

January 21, 2015

State of Connecticut
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Attention: Melanie A. Bachman, Acting Executive Director

Re: *Docket 192B-Towantic Energy, LLC Motion to Reopen and Modify the June 23, 1999 Certificate of Environmental Compatibility and Public Need based on changed conditions pursuant to Connecticut General Statutes §4-181a(b) for the construction, maintenance and operation of a 785 Megawatt dual-fuel combined cycle electric generating facility located north of the Prokop Road and Towantic Hill Road intersection in the Town of Oxford, Connecticut.*

Dear Attorney Bachman:

In accordance with the "Connecticut Siting Council Information Guide to Party and Intervenors" provided by the Council, and on behalf of both the Middlebury Land Trust, Inc. ("MLT") and W. Scott Peterson, M.D., who is also President of MLT, as intervenors, I am herewith submitting the following testimony, to make a Statement of Position on the above captioned Docket.

Middlebury Land Trust, Inc. (MLT), founded in 1969, is a 501-c(3) publicly supported nonprofit entity with the general mission of preserving, primarily through charitable donations, open space for the enjoyment of the general public in Middlebury and immediately surrounding areas. At the present time we oversee a total of 1,865 acres, of which 646 acres are owned by MLT in fee and 1,219 acres are subject to conservation easements. 1,074 of these total acres of open space are in Middlebury, and a substantial portion is located close enough to the proposed power plant to be adversely affected. We are also particularly concerned about the effect of the proposed plant will have on the State owned Larkin Bridle Trail, which skirts along the Southern Town Line of Middlebury, and gets frequent use year round by hikers and Horseback riders. For a map of our holdings please see Exhibit A attached hereto.

Construction and operation of the proposed plan would significantly interfere with the enjoyment of our trails, woods, fields, ponds, and streams by every person desiring to visit them, such persons being mostly residents of Middlebury and nearby towns, including Oxford, but also from elsewhere in Connecticut and even outside the state. The degradation of our preserved open space areas would be permanent and ongoing.

Our specific concerns include but are not limited to: the concentration of acid rain and particulate pollution which would contaminate soils and water courses and adversely affect the health of people (especially the more susceptible children and older people) visiting these outdoor locations; sound pollution from the multiple turbines, interfering significantly with activities such as birding and peaceful meditation; visual pollution (haze from particulates) and

ocular irritation (as a licensed Connecticut ophthalmologist I speak as an expert here); light pollution interfering with activities such as stargazing whether informally by naked eye (e.g. pointing out constellations to grandchildren) or more formally with binoculars or telescopes, often included as part of various educational programs; olfactory pollution (especially when fumes and other gases are discharged) which can pose serious health hazards, but also make public enjoyment of outdoor areas unacceptably unpleasant; and traffic problems, especially when oil trucks are required every few minutes during periods of oil operation, which can totally ruin an "escape to nature."

The particulate matter, that other testimony has documented will rain down upon the entire area, will affect wildlife, including fish caught in our three public fishing lakes (Lake Elise, Larkin Pond and Lake Quassapaug, a major Connecticut recreational lake). MLT is the formal protector of the natural condition and ecological qualities of an incredibly rare and important bog just over the town line of Woodbury, which is owned by Flanders Nature center, another nonprofit open space preserver. As you may know, bogs are biologically sensitive and very special places with wildlife not found elsewhere. Alterations in the composition of the bog water and soils could seriously impact the wildlife found there. The bog contains 51 known vascular plant species, 36% of these species occurring in only half of other Eastern and Midwestern bog floras listed. In addition the bog contains one plant species *Xyris montana*,* Northern yellow eyed grass that is listed as endangered in the State of CT. (*Canfield, Christian, "A Vegetative Analysis of Flanders Nature Center Bog", Western CT State University, 2001)** (**CT DEP Bureau of Natural Resources, "CT Endangered, Threatened, and Special Concern Species, 2010".)

