas,**” which emphasizes the importance of the historic development patterns in the Hoskins Road area, and refers to existing residential uses and zoning along Hoskins Road. As an example, the construction of Iron Horse Boulevard in the center of the Town, which is located along the easterly edge of the Town’s downtown, was designed and constructed in a manner to preserve the nature/aesthetics of the community’s downtown and/or the surrounding Simsbury Meadows’ property that was purchased by the Town between downtown and the Farmington River. Images depicting the Iron Horse Boulevard development are appended hereto as Attachment H.

Q 8. Referencing Conservation Commission comments, point #8. Are the “distinct drainage paths” currently leading to site erosion and sedimentation into adjacent waterways?

A8. The Town does not have access to the site to assess the current drainage patterns/issues adequately. To better determine whether drainage issues exist, a full site walk (unrestricted access) of all the five sites is necessary so that conditions can be fully observed in the field.

Q 9. How is the 100 Hoskins Road property affected by the proposal? Is this property listed as a historic or noteworthy building in the Town’s Plan of Conservation and Development? Is this property across from the Squadron Line School parcel? Describe the existing road side vegetation and fencing across from this property.

A9-1. 100 Hoskins Road will be visually impacted.

A9-2. No. There is no singular reference to 100 Hoskins Road in the 2007 POCD. However, the various tobacco fields and barns on Hoskins Road are listed under Character Places – Simsbury Treasures Aesthetic Places #30 on page 46 the 47 of the 2007 POCD, on the map titled “Character Places Simsbury’s Treasures.” In addition, 100 Hoskins Road (Noah Hoskins House – 1851 – and Noah A. Hoskins House, barn c. 1875) are identified in the 2013 Simsbury, Connecticut Historical and Architectural Resources Inventory in West Simsbury and Wolcott Road Area 2013 at page 38 (IF #82) and page 43 (Map #’s 82). Please see Attachment E.

A9-3. Yes. Aerials of the school and its surroundings are appended hereto as Attachment I.

A9-4. There is a twelve foot wide strip of maintained turf, then a four foot bituminous side walk then six feet of maintained turf, then a four foot tall chain link fence. On the south side of the chain link fence there are maintained athletic fields (soccer), with additional maintained turf areas. Please see aerial appended hereto as Attachment J.

Q10 Is Hoskins Road abutting the project site a Town-designated scenic roadway? If so, when was the designation made?

A10 No. However, the various tobacco fields and barns on Hoskins Road are listed under Character Places – Simsbury Treasures Aesthetic Places #30 in the 2007 POCD. On page 46 of the 2007 POCD, on the map titled, “Character Places Simsbury’s Treasures,” the area surrounding the house and the tobacco fields are identified. In addition, the 85 Hoskins Road property (Asa Hoskins House - 1840) is identified in the 2013 Simsbury, Connecticut Historical and Architectural Resources Inventory in West Simsbury and Wolcott Road Area 2013 at page 39 (IF #83 and 84) and page 43 (Map #'s 83 and 84).

The 2007 POCD also identifies the importance of this area as it relates to the overall development patterns desired in this area of the Town. On page 86, under the heading “**How We Want To Grow - Special Areas**,” the POCD emphasizes the importance of the historic development patterns in the Hoskins Road area, and refers to existing residential uses and zoning along Hoskins Road, and highlights the need to reinforce the character of that neighborhood and provide a good transition from Route 10/Hopmeadow Street. The 2007 POCD further underscores the need to guide growth in village type setting.

Please see excerpts of the 2007 POCD, which are appended hereto as Attachment K.

Q11. Page 124 of the Town’s Draft Plan of Conservation and Development presents a depiction of the Regional Plan of Conservation and Development. Using the Legend, please indicate what designation the project parcels are identified as and include a definition of the designations.

A11 The Town cannot correlate the project site parcels accurately to the map in the 2007 POCD based on the scale of that map. The map identified in this Interrogatory is based on the requirements set forth in General Statutes § 8-23, which requires a municipality to compare its plan of conservation and development against the Regional Plan of Conservation and Development, as well, as the States Locational Guide Map or POCD. It is not intended for engineering purposes. Based on a review of the Regional map, as referenced in the 2017 Draft POCD, it appears that the areas are listed in the Middle Intensity Development #1 and Development #2 categories. Please refer to Attachment L.

Q12. Please provide a map depicting open space parcels abutting the project site. Indicate the size of each open space parcel and how the Town obtained each parcel (i.e., purchase, transfer as a result of subdivision approval, etc.)

A12 Please refer to Attachment M.

Q13. Does the Town have a mechanism in place to accept ownership of land and restrict its use for conservation purposes, but at the same time allow agricultural activities?

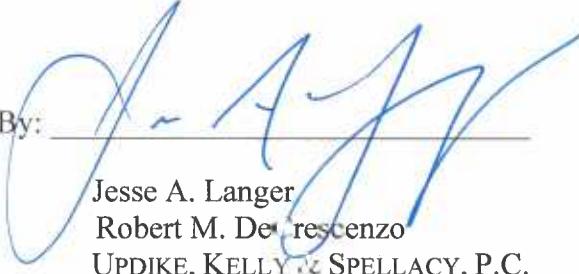
A13. Yes. The Town has acquired the development rights to Hall Farm (Terry's Plain Road) and Christensen Farm (West Mountain Road) to restrict the use of the land except for agricultural purposes on private lands. The Town has also acquired properties containing deed restrictions limiting uses to agricultural activities. These parcels include the "Barn Door Triangle" parcel – 49.2 acres and the "Dewey Farm" parcel – 14.6 acres. The Town also owns and manages twenty-nine acres on several parcels that are leased to farmers for agricultural use.

Q14. Please list all of the public and department meetings the Town held to discuss/consider the project.

A14 Please refer to Attachment N, which lists all the public meetings conducted by the Town's boards and commissions concerning the proposed project. The Town held staff or department meetings periodically after DWW introduced the Project and prior to DWW's submission of the Petition. The Town has held staff or department meetings on an approximate weekly basis since DWW submitted its Petition.

Respectfully submitted by,

THE TOWN OF SIMSBURY

By: 

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CERTIFICATION

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

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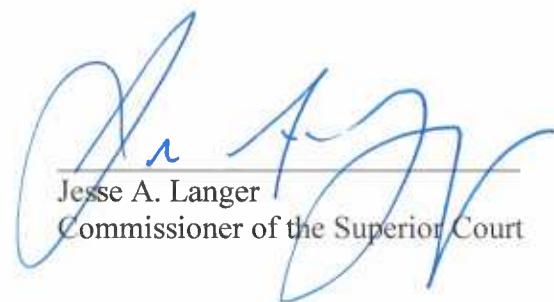
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