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LEED Green Associate

October 26, 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 Town of Simsbury’s Responses to the Second Set of Interrogatories by DWW Solar II, LLC 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,

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 26, 2017
SIMSBURY CONNECTICUT	)	

**THE TOWN OF SIMSBURY'S RESPONSES TO THE SECOND**  
**SET OF INTERROGATORIES BY DWW SOLAR II, LLC**

The Town of Simsbury (“Town”) respectfully submits the following responses and non-privileged documentation to the First Set of Interrogatories to the Town by DWW Solar II, LLC (“DWW”).

**Q37:** Please refer to the January 16, 2012 *Middletown Press* article entitled, “Martin Luther King Jr.’s Time in Simsbury Evokes Awe,” which can be found at: <http://www.middletownpress.com/news/article/Martin-Luther-King-Jr-s-time-in-Simsbury-evokes-11828680.php> and is attached as Exhibit A hereto. According to that article, a dormitory in which Martin Luther King, Jr. lived while he worked tobacco fields in Simsbury “was destroyed by fire in February 1984 as part of a training exercise for volunteer firefighters.” Please provide, as articulated by the Simsbury Historic District Commission, all of the “consideration of cultural resources” that was “an integral part of the town planning and design review” that was completed by the Simsbury Historic District Commission prior to the burning of this dormitory as a training exercise by firefighters.

**RESPONSE:** The Town objects to this Interrogatory because it is duplicative of Interrogatory No. 14 and is harassing and oppressive. Subject to and without waiving this objection, the Town responds as follows: Please see the Town’s response to Interrogatory No. 14. Additionally, the Simsbury Historic District Commission (“Commission”) did not exist in 1984. The Town passed the ordinance establishing the Commission in December 1987, and the Commission’s rules and procedures were adopted by the Town in July 1988.

**Q38:** Please refer to the January 16, 2012 *Middletown Press* article entitled, “Martin Luther King Jr.’s Time in Simsbury Evokes Awe,” which can be found at: <http://www.middletownpress.com/news/article/Martin-Luther-King-Jr-s-time-in-Simsbury-evokes-11828680.php> and is attached as Exhibit A hereto. According to that article, a dormitory in which Martin Luther King, Jr. lived while he worked tobacco fields in Simsbury “was destroyed by fire in February 1984 as part of a training exercise for volunteer firefighters.” Please provide all of the “consideration of cultural resources” that was “an integral part of the town planning and design

**review" that was completed by any other agency/board/commission of the Town of Simsbury other than the Simsbury Historic District Commission prior to the use of this dormitory as a training exercise by firefighters.**

**RESPONSE:** The Town objects to this Interrogatory because it is duplicative of Interrogatory No. 14 and is harassing and oppressive. Subject to and without waiving this objection, the Town responds as follows: Please see the Town's response to Interrogatory No. 14.

**Q39: Other than the Building Code of the State of Connecticut and the Penal Code of the State of Connecticut, does the Town building inspector, Public Works, or Planning and Land Use Departments have any policies, memoranda or official documents regarding the treatment of the tobacco barns, including the potential safety situations and/or criminal activity involving these sites? If so, please provide copies of such materials.**

**RESPONSE:** The Town objects to this Interrogatory because it is vague and ambiguous. Subject to and without waiving this objection, the Town responds as follows: The Blight Code is appended hereto as Attachment A.

**Q40: Which portions of the Penal Code of the State of Connecticut does the Town building inspector, Public Works or Planning and Land Use Departments utilize as a policy regarding the treatment of tobacco barns?**

**RESPONSE:** The Town's Police Department, rather than the Town's land use department, would enforce the Penal Code section appropriate to the nature of the violation.

