

March 4, 2021

Ronald M. Viola
68 Wilson Rd.
Litchfield, CT 06759

To: Mark I. Austin, Chair, Conservation Commission, Town of Litchfield
Robert T. Blazek, Chair, Inland Wetland Commission, Town of Litchfield
Carol Bramley, Chair, Planning and Zoning Commission, Town of Litchfield
Denise Raap, First Selectwoman, Town of Litchfield
Dennis P. Tobin, Land Use Administrator, Town of Litchfield

Subject: Silicon Ranch Litchfield, LLC., Solar Project Proposal on Wilson and Town Farm Roads.

Dear Town of Litchfield Officials,

Pursuant to our discussion at the March 1, 2021 Planning and Zoning Commission, I am following up on the guidance I said I would provide on how to respond to the Silicon Ranch (SR) Petition 1442 filing to the Connecticut Siting Council (CSC) on February 2, 2021 of which you were all notified as I was.

I remind everyone that obviously I am not an attorney and I strongly suggest that you have your Town attorney properly respond to the matter and verify everything I have learned. My attorney, Dominick Thomas will gladly speak to your attorney and advise them of the process if they are not familiar on how to formally engage with the CSC. I will put Mr. Thomas' contact information at the end of this letter.

This is the period to engage with the CSC and be on the record and not after the fact of their decision.

Your involvement in this matter is not about opposing or endorsing the project at this time.

SR Plans in the petition are brand new and need to be analyzed by your experts. Your involvement in this process is a very short window to make your standing known on the CSC record to express concerns, and ensure that if the project proceeds, that SR is following all regulations in pre-, during and post-construction operations to protect the land and abutting homeowners and to ensure that you are in the information flow.

I respectfully remind everyone that the Board of Selectman (BOS) letter of unanimous endorsement of the project to the CSC on August 28, 2019, was written and signed by former 1st. Selectman Leo Paul, Jr., was done without any plans, figures or analysis disclosed by SR, and without any consultation of any Town boards, commissions, or land use authorities as Mr. Paul was persuaded by an SR representative to write it.

Furthermore, that letter was written without any public disclosure or public comments. This letter is included by SR in their recent petition and its genesis can be found in the minutes of the BOS Regular Meeting of August 20, 2019.

My concerns were clearly expressed to Mr. Leo Paul, the 1st Selectman many times in writing prior to that letter dating back to 2017, yet it is never mentioned in the letter "... with the protection of land and abutting homeowner properties in mind and proper land management procedures and regulations".

This letter currently stands as our Town's only comments on the project from public and in this case elected officials.

It is improper for the current BOS to allow that letter stand as their current position on the project without any plans and without further analysis or public comments they did not have at the time of writing that letter.

Now that all plans have been disclosed by SR to the CSC, the work and analysis of your boards and commissions can and should begin.

We all understand the CSC is the ruling authority on the matter. However, that does not mean any of the plans or analysis that are in the petition cannot be questioned, challenged, or further understood as they are written by SR and its experts to present the most favorable view of the project to the CSC as any developer application would.

I remind everyone again, this is not about opposing or endorsing the project. It is about getting on the record before the CSC decision with concerns and expectations and so that we all have a remedy and an avenue of appeals when problems do arise, and they will arise as they do with any large project on land not intended for the magnitude of this disruption.

I particularly ask that your area of focus is on drainage, soil erosion, sediment control and silt, as these are the biggest issues the CSC faces from towns and residents that are typically unforeseen by future weather events and problems the best of pre-construction analysis just cannot predict.

Nearly 2,000 trees will be cleared by this project which currently stabilize this land. I currently have no flooding or erosion issues on my property. Most if not all of the fields the solar arrays that will be installed on are uphill on a huge ridge from downhill land and homes, including my own. Plus culverts, wetlands, tributaries and the gulf stream South of this project where all the new water will go from this massively altered topography are most vulnerable during construction where final protections may not be complete.

We do not know the impact of excavation or what will be excavated to accommodate the solar arrays that will alter water courses. The fact that SR provided a very comprehensive drainage report does not mean it will hold true to its analysis or cannot be questioned or challenged. I expect the CSC will do their analysis, but our Town also needs to be proactive in studying these plans and verifying, questioning, and challenging the predictions.

The SR petition states that 60-70 trucks per day will be commuting to the site and we can assume these will be large haulers of materials and heavy equipment. We know these access roads are two lane country roads that were never intended for this kind of truck traffic. Half of Wilson Road is packed dirt/not paved on the Northern half and is damaged from just a rainstorm and snow plowing with potholes and ruts. It is not prepared for heavy truck traffic and what is to come in new and unexpected water flows that would challenge even the best paved road. The Southern half of Wilson Road and

downstream are all Litchfield homes to the best of my knowledge, and this is clearly marked in the SR drainage plans.

The current BOS has intentions of reaching out to SR to hold a "Town Hall" type of meeting to allow the public to hear what they have to say and to ask questions. Though I respect this intention for other concerned residents, I personally am well past this point in my attorney communicating directly with SR's attorneys (Robinson & Cole) on our direct concerns as I am the largest abutter to my knowledge.

Regarding engaging with the CSC, I can only suggest the two (2) ways I know of that should be verified by your Town attorney.

One is a letter can be written to the CSC and there is mention of Public Comments dues by March 7th on the CSC schedule in the petition. I am not educated on the COVID extensions. This is less of a formal way as I understand it much like the 2019 BOS letter.

The more formal way as I understand is to file for Party Status with the CSC. I have filed for this status.

I am including the link here and will not attempt to explain it as that is best done by your attorney.

<https://portal.ct.gov/-/media/CSC/forms/PartyFormforWebpdf.pdf>

I am also attaching my attorney's contact information as he has volunteered to talk to your attorney on the CSC process if your attorney chooses to do so. I would suggest this would be a beneficial conversation on both Mr. Thomas' part as well as your attorney as each may have experience in CSC matters the other may not have encountered.

Dominick J. Thomas, Jr.
Cohen and Thomas
315 Main Street
Derby, CT 06418
T: 203-735-9521
F: 203-732-8129
djt@cohen-thomas.com

Mr. Thomas' firm also maintains a Litchfield office at 15 Meadow St., but his primary business address is in Derby.

In closing, I encourage you and our organizations and Town counsel to engage in the CSC process now as a proactive measure and to perform your independent due diligence. To my knowledge, this is the largest and most permanent development this Town has ever experienced. The window is short to engage and be part of the record before the CSC renders a decision.

Thank you all for your consideration of this important matter and your service to our town.

Sincerely,



Ron Viola