We have a special concern with respect to Lake Quassapaug, a moderately large spring-fed lake in southwestern Middlebury heavily utilized for fishing, swimming, boating and other recreational purposes, and with substantial frontage on large tracts of open space preserved by MLT and otherwise. It should be noted that the southern shore of this lake, the shore where the majority of recreational activities originate, would be significantly impacted by the discharges from the proposed power plant. Although slightly more than the (completely arbitrary) two-mile radius used by power plant proponents to describe (and minimize) "affected" areas, the southern shore of Lake Quassapaug is directly in the path of summer's prevailing winds, which are from the south. The risks of particulate pollution and acid rain contaminating the lake on a daily basis, especially in summer, are unknown but significant. One of Connecticut's cleanest, most pristine and historically significant lakes, enjoyed by tens of thousands of adults and children every year, would be permanently and irrevocably befouled. This result would be highly detrimental not only to the health of people using the lake but would also likely impact the overall desirability, or lack thereof, of living in the area, with all that such entails both for individual homeowners and for the Town in general.

By way of a further example, within our parcel known as Juniper Hill, also dangerously close to the proposed plant, there exists a rich diversity of unusual plants documented in an ecological survey done by the CT Chapter of the Nature Conservancy headed by Kenneth Metzler. Eight vascular plant species were deemed unusual, including *Hibernaria pycodes*, purple fringed orchid, and *Rhododendron maximum*, great laurel. (***)Metzler, et al, An ecological Inventory

of Juniper Hill Natural Area, Middlebury, CT, for the Nature Conservancy CT Chapter, 1976.)

Ridgeline preservation is an extremely important 21st century land trust and preservation objective. Several ridgelines in our area have already been protected (e.g. Whittemore Sanctuary of Flanders Nature Center, adjacent Blackman's Hill, among others), but having a power plant marring the Oxford ridgeline at almost its highest point would seriously undermine all those prior preservation efforts and substantially undercut the viability of any more such efforts. The proposed extreme lighting and the plumes produced make such degradation even worse.

Given the very short time frame the Council has allowed the comments and testimony, we cannot at this point document every statement in this letter by expert testimony, but we can and would do so if the Council permits an additional 90-day extension for submitting same, which we hereby formally request.

All of these adverse effects would be avoided if the proposed plant were not built in such a sensitive area, with many residents who chose to live near our wonderful outdoor open spaces and the many visitors with whom we share these spaces.

As president of MLT, other volunteers and I recently worked extensively with the Town of Middlebury on the updating of its Plan of Conservation and Development. During that process we prepared a map of all open space in the Town, including that overseen by MLT but also Town and other relevant properties. The total acreage of such open space is 2,887 acres, which is 24.4% of the Town. MLT's acreage in Middlebury, as noted above, is 1,074 acres, which is 9.1% of the Town. See Exhibit B attached hereto.

In terms of changed conditions, many of the above points are indeed such, but I would especially point out that in 1999 MLT-preserved open space holdings totaled 633 acres, whereas today that total is 1,074 acres, a 70% increase with the 441 new acres representing an additional 3.8% of the entire Town.

For all of the above reasons we write in complete opposition to the proposed power plant and ask the Council to deny its application.

Very truly yours,

Middlebury Land Trust, Inc.