**Q41: Please refer to the Town's response to Interrogatory #1 of the First Set of Interrogatories served upon the Town by DWW ("DWW Interrogatory"). Please list and describe in detail all projects that have been proposed in the last ten years for the "Northern Gateway" section delineated in the 2007 POCD.**

**RESPONSE:** The Town objects to this Interrogatory because it: (1) is overly broad, unduly burdensome and oppressive and (2) seeks information which may be, or has been, obtained from another, more convenient source, such as the public domain or another party, for whom production would be less burdensome or less expensive. Subject to and without waiving this objection, the Town responds as follows: According to a review of the Town's files, the following projects were proposed in the "Northern Gateway" section as demarcated in the 2007 POCD:

1. 1225-1261 Hopmeadow Street - Dunkin Donuts - Application #17-30 (Approved 2017);
2. 22/42/54 Hoskins Road - Zone change to WHOZ, 88 Residential Units - Applications #15-27, 28, 29, 30, 31, 32, 33 & 34 (Approved 2015);
3. 1340 Hopmeadow Street - Gas Station- Application #14-12 (Approved 2014);

4. 100 Casterbridge Crossing- 48 Unit Specialty Housing Development - Application #12-26 (Approved 2012);
5. 1507/1515 Hopmeadow Street- Dorset Crossing- Lot A- 50,000 sq. ft Medical; 17,500 sq. ft mixed use (retail/office); 6000 sq. ft office; Lot B - 216 Apartment units: Lot C - 48 Unit Special Needs Building (above as Casterbridge Crossing): Lot D- 16000 sq. ft office OR 16 apartments: Lot E- 16.36 Acres Open Space - Application #10-28 & 13-54 (Approved 2010 & 2013); and
6. 1313/1349 Hopmeadow Street - Big Y Foods - Application #12-28 (Approved 2012).

**Q42: Please refer to the Town's response to DWW Interrogatory #1. Please list and describe in detail all projects that have been approved in the last ten years in the "Northern Gateway" section of the 2007 POCD.**

**RESPONSE:** The Town objects to this Interrogatory because it: (1) is overly broad, unduly burdensome and oppressive and (2) seeks information which may be, or has been, obtained from another, more convenient source, such as the public domain or another party, for whom production would be less burdensome or less expensive. Subject to and without waiving this objection, the Town responds as follows: According to a review of the Town's files, the following projects proposed in the "Northern Gateway" section as demarcated in the 2007 POCD have been approved over the last ten years:

1. 1225-1261 Hopmeadow Street - Dunkin Donuts - Application #17-30 (Approved 2017);
2. 22/42/54 Hoskins Road - Zone change to WHOZ, 88 Residential Units - Applications #15-27, 28, 29, 30, 31, 32, 33 & 34 (Approved 2015);
3. 1340 Hopmeadow Street - Gas Station- Application #14-12 (Approved 2014);
4. 100 Casterbridge Crossing- 48 Unit Specialty Housing Development - Application #12-26 (Approved 2012);
5. 1507/1515 Hopmeadow Street- Dorset Crossing- Lot A- 50,000 sq. ft Medical; 17,500 sq. ft mixed use (retail/office); 6000 sq. ft office; Lot B - 216 Apartment units: Lot C - 48 Unit Special Needs Building (above as Casterbridge Crossing): Lot D- 16000 sq. ft office OR 16 apartments: Lot E- 16.36 Acres Open Space - Application #10-28 & 13-54 (Approved 2010 & 2013); and
6. 1313/1349 Hopmeadow Street - Big Y Foods - Application #12-28 (Approved 2012).

**Q43: Please provide a summary of all emergency service calls made in the last five years, including calls to the police and/or fire departments relating to tobacco barns in Simsbury, including vandalism, trespassing and fire complaints.**

**RESPONSE:** The Town objects to this Interrogatory because it: (1) is overly broad, unduly burdensome and oppressive; (2) is not reasonably calculated to lead to the discovery of admissible evidence; (3) is duplicative of Interrogatory No. 22 and is harassing and oppressive; and (4) seeks information which is irrelevant and immaterial to the subject matter of this Petition. Subject to and without waiving this objection, the Town responds as follows: Please see the attached memorandum from the Town's Police Department, which is appended hereto as Attachment B.

**Q44:** Please provide a summary of all noise complaints, trespassing complaints and similar complaints received by the Town for the Project site for the last five years as those complaints may relate to the unauthorized use of the Project site by persons other than the owner and/or operator of the Project site.

