



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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Hearing Program
Petition No. 1312
Tuesday, September 26, 2017
3:00 p.m./6:30 p.m.
Roger Sherman Town Hall, E. Paul Martin Room
10 Main Street, New Milford, Connecticut

- I. Opening by Council
 - A. Statement read by Chair.
 - B. Comments by Public Official(s) (if any)
 - C. Motions (if any)
 - D. Administrative Notice taken by Council

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56. **PETITION NO. 1220** -Windham Solar LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of three 2.0 Megawatt and one 1.0 Megawatt Solar Photovoltaic Electric Generating facilities located at 1219 and 1240 Voluntown Road, Griswold, Connecticut. Record and Final Decision, *available at* <http://www.ct.gov/csc/cwp/view.asp?a=2397&q=578334>
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MAPS

109. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Natural Diversity Database Map for the Towns of New Milford, Brookfield, and New Fairfield*, available at <http://www.depdata.ct.gov/naturalresources/endangeredspecies/nddbpdfs.asp>
110. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Aquifer Protection Area Map for the Towns of New Milford and Brookfield* last updated September 6, 2017, available at <http://www.ct.gov/deep/cwp/view.asp?a=2685&q=322248>
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116. UNITED STATES GEOLOGICAL SURVEY, Connecticut Topographic Map Collection, New Milford 1984 and Danbury 1984, available at http://magic.lib.uconn.edu/topographic_maps.html
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E. State Agency comments

1. State of Connecticut Department of Transportation, dated August 28, 2017
2. State of Connecticut Council on Environmental Quality, dated August 30, 2017

F. Public Official comments

1. United States Senator Richard Blumenthal and Congresswoman Elizabeth H. Esty, dated September 22, 2017
 2. State Representative Richard A. Smith, 108th District, dated September 21, 2017
-

II. Appearance by Petitioner

Petitioner: Candlewood Solar, LLC

Representative: Paul R. Michaud, Esq.
Michaud Law Group LLC

A. Administrative Notice.

- 1.

B. Exhibits for Identification.

1. Petition for a Declaratory filed by Candlewood Solar, LLC, received June 28, 2017, and attachments.
2. Candlewood Solar, LLC's Responses to Council Interrogatories, Set One, dated August 28, 2017
3. Candlewood Solar, LLC's Pre-filed Testimony, dated September 19, 2017
 - a. Jim Walker, Ameresco, Inc.
 - b. Joel Lindsay, Ameresco, Inc.
 - c. Robert Bukowski, Pamela M. Chan, Amec Foster Environment & Infrastructure, Inc. and Brian Butler, Oxbow Associates, Inc.
4. Candlewood Solar, LLC's Responses to Town Interrogatories, Set One, dated September 19, 2017
5. Candlewood Solar, LLC's Affidavit of Sign Posting with Photograph, dated September 19, 2017
6. Candlewood Solar, LLC's Witness Resumes and Company Qualifications and Experience, received September 19, 2017
 - a. Jim Walker, Ameresco, Inc.
 - b. Joel Lindsay, Ameresco, Inc.
 - c. Amec Foster Wheeler Statement of Qualifications
 - d. Robert Bukowski, Amec Foster Environment & Infrastructure, Inc
 - e. Pamela M. Chan, Amec Foster Environment & Infrastructure, Inc.
 - f. Brian Butler, Oxbow Associates, Inc.
 - g. Oxbow Associates, Inc. Statement of Qualifications
7. Candlewood Solar, LLC's Phase IA Cultural Resources Assessment Survey of the Proposed Candlewood Solar Facility in New Milford, Connecticut, September 2017

8. Candlewood Solar, LLC's Federal Aviation Administration Determination of No Hazard to Air Navigation Letters, received September 19, 2017
9. Candlewood Solar, LLC's Supplemental Sign Posting Affidavit, signed and dated September 25, 2017
10. Candlewood Solar, LLC's Field Review Map, received September 25, 2017

C. Swear Witnesses

1. Jim Walker, Ameresco, Inc.
2. Joel Lindsay, Ameresco, Inc.
3. Robert Bukowski, Amec Foster Wheeler Environment & Infrastructure, Inc.
4. Pamela Chan, Amec Foster Wheeler Environment & Infrastructure, Inc.
5. Brian Butler, Oxbow Associates, Inc.

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Town of New Milford
3. Department of Energy and Environmental Protection (DEEP)
4. Department of Agriculture (DOAg)
5. Rescue Candlewood Mountain

III. Appearance by Party: Town of New Milford
Representative: John D. Tower, Esq.
Cramer & Anderson LLP

A. Administrative Notice.

1. FUSS & O'NEILL, *Low Impact Development Appendix to the Connecticut Stormwater Quality Manual*, August 2011, Partners for the Connecticut Low Impact Development and Stormwater General Permit Evaluation- Connecticut, *available at* http://www.ct.gov/deep/lib/deep/water/nps/swgp/lid_stormwaterfinal.pdf
2. FUSS & O'NEILL, *Low Impact Development Appendix to the Connecticut Guidelines for Soil Erosion and Sediment Control Manual*, August 2011, Partners for the Connecticut Low Impact Development and Stormwater General Permit Evaluation- Connecticut, *available at* http://www.ct.gov/dot/lib/dot/documents/dpolicy/waternoise/compliance/helpsoftware/Report_LIDAppendixSoilErosion&SedimentControl_20110800.pdf

