



**Town of Hamden
Planning and Zoning
Department**

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June 10, 2020

MINUTES: INLAND WETLANDS COMMISSION, Town of Hamden, held a Regular Meeting via Zoom teleconferencing technology on Wednesday, June 3, 2020 with the following results:

Commissioners in attendance:

- Joan Lakin, Chair
- Kirk Shadle
- George Schneider
- Michael Milazzo
- Michael Stone
- Tim Mack
- Kristin Morico
- Lauren Wholey
- Jonathan Clapp
- Lee Campo

Staff in attendance:

- Dan Kops, Town Planner
- Thomas Vocelli, Inland Wetlands Enforcement Officer
- Tim Lee, Assistant Town Attorney
- Natalie Barletta, Clerk

Ms. Lakin opened the meeting at 7:00 p.m. Mr. Shadle took attendance and there was a quorum. Ms. Lakin went over electronic meeting procedures. Ms. Lakin asked for a motion to move 360 Gaylord Mountain Road to the beginning of the meeting, as Attorney Lee has a meeting at 7:30 p.m.

Mr. Schneider made a motion to move 360 Gaylord Mountain Road to the beginning of the meeting. It was seconded by Mr. Mack. The vote was unanimous in favor.

At this time Ms. Morico recused herself from the discussion, since she was a former environmental official with General Electric, and she still holds shares with the company.

360 Gaylord Mountain Road – update from the Town Planner and the Assistant Town Attorney:

Mr. Kops said that this is a project that involves clear-cutting 15 acres on Gaylord Mountain Road near Talmadge Road. Mr. Kops added that the 15 acres will be rented, and power will be sold to Gateway Community College and the Connecticut State Colleges & University system. Mr. Kops said that if it's over one megawatt, it goes to the CT Siting Council, so no local commissions have any jurisdiction.

Mr. Lee said that it's an electrical generating facility. Mr. Lee added that even though the site contains five wetland areas, it will have no application brought to this Commission. It will also have no site plan presented to Planning & Zoning. Mr. Lee said that as of the meeting, the plan has not been submitted to the Siting Council, but it will be in the future. Mr. Lee spoke to Assistant Town Attorney Brenden Sharkey, who told him that the application will get submitted to the Siting Council, that anyone can attend hearings, and if enough people request a site walk, the Siting Council will schedule a site walk that the public can attend. Mr. Lee then said that the question is what the role of the Inland Wetlands Commission will be. Mr. Lee said that if the commission is interested in taking a position, they could write a letter. Mr. Lee added that as part of that letter, they can request a site walk that the public can attend.

Mr. Kops said that the Town will object to the application, and typically, the Council comes to the community