**RESPONSE:** The Town objects to this Interrogatory because it: (1) is overly broad, unduly burdensome and oppressive; (2) is not reasonably calculated to lead to the discovery of admissible evidence; (3) is duplicative of Interrogatory No. 23 and is harassing and oppressive; and (4) seeks information which is irrelevant and immaterial to the subject matter of this Petition. Subject to and without waiving this objection, the Town responds as follows: Please see the Town's response to Interrogatory 43.

**Q45:** Please refer to p. 3 of Ms. Heavner's written testimony. Please describe in detail all of the information in the Town's possession related to the Connecticut "public money" and/or "incentives" that are being provided to the Project. Please provide copies of all such information.

**RESPONSE:** The Town objects to this Interrogatory because it: (1) is duplicative of Interrogatory No. 4 and is harassing and oppressive; (2) seeks information which is irrelevant and immaterial to the subject matter of this Petition; and (3) seeks information which may be, or has been, obtained from another, more convenient source, such as the public domain or another party, for whom production would be less burdensome or less expensive. Subject to and without waiving this objection, the Town responds as follows: The Town is generally aware that solar projects are entitled to a variety of state and federal incentives, which may apply to the proposed Project. The Town of Simsbury is also aware that the current owner of the Property has taken advantage of a state statute providing lower real estate tax payments based on the agricultural use of the land.

**Q46:** Please refer to p. 3 of Ms. Heavner's written testimony which states that a "higher level of review is warranted" with respect to the Petition, and that the Siting Council should "at the very least engage in a comprehensive review through the petition process." Has the Siting Council engaged in a comprehensive review in this Petition process?

**RESPONSE:** The Town objects to this Interrogatory because it is duplicative of Interrogatory 5 and is harassing and oppressive. Subject to and without waiving this objection, the Town responds as follows: Please see the Town's response to Interrogatory No. 5.

**Q47:** If the answer to Interrogatory 46 is no, what other steps should the Siting Council be taking/have taken to ensure a comprehensive review of the Petition?

**RESPONSE:** Please see the Town's response to Interrogatory No. 46.

**Q48:** Please refer to the Town's response to DWW Interrogatory 19, and Attachment C which is referenced thereto. Were any of the barns referenced in Attachment C used by Martin Luther King, Jr.? Were any of the barns referenced in Attachment

**C used by farming operations for which Martin Luther King, Jr. was employed or for which he did work?**

RESPONSE: The Town objects to this Interrogatory because it duplicative of Interrogatory No. 10 and is harassing and oppressive. Subject to and without waiving this objection, the Town responds as follows: Please see the Town's response to Interrogatory No. 10.

**Q49: Please provide a full copy of the “Preliminary Report, Pesticide Disposal Area, Culbro Corporation,” referenced in your response to Interrogatory 27.**

RESPONSE: The Town objects to this Interrogatory because it duplicative of Interrogatory 27 and is harassing and oppressive. Subject to and without waiving this objection, the Town responds as follows: Please see the Town's response to Interrogatory Nos. 27 and 28.

**Q50: Please refer to the supplemental disclosure provided by the Town on October 5, 2017. Please provide complete copies of the following:**

- **Preliminary Report – Pesticide Disposal Area, Culbro Corporation, dated April 1986;**
- **“Hall Farm Disposal Site – Pesticide Disposal Site Remediation – Culbro Tobacco Farm #2, dated March 1992; and**
- **Memorandum from Craig Parks, PERD to Elsie Patton, dated April 22, 1994.**

RESPONSE: The Town objects to this Interrogatory because it duplicative of Interrogatory No. 28 and is harassing and oppressive. Subject to and without waiving this objection, the Town responds as follows: Please see the Town's response to Interrogatory Nos. 27 and 28.