By: _____

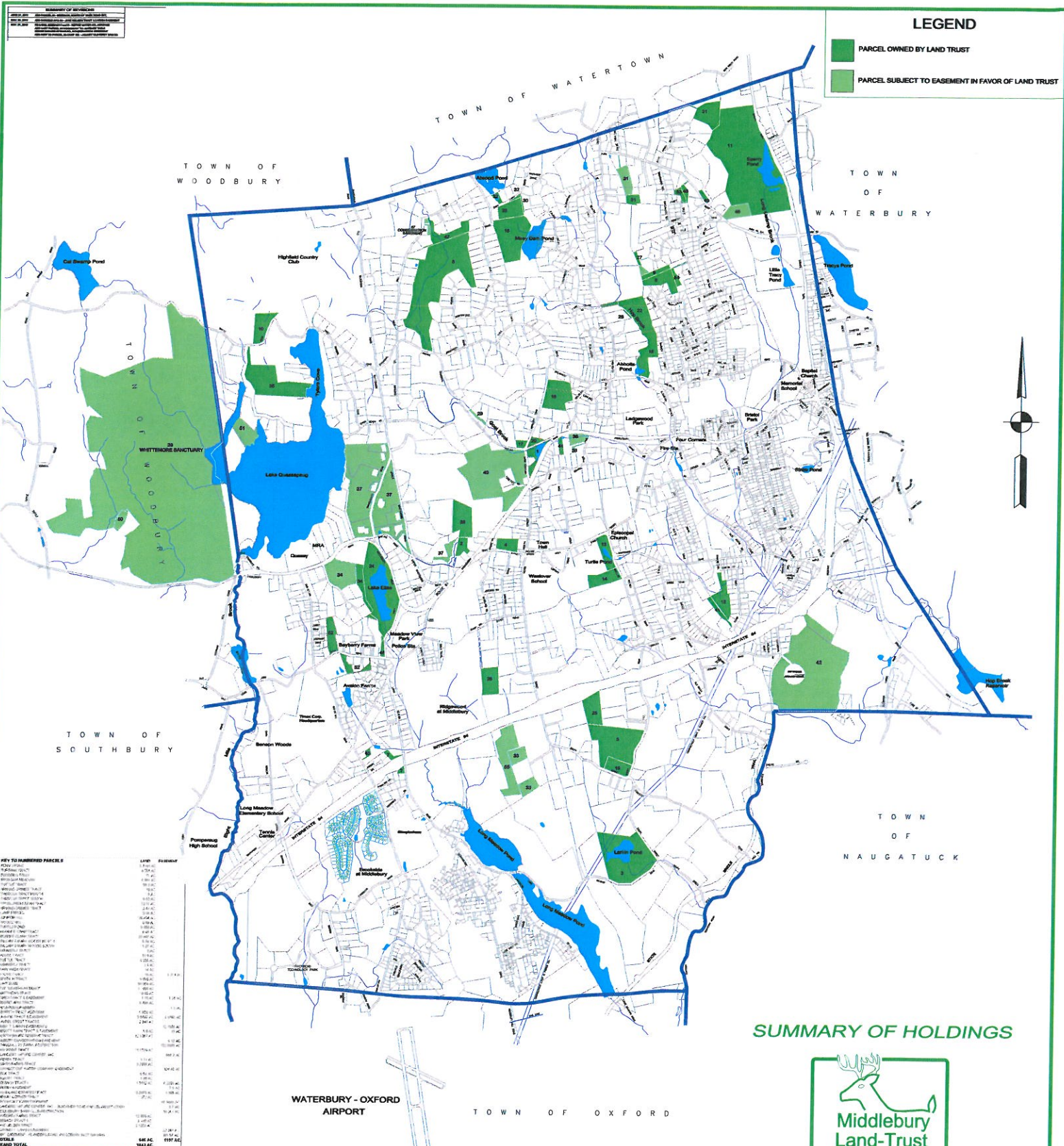
W. Scott Peterson, President

W. Scott Peterson, M.D.

EXHIBIT A

LEGEND

- PARCEL OWNED BY LAND TRUST
- PARCEL SUBJECT TO EASEMENT IN FAVOR OF LAND TRUST



KEY TO NUMBERED PARCELS

KEY TO NUMBERED PARCELS	LAND	SUBTOTAL
1	1.50 AC	1.50 AC
2	1.50 AC	1.50 AC
3	1.50 AC	1.50 AC
4	1.50 AC	1.50 AC
5	1.50 AC	1.50 AC
6	1.50 AC	1.50 AC
7	1.50 AC	1.50 AC
8	1.50 AC	1.50 AC
9	1.50 AC	1.50 AC
10	1.50 AC	1.50 AC
11	1.50 AC	1.50 AC
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13	1.50 AC	1.50 AC
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25	1.50 AC	1.50 AC
26	1.50 AC	1.50 AC
27	1.50 AC	1.50 AC
28	1.50 AC	1.50 AC
29	1.50 AC	1.50 AC
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31	1.50 AC	1.50 AC
32	1.50 AC	1.50 AC
33	1.50 AC	1.50 AC
34	1.50 AC	1.50 AC
35	1.50 AC	1.50 AC
36	1.50 AC	1.50 AC
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41	1.50 AC	1.50 AC
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48	1.50 AC	1.50 AC
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64	1.50 AC	1.50 AC
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81	1.50 AC	1.50 AC
82	1.50 AC	1.50 AC
83	1.50 AC	1.50 AC
84	1.50 AC	1.50 AC
85	1.50 AC	1.50 AC
86	1.50 AC	1.50 AC
87	1.50 AC	1.50 AC
88	1.50 AC	1.50 AC
89	1.50 AC	1.50 AC
90	1.50 AC	1.50 AC
91	1.50 AC	1.50 AC
92	1.50 AC	1.50 AC
93	1.50 AC	1.50 AC
94	1.50 AC	1.50 AC
95	1.50 AC	1.50 AC
96	1.50 AC	1.50 AC
97	1.50 AC	1.50 AC
98	1.50 AC	1.50 AC
99	1.50 AC	1.50 AC
100	1.50 AC	1.50 AC
TOTAL	487 AC	487 AC
GRAND TOTAL	841 AC	841 AC

