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& COMLEY<sub>LLC</sub>**  
ATTORNEYS

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October 19, 2017

**VIA E-MAIL AND U.S. MAIL**

Jesse A. Langer  
Robert M. DeCrescenzo  
Updike, Kelly & Spellacy, P.C.  
One Century Tower  
265 Church Street  
New Haven, CT 06510

**Re: Petition No. 1313 - Petition of DWW Solar II, LLC for a 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 Mr. Langer and Mr. DeCrescenzo:

In connection with the above-referenced Petition, I am enclosing a copy of DWW Solar II, LLC's second set of Interrogatories to the Town of Simsbury, Connecticut.

Should you have any questions, please feel free to contact me at your convenience.

Sincerely,

  
Lee D. Hoffman

Enclosure

cc: Service List, Petition 1313 (by e-mail)

ACTIVE/78522.1/LHOFFMAN/6928707v2

**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

OCTOBER 19, 2017

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

The petitioner, DWW Solar II, LLC (“DWW”) respectfully submits this Second Set of Interrogatories to the Town of Simsbury, Connecticut (“Town+”), a party in the above-referenced Petition. Please respond to these interrogatories by October 26, 2017.

**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.

**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.

- 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.**
- 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?**
- 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.**
- 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.**
- 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.**
- 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.**
- 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.**
- 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?**
- 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?**
- 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?**

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

**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.**

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

Respectfully Submitted,  
DWW Solar II, LLC

By:   
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Its Attorney

**CERTIFICATION**

I hereby certify that on October 19, 2017, 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:

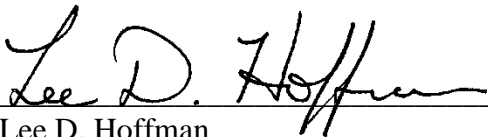
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\_\_\_\_\_  
Lee D. Hoffman  
Commissioner of the Superior Court

## Exhibit A

The Middletown Press

<http://www.middletownpress.com/news/article/Martin-Luther-King-Jr-s-time-in-Simsbury-evokes-11828680.php>

### Martin Luther King Jr.'s time in Simsbury evokes awe

Clennon L. King Published 12:00 am, Monday, January 16, 2012



IMAGE 1 OF 4

In February 1984, Simsbury volunteer firefighters set fire to "The Morehouse" where King lived as a teenager, as part of a training exercise. Contributed photo

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SIMSBURY -- Lynne Sloan never lived in civil rights battlefields like Atlanta, Montgomery, Birmingham, Selma or Memphis.

But the registered nurse, wife and mother from Simsbury was pinching herself last week at the thought that the Rev. Martin Luther King Jr., as a teenager, lived, worked and preached on the footprint of her subdivision.

<http://www.middletownpress.com/news/article/Martin-Luther-King-Jr-s-time-in-Simsbury-evokes-1182868...> 9/25/2017

"It's really amazing," said Sloan, who, with her husband, Mark, lives across the street from 8 Scarborough Road, outside town in the heart of what was once a shade tobacco farm where King worked at age 15 and later as an 18-year-old. "We were feeling like we are walking in the same footsteps as he once walked."

According to the Simsbury Fire Department website, King lived in a tobacco workers' dormitory owned by cigar maker Cullman Brothers Tobacco in the summers of 1944 and 1947. The building was the summer home to scores of students attending Morehouse College in Atlanta, who worked on the tobacco farm as a way of earning money for college.

The dormitory was destroyed by fire in February 1984 as part of a training exercise for volunteer firefighters. Pictures of the three-story building engulfed in flames are on the department's website, along with a map of the dormitory, showing where King lived, worked in the kitchen and preached.

The footprint of where the dormitory once stood is in the backyard of 8 Scarborough Road, according to Simsbury High School Principal Neil Sullivan, who lives two doors down.

Sullivan learned of the historic significance of the lot after history teacher Rich Curtiss, who was working on a student documentary about King's time in Simsbury, shared an old photo of the dorm's location, which he compared in relationship with the subdivision.

"It was pretty stunning," said Sullivan. "I brought the aerial photos home to show my kids and took a walk up there."