**Q 51: Please provide the name and employer of every individual who prepared or assisted in the preparation of the responses to these interrogatories.**

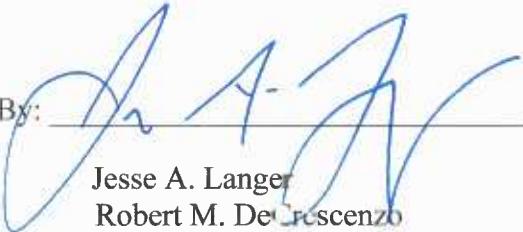
RESPONSE: The following individuals prepared or assisted in the preparation of the responses to these interrogatories:

1. Jesse A. Langer and Robert M. DeCrescenzo, Legal Counsel;
2. Lisa L. Heavner; First Selectwoman for the Town;
3. Thomas F. Cooke, Director of Administrative Services for the Town;
4. Marguerite Carnell, Vice Chair, Town Historic District Commission;
5. James D. Rabbitt AICP, Director of Planning and Community Development for the Town;
6. Michael Glidden CFM CZEO, Assistant Town Planner;
7. Jerome F. Shea, Town Engineer;

8. Adam Kessler, Project Engineer;
9. Lieutenant Frederick Sifodaskalakis; and
10. Robert J. Carr, P.E., LEP, Vice President and Principal-In-Charge of Zuvic, Carr and Associates, Inc.

Respectfully submitted by,

THE TOWN OF SIMSBURY

By: 

Jesse A. Langer  
Robert M. DeCrescenzo  
UPDIKE, KELLY & SPELLACY, P.C.  
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ATTACHMENT A

## Chapter 123

### PREMISES, BLIGHTED AND UNSAFE

**§ 123-1. Findings.**

**§ 123-2. Prohibitions.**

**§ 123-3. Definitions.**

**§ 123-4. Enforcement; unpaid fines.**

**§ 123-5. Inspections; designation as unsafe or blighted.**

**§ 123-6. Notice; extension of repair period; failure to comply; hearing.**

**§ 123-7. Correction of violation by Town.**

[**HISTORY:** Adopted by the Board of Selectmen of the Town of Simsbury 10-11-2006. Amendments noted where applicable.]

#### GENERAL REFERENCES

Building construction — See Ch. 70.  
Demolition of buildings — See Ch. 72.  
Numbering of property — See Ch. 112.

**§ 123-1. Findings.**

This chapter is enacted pursuant to the authority granted to the Town of Simsbury under Connecticut General Statutes Section 7-148(c)(7)(H)(xv). The Board of Selectmen finds that blighted or unsafe buildings and other structures may pose a threat to the health, safety and general welfare of their occupants and other members of the public, and may reduce the value and unreasonably interfere with the use and enjoyment of properties in the vicinity of such premises. The Board of Selectmen also finds that buildings and structures within the

Town of Simsbury should not be allowed to become blighted or unsafe or to remain in such a condition.

**§ 123-2. Prohibitions.**

No owner or other person having lawful possession or control of a building or other structure within the Town of Simsbury shall permit the building or structure to become blighted or unsafe, as defined in § 123-3 below, or to remain in a blighted or unsafe condition.

**§ 123-3. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this chapter:

**BLIGHTED PREMISES** — Any building or structure, or any part of a structure that is a separate unit, any parcel of land, any lot of land, or any building under construction for which a building permit has been issued for more than 24 months without receiving a certificate of occupancy and in which at least one of the following conditions exists:

- A. The Blight Prevention Officer determines that existing conditions pose a serious threat to the health and safety of persons in the Town.
- B. The premises is not being maintained and contributes to housing decay, as evidenced by the existence of one or more of the following conditions:
  - (1) Missing or boarded windows or doors;
  - (2) Collapsing or missing walls, roof or floor;
  - (3) Exterior walls which contain holes, breaks, loose or rotting materials or which are not properly surface coated to prevent deterioration;

- (4) Foundation walls which contain open cracks and breaks;
- (5) Overhang extensions, including but not limited to canopies, marquees, signs, awnings, stairways, fire escapes, standpipes and exhaust ducts which contain rust or other decay;
- (6) Chimneys and similar appurtenances which are in a state of disrepair;
- (7) Insect screens which contain tears or ragged edges;
- (8) Vermin infestation;
- (9) Garbage, trash, abandoned vehicles, watercraft or trailers of any kind on the premises (unless the premises is a junkyard licensed by the State of Connecticut);
- (10) Overgrown grass or weeds at least one foot in height; or
- (11) Graffiti.