SUMMARY OF HOLDINGS



P.O. Box 193 - Middlebury, CT. 06762
 SCALE 1" = 1000' UPDATED TO NOVEMBER 21, 2012

EXHIBIT B

ALL TYPES OF OPEN SPACE IN MIDDLEBURY

MLT Open Space in Middlebury Total: 1,074 Acres

Other Open Space in Middlebury:

Flanders Nature Center (Hetzal Preserve)	61 AC
Town owned land (per Auto CAD Hatches)	771 AC.
Including 91 Acre Ridgewood Parcel (donated to Town Oct. 2013)	
Federal (Hop Brook)	249 AC.
State Bridle Trail (Approx)	32 AC.
Region 15 owned land (per AutoCAD)	86 AC.
Brookside Open Space (per AutoCAD)	68 AC.
Private Rec. (Quassy, MdDonald, QYC, MSC, Tennis Ctr.)	2 AC.
Highfield (455 Ac. North of Rd + 40 Ac. At Cliffside)	495 AC.

TOTAL Other Open Space 1,814 Acres

TOTAL MLT PLUS OTHER OPEN SPACE IN MIDDLEBURY 2,887 Acres


Total Area of Town (Per AutoCAD): 11,810 AC

Summary: All Open Space: 24.4 % of Town
MLT Open Space: 9.1 % of Town
Other Open Space: 15.3% of Town

NB - Since 1999 MLT has added 3.7% of the entire Town

CERTIFICATION

This is to certify that an original and fifteen (15) copies of the foregoing document were hand delivered to The Connecticut Siting Council, 10 Franklin Square, New Britain, CT 06051, and one copy was electronically mailed to the Siting Council and to the following service list on January 22, 2015.



W. Scott Peterson MD

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	CPV Towantic, L.L.C.	Franca L. DeRosa, Esq. Philip M. Small, Esq. Brown Rudnick LLP 185 Asylum Street Hartford, CT 06103 (860) 509-6500 (860) 509-6501 – fax fderosa@brownrudnick.com psmall@brownrudnick.com
Party	Jay Halpern 58 Jackson Cove Road Oxford, CT 06478 h: 203-888-4976 zoarmonster@sbcglobal.net Peter Thomas 72 Towantic Hill Rd. Oxford, CT 06478 203-720-1536	
Intervenor	Town of Middlebury	Attorney Dana A. D'Angelo Law Offices of Dana D'Angelo, LLC 20 Woodside Avenue Middlebury, CT 06762 (203) 598-3336 (203) 598-7283 – fax Dangelo.middlebury@snet.net Stephen L. Savarese, Esq. 103 South Main Street Newtown, CT 06470 203-270-0077 attystephensavarese@gmail.com
Intervenor	The Connecticut Light and Power Company (CL&P)	Stephen Gibelli, Esq. Associate General Counsel The Connecticut Light and Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-5513 (860) 665-5504 –fax gibels@nu.com

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
	CL&P continued...	<p>John R. Morissette Manager-Transmission Siting and Permitting The Connecticut Light and Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-2036 morisjr@nu.com</p> <p>Christopher R. Bernard Manager, Regulatory Policy (Transmission) The Connecticut Light and Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-5967 (860) 665-3314 – fax bernacr@nu.com</p> <p>Stella Pace, Senior Engineer The Connecticut Light and Power Company Transmission and Interconnection Dept. P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3569 pacess@nu.com</p> <p>Jeffery D. Cochran Northeast Utilities Service Company 107 Selden Street Berlin, CT 06037 860-665-3548 cochrjd@nu.com</p>
Party	Town of Oxford	Francis A. Teodosio, Esq. Winnick, Vine, Welch & Teodosio, LLC 481 Oxford Road Oxford, CT 06478 fteodosio@wvwtlaw.com (203) 881-3600 (203) 881-3606 fax
Party	Naugatuck Valley Chapter Trout Unlimited	Robert M. Perrella, Vice President TU Naugatuck/Pomperaug Valley Chapter 278 W. Purchase Road Southbury, CT 06488-1004 johnnytroutseed@charter.net