Last spring, Pat and Christine Egan moved onto the historic site as the third owners of the 5,000-square-foot, seven-bedroom home at 8 Scarborough Road.

"It's nice that we are in some way connected to an important figure in history," Pat Egan said.

"It just seems so amazing that we are living on the same property that Dr. Martin Luther King walked on," said Karen Somerville, a neighbor of the Egans.

In two of four 1944 letters, with misspellings and poor punctuation, King hints at life at the dormitory, which, according to the Fire Department website, was referred to as "The Morehouse."

In a June 11 letter to his mother, Alberta Williams King, he wrote, "Sunday morning we had church in the boat house and I lead it," adding, "I an the religious leader I have to speak on some text every Sunday to 107 boys we really have good meetings."

<http://www.middletownpress.com/news/article/Martin-Luther-King-Jr-s-time-in-Simsbury-evokes-1182868...> 9/25/2017

A week later, on June 18, King wrote again to his mother, saying, "My job in the kitchen is easy I just do the extra work I give out the lunches and serve what ever they have to drink"

The three-story dorm was constructed in 1938 by the late John Mirrick, a former Simsbury fire chief and general contractor, who put an addition on the building in 1946.

Pictures of a similar tobacco workers' dormitory that Mirrick built for Cullman Brothers are featured in the student documentary film, "Summers of Freedom: the Story of Martin Luther King Jr. in Connecticut."

The film, produced by Simsbury High School students, which the Sloans' daughter assisted with, will be screened today as a part of Simsbury's second annual King Day festivities.

The program, which begins at 1 p.m. at Eno Memorial Hall on Hopmeadow Street, is free and open to the public.

Attorney T.J. Donohue, trustee of the Simsbury Free Library, which is co-sponsoring the film, said this year's program will include a special announcement of a gift to build a permanent memorial to King.

The need for the monument appears justified, since few know of King's presence in Simsbury nearly 70 years ago.

William M. Hayes, president of the Greater Boston Morehouse Alumni Association, thought the famous alumnus first came to New England in the '50s to attend Boston University's divinity school, not in the '40s to work in the tobacco fields of Connecticut to earn money for college.

Hayes wasn't alone.

Tobacco heiress Susan Cullman of Stamford, whose late father, Edgar, ran the family-owned tobacco farming empire, admitted that she had no knowledge of King working for her family.

Simsbury High School 11th-grader Damali Scipio, 16, who moved to town three years ago with her Trinidad-born mother, Corrine Wilson, said King's historic ties to her new hometown was news.

"Yes, I'm surprised, because it's a predominantly white area," said Scipio.

In a town with an African-American population still less than 2 percent, Simsbury has always been tolerant of black tobacco workers, including the Morehouse students, said resident Ernest G. Shaw, 82.

<http://www.middletownpress.com/news/article/Martin-Luther-King-Jr-s-time-in-Simsbury-evokes-1182868...> 9/25/2017



Shaw, who is six months younger than King would have been, and was living in Simsbury in 1944 and 1947, remembers Morehouse students visiting his congregation at First Church of Christ, Congregational, which King had attended.

"The colored boys, they came in and sang to us in church, and they did something I never saw before," he said. "They made change out of the collection plate."

However tolerant, local authorities, according to Shaw, enforced an ordinance at the time that prohibited the tobacco workers, who had no cars, from venturing on or into private property or businesses.

"They didn't want these kids in people's yards," Shaw said. "They wanted them to stay on the highway unless they had business in the store."

Shaw, who was familiar with the Scarborough Road dormitory site, also questioned its historic significance in relationship to the 15-year-old King.

"He didn't do anything special," said Shaw, noting King didn't work in the tobacco fields. "It's (the dormitory) immaterial."

Principal Sullivan disagreed. "If the dorm was still there, we'd save it," he said.

Attorney Donahue echoed Sullivan's sentiments about King.

"He is the most important person who walked here in Simsbury."

*Clennon L. King is a freelance journalist and photographer. An Albany, Ga., native, King spent the bulk of his career as a TV news reporter and later anchor in Dallas, Atlanta, Miami and Jacksonville. A father of two, he lives in Plymouth, Mass.*

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**H E A R S T**

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