C. Illegal activities are conducted at the premises, as documented in Police Department records.

D. It is a fire hazard as determined by the Fire Marshal or as documented in Fire District records.

E. It is a factor creating a substantial and unreasonable interference with the use and enjoyment of other premises within the surrounding area as documented by neighborhood complaints, police reports, or the cancellation of insurance on proximate properties.

**BLIGHT PREVENTION OFFICER** — Such individual as is designated by the First Selectman to act as the Blight Prevention Officer.

**BUILDING or STRUCTURE** — An edifice of any kind or any piece of work artificially built or composed of parts joined

together in some form which is built or constructed on any real property. The words "building" and "structure" shall be construed as if followed by the words "or part thereof." Accessory buildings or structures, canopy, awnings, marquees, and each and every type of portable equipment shall be considered "buildings" or "structures" within the meaning of this definition.

**BUILDING CITATION HEARING OFFICER** — Any individual(s) appointed by the First Selectman to conduct hearings authorized by the Simsbury Code of Ordinances.

**LEGAL OCCUPANCY** — Occupancy in accordance with state building, state fire, local zoning, local housing and all other pertinent codes.

**NEIGHBORHOOD** — An area of the Town comprised of all premises or parcels of land any part of which is within a radius of 1,000 feet of any part of another parcel or lot within the Town.

**OWNER** — Any person, firm, institution, partnership, corporation, foundation, entity or authority who or which holds title to real property or any mortgage or other secured or equitable interest in such property, as appears in the Simsbury land records.

**PROXIMATE PROPERTY** — Any premises or parcel of land or part thereof within 1,000 feet of a blighted premises.

**VACANT** — A continuous period of 60 days or longer during which a building or structure or part thereof is not legally occupied by human beings.

**VACANT PARCEL** — A parcel of land with no structure(s) thereon.

**§ 123-4. Enforcement; unpaid fines.**

A. The Blight Prevention Officer is granted the authority necessary to enforce the provisions of this chapter. Such

§ 123-4 PREMISES, BLIGHTED AND  
UNSAFE § 123-6

authority shall include, but not be limited to, entering premises known to be, or suspected of being, blighted or unsafe for the purpose of conducting inspections, citing violations, determining enforcement actions, assessment of fines, filing liens, designating a building or structure as blighted or unsafe, ordering the demolition of unsafe buildings or structures, and initiating legal actions.

B. Any unpaid fine imposed shall constitute a lien upon the real estate in accordance with Connecticut General Statutes Section 7-148aa. Each such lien shall be continued, recorded and released as provided for in Section 7-148aa.

**§ 123-5. Inspections; designation as unsafe or blighted.**

- A. The Blight Prevention Officer or his or her designee shall inspect any buildings or structures that appear to be blighted or unsafe based upon reports of the Director of Health or of any other persons who have reason to know of such conditions, or upon such other evidence as the Blight Prevention Officer deems relevant.
- B. Any building or structure that has been determined by the Blight Prevention Officer to be blighted or unsafe shall be so designated by the Blight Prevention Officer.

**§ 123-6. Notice; extension of repair period; failure to comply; hearing.**

A. Issuance of notice; contents.

(1) Upon designating a building or structure as blighted or unsafe, the Blight Prevention Officer shall issue to the owner a written notice of blighted or unsafe premises and shall order the owner to correct the blighted or unsafe condition within 60 days of the date of the notice. The notice shall be sent to the owner by certified mail and shall include:

- (a) The facts upon which the designation is based;
- (b) The date by which the blighted or unsafe conditions must be corrected;
- (c) The fines, penalties, costs, fees and other enforcement actions that may be imposed by citation if the conditions are not corrected; and
- (d) The owner's right to contest the order before one or more citation hearing officers appointed by the Board of Selectmen (the "Hearing Officer").