Intervenor	Town of Southbury	Ed Edelson First Selectman Town of Southbury 501 Main Street Southbury, CT 06488 selectman@southbury-ct.gov (203) 262-0647 (203) 264-9762 – fax
Party	The Pomperaug River Watershed Coalition	Len DeJong, Executive Director Pomperaug River Watershed Coalition 39 Sherman Hill Road, C103 Woodbury, CT 06798 203-263-0076 LDeJong@pomperaug.org
Intervenor (approved 06/07/06)	Raymond Pietrorazio 764 Charcoal Avenue Middlebury, CT 06762-1311 (203) 758-2413 (203) 758-9519 – fax ray@ctcombustion.com	
Intervenor (approved 10/10/06)	GE Energy Financial Services, Inc.	Jay F. Malcynsky The Law Offices of Jay F. Malcynsky, P.C. One Liberty Square New Britain, CT 06051 (860) 229-0301 (860) 225-4627 – fax Jmalcynsky@gaffneybennett.com
Intervenor (Approved on November 13, 2014)	Borough of Naugatuck and Borough of Naugatuck Water Pollution Control Authority	Edward G. Fitzpatrick, Esq. Alicia K. Perillo, Esq. Fitzpatrick, Mariano, Santos, Sousa, PC 203 Church Street Naugatuck, CT 06770 203-729-4555 Fitz@fmslaw.org alicia@fmslaw.org Ronald Merancy, Chairman Water Pollution Control Authority 229 Church Street Naugatuck, CT 06770 203-720-7000 Rjm62156@aol.com

Intervenor <i>(Approved on January 8, 2015)</i>	Wayne McCormack 593 Putting Green Lane Oxford, CT 06478 wayne@waynemccormack.com	
Intervenor <i>(Approved on January 8, 2015)</i>	Naugatuck River Revival Group, Inc.	Kevin R. Zak, President Naugatuck River Revival Group, Inc. 132 Radnor Avenue Naugatuck, CT 06770 kznrrg@sbcglobal.net 203-530-7850
Intervenor <i>(Approved on January 8, 2015)</i>	Westover Hills Subdivision Homeowners	Chester Cornacchia Westover Hills Subdivision Homeowners 53 Graham Ridge Road Naugatuck, CT 06770 203-206-9927 cc@necsonline.com
Intervenor <i>(Approved on January 8, 2015)</i>	Westover School	Kate J. Truini Westover School 1237 Whittemore Road Middlebury, CT 06762 203-758-2423 ktruini@westoverschool.org
Intervenor <i>(Approved on January 8, 2015)</i>	Greenfields, LLC	Edward S. Hill, Esq. Cappalli & Hill, LLC 325 Highland Avenue Cheshire, CT 06410 203-272-2607 ehill@cappalihill.com
Intervenor <i>(Approved on January 8, 2015)</i>	Lake Quassapaug Association, LLC	Ingrid Manning, Vice President Lake Quassapaug Association, LLC P.O. Box 285 Middlebury, CT 06762 203-758-1692 Ingridmanning2@gmail.com

Intervenor (Approved on January 8, 2015)	Middlebury Land Trust, Inc.	W. Scott Peterson, M.D., President Middlebury Land Trust, Inc. 317 Tranquility Road Middlebury, CT 06762 203-574-2020 wsp@aya.yale.edu
Intervenor (Approved on January 15, 2015)	Quassy Amusement Park	George Frantzis Quassy Amusement Park P.O. Box 1107 Middlebury, CT 06762 203-758-2913 ext 108 george@quassy.com
Intervenor (Approved on January 15, 2015)	Middlebury Bridle Lane Association	Nancy Vaughan Middlebury Bridle Land Association 64 Sandy Hill Road Middlebury, CT 06762 203-598-0697 ndzjavaughan@gmail.com
Intervenor (Approved on January 15, 2015)	Dennis Kocyla 28 Benz Street Ansonia, CT 06401 203-736-7182 Dennis3141@yahoo.com	
Intervenor (Approved on January 15, 2015)	Naugatuck Valley Audubon Society	Sophie Zyla Jeff Ruhloff Naugatuck Valley Audubon Society 17 Stoddard Place Beacon Falls, CT 06403 203-888-7945 NVASeditor@mail.com
Intervenor (Approved on January 15, 2015)	Oxford Flying Club	Burton L. Stevens Oxford Flying Club, Inc. P.O. Box 371 Woodbury, CT 06798 203-236-5158 bstevens@snet.net