B. Exhibits for Identification.

1. Town of New Milford's Request for Party Status, dated July 19, 2017
2. Town of New Milford's Zoning Commission Correspondence, dated July 14, 2017
3. Town of New Milford's Planning Commission Correspondence, dated July 24, 2017
4. Town of New Milford's Zoning Commission Regular Meeting Minutes, dated July 25, 2017
5. Town of New Milford's Zoning Commission Correspondence, dated September 11, 2017
6. Town of New Milford's Office of Inland Wetlands Commission Correspondence, dated September 18, 2017

7. Town of New Milford's Conservation Commission Correspondence, dated September 18, 2017
8. Town of New Milford's Farmland & Forest Preservation Committee Correspondence, dated September 18, 2017 and Attached Memorandum, dated December 7, 2016

C. Swear Witnesses

1. William Taylor, Chairman, New Milford Zoning Commission
2. Laura Regan, Land Use Supervisor/Zoning Enforcement Officer, Town of New Milford
3. James Ferlow, Inland Wetlands Enforcement Officer, New Milford Inland Wetlands & Watercourses Commission
4. Adam Halasi-Kun, Chairman, New Milford Conservation Commission
5. Steve Kleppin, Chairman, New Milford Farmland & Forest Preservation Committee

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Petitioner
3. DEEP
4. DOAg
5. Rescue Candlewood Mountain

IV. Appearance by Party: Department of Energy and Environmental Protection
Representative: Kirsten S. P. Rigney, Esq.

A. Administrative Notice.

1. UNIVERSITY OF CONNECTICUT, College of Agriculture and Natural Resources, Center for Land Use Education and Research, *Connecticut's Changing Landscape*, available at: <http://clear.uconn.edu/projects/landscape/index.htm>
2. HOCHHOLZER, HELENE, CONNECTICUT FOREST PLANNER, *Connecticut's Forest Action Plan 2010*, (Revised 2015), available at http://www.ct.gov/deep/lib/deep/forestry/assessment_and_strategy/fap2015.pdf
3. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Comprehensive Open Space Acquisition Strategy, 2016-2020 Green Plan*, available at http://www.ct.gov/deep/lib/deep/open_space/greenplan/2016GreenPlan-CompletePlan.pdf

B. Exhibits for Identification.

1. Department of Energy and Environmental Protection's Request for Party Status, dated August 1, 2017
2. Department of Energy and Environmental Protection's Interrogatory Responses to the Town of New Milford, Set One, dated September 19, 2017
3. Comments from the Department of Energy and Environmental Protection, dated September 21, 2017.

- C. Swear Witnesses
- D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.
- E. Cross Examination.
 - 1. Council
 - 2. Petitioner
 - 3. Town of New Milford
 - 4. DOAg
 - 5. Rescue Candlewood Mountain

V. Appearance by Party: Department of Agriculture

Representative: Jason Bowsza

- A. Administrative Notice.
- B. Exhibits for Identification.
 - 1. Department of Agriculture's Request for Party Status, dated August 1, 2017
- C. Swear Witnesses
- D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.
- E. Cross Examination.
 - 1. Council
 - 2. Petitioner
 - 3. Town of New Milford
 - 4. DEEP
 - 5. Rescue Candlewood Mountain

VI. Appearance by Party and CEPA Intervenor: Rescue Candlewood Mountain

Representative: Keith R. Ainsworth, Esq.
Law Offices of Keith R. Ainsworth, Esq., LLC

- A. Administrative Notice.
 - 1. CONNECTICUT GENERAL ASSEMBLY, *Public Act 17-218 - An Act Concerning the Installation of Certain Solar Facilities on Productive Farmlands, Incentives for the Use of Anaerobic Digesters by Agricultural Customer Hosts, Applications Concerning the Use of Kelp in Certain Biofuels and the Permitting of Waste Conversion Facilities, Sections 1 and 2*, Raised S.B. No. 943 Session Year 2017, effective July 1, 2017, available at <https://www.cga.ct.gov/2017/ACT/pa/2017PA-00218-R00SB-00943-PA.htm>

2. UNIVERSITY OF CONNECTICUT-COLLEGE OF AGRICULTURE AND NATURAL RESOURCES, *Core Forest Explained*, Center for Land Use Education and Research (CLEAR), available at http://clear.uconn.edu/projects/landscape/forestfrag/measuring/core_explained.htm
3. UNIVERSITY OF CONNECTICUT-COLLEGE OF AGRICULTURE AND NATURAL RESOURCES, *Landscape Fragmentation Tool (LFT)*, v. 2.0, Center for Land Use Education and Research (CLEAR), available at <http://clear.uconn.edu/tools/lft/lft2/index.htm>

B. Exhibits for Identification.

1. Rescue Candlewood Mountain's Request for Party and CEPA Intervenor Status, dated September 6, 2017
2. Comments from Carl M. Dunham, Jr., dated July 19, 2017
3. Comments from Lisa Ostrove, dated July 19, 2017
4. Comments from Lisa Ostrove, dated July 26, 2017
5. Comments from Timothy Abbott, Housatonic Valley Association, dated July 26, 2017
6. Pre-filed Testimony, dated September 19, 2017
 - a. Starling Childs
 - b. Timothy Abbott
 - c. Russel Posthauer
 - d. Lisa Ostrove
 - e. Carl Dunham
 - f. Milan G. Bull

C. Swear Witnesses

1. Starling Childs, Connecticut Forester
2. Timothy Abbott, Regional Land Protection and Greenprint Director, Housatonic Valley Association
3. Russel Posthauer, P.E., CCM Engineering
4. Lisa Ostrove
5. Carl Dunham
6. Milan Bull, Sr., Director of Conservation, CT Audubon Society

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Petitioner
3. Town of New Milford
4. DEEP
5. DOAg