(2) In the event that the relevant building or structure or portion of a building or structure is known by the Blight Prevention Officer to be occupied by or under the legal control or possession of a person or persons other than the owner, the Blight Prevention Officer may direct a similar notice and order to any such person or persons whom the Blight Prevention Officer may reasonably believe to be fully or partially responsible for creating or maintaining the blighted or unsafe condition. Each person receiving such a notice and order shall be deemed to be jointly and severally liable for correcting the blighted or unsafe conditions.

B. Prior to the expiration of the sixty-day repair period specified in the notice of blighted or unsafe building or structure, the owner or person receiving a notice and order pursuant to Subsection A may apply to the Blight Prevention Officer for an extension of the repair period. The Blight Prevention Officer may grant one or more extensions of the repair period, none of which may be longer than 60 days, if he or she determines that the owner or other person is diligently working to remedy the blighted or unsafe condition and that under the facts and circumstances an extension is reasonable.

§ 123-6 PREMISES, BLIGHTED AND  
UNSAFE § 123-6

C. If the blighted or unsafe building or structure is not repaired to the satisfaction of the Blight Prevention Officer, or demolished, by the conclusion of the sixty-day repair period and any extensions thereof granted by the Blight Prevention Officer, the Blight Prevention Officer shall issue a citation and impose a fine of not more than \$100 for each day that the building or structure remains unrepaired and stating that the owner or other person who received notice under Subsection A shall have 15 days from the receipt of the citation to make an uncontested payment of such fines. Each day that the property is in violation of this chapter shall constitute a separate offense. If the citation has been sent by regular mail, the day of receipt shall be deemed to be three business days after the mailing of the citation.

D. Failure to pay fine.

(1) Upon the expiration of the fifteen-day period for the uncontested payment of fines under Subsection C, the Blight Prevention Officer shall send notice to the person cited under Subsection C. Such notice shall inform the person cited:

- (a) Of the allegations against him or her and the amount of fines, penalties, costs or fees due;
- (b) That he or she may contest his or her liability before the Hearing Officer by delivery, in person or mail, of written notice within 10 days of the date thereof;
- (c) That if he or she does not demand a hearing, an assessment and judgment shall be entered against him or her; and
- (d) That such judgment may issue without further notice.

(2) All notices and hearings related to such citations shall be given and held, respectively, in accordance

with the citation hearing procedures set forth in state law.

- E. Any property owner or other person who receives a citation pursuant to this chapter has the right to request a hearing before the Hearing Officer by delivering, by hand delivery or mail, written notice of such request within 10 days of the date of the notice of blighted or unsafe premises. If the property owner or other responsible person requests a hearing, the Blight Prevention Officer shall set written notice, by certified mail, of the date, time and place for the hearing. Such hearing shall be held 15 to 30 days from the date of the mailing of the notice of such hearing.
- F. The Hearing Officer shall conduct the hearing in the form and with the methods of proof as he or she deems fair and reasonable, in accordance with the hearing procedures for citations specified in state law. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation.
- G. The Hearing Officer shall issue a written decision following the conclusion of the hearing. If he or she determines that the subject property owner or other person having lawful possession or control is not liable, the Hearing Officer shall dismiss the matter and enter the determination, in writing, accordingly. If the Hearing Officer determines that the subject property or other person having lawful possession or control owner is liable, he or she shall enter the determination, in writing, accordingly, and assess the relevant fines, penalties, costs or fees that are provided for in this chapter.
- H. Any fine which is unpaid 30 days after it is imposed shall constitute a lien upon the real estate agent against which the fine was imposed from the original date of imposition.

§ 123-7 PREMISES, BLIGHTED AND  
UNSAFE § 123-7

**§ 123-7. Correction of violation by Town.** [Amended  
11-13-2013]

- A. Pursuant to Connecticut General Statutes § 7-148ff, in the event any owner, agent, tenant or person in control of real property shall fail to abate or correct any violation specified in any notice, after the issuance of an enforcement citation for such failure, which citation has become final through the failure of such owner, agent, tenant, or person in control of real property to appeal from the issuance of such citation, or by such appeal being sustained, the Town of Simsbury, acting through its Blight Prevention Officer, may cause or take such action as is necessary to correct such violation. Such Blight Prevention Officer, or his or her agent, may enter the property during reasonable hours for the purpose of remediating blighted conditions, provided such officer or agent shall not enter any dwelling, house or other structure. The cost to take such action shall be subject to a lien against the real property of the owner pursuant to Connecticut General Statutes § 49-78b and shall be a civil claim by the Town against such owner, agent, tenant, or person responsible for such property, and the Town Attorney may commence an action on behalf of the Town of Simsbury to recover all costs, expenses and fees, including attorney's fees, incurred by the Town relating to the violation.
- B. The Blight Prevention Officer shall give notice of the determination that the right of entry is authorized. Notice shall be sent by certified mail, return receipt requested, to the last known address of the property owner. Said notice shall give the property owner no less than 10 days from the date of the notice to remedy the blighted condition prior to the exercise of the right of entry.
- C. As set forth in Connecticut General Statutes § 7-148ff, there is a board established consisting of the Blight Prevention Officer, the Finance Director and the Tax Assessor to determine when the exercise of the right of entry for a particular property is authorized under this section.

**ATTACHMENT B**



# Simsbury Police Department

933 Hopmeadow Street

P.O. Box 495

Simsbury, CT 06070



PETER N. INGVERTSEN  
*CHIEF OF POLICE*

## MEMORANDUM

TO: Lisa L. Heavner, First Selectwoman  
FROM: Lieutenant Frederick Sifodaskalakis  
DATE: October 20, 2017  
SUBJECT: Complaints re: Tobacco Barns and DWW Project Site (2013-2017)

Because the Project Site and the various parcels hosting tobacco barns throughout the Town of Simsbury do not have street addresses, it is very difficult to get an accurate count of calls for service. A search was done for County Road, Hoskins Road, Barndoors Hills Road, 1285-1500 Hopmeadow Street and 400-800 Firetown Road for the years 2013 through 2017. The types of calls for service searched were Criminal Mischief, Fire, Trespass and Noise Complaints. In 2016 there were two (2) Trespass Complaints on the tobacco property (County Road). In 2017 there was one (1) Criminal Mischief Complaint at the Aquarion Water Tower on Hoskins Road (tower is behind tobacco barn).

## CERTIFICATION

I hereby certify that on this day that the foregoing was delivered by electronic mail (all content) and by disc via regular mail, to all parties and intervenors of record, as follows:

*Counsel for DWW Solar II, LLC*

Lee D. Hoffman  
Pullman & Comley, LLC  
90 State House Square  
Hartford, CT 06103-3702  
lhoffman@pullcom.com

Aileen Kenney  
Deepwater Wind, LLC  
VP, Permitting and Environmental Affairs  
56 Exchange Terrace, Suite 300  
Providence, RI 02903  
akenney@dwwind.com

*Connecticut Department of Energy  
and Environmental Protection*

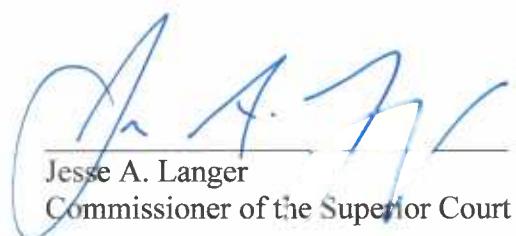
Kirsten S.P. Rigney  
Bureau of Energy Policy  
Department of Energy and Environmental Protection  
10 Franklin Square  
New Britain, CT 06051  
Kirsten.Rigney@ct.gov

*Connecticut Department of Agriculture*

Jason Bowsza  
Department of Agriculture  
450 Columbus Boulevard  
Hartford, CT 06103  
Jason.Bowsza@ct.gov

*Certain Abutting Property Owners*

Alan M. Kosloff  
Alter & Pearson, LLC  
701 Hebron Avenue  
Glastonbury, CT 06033  
akosloff@alterpearson.com



Jesse A. Langer  
Commissioner of the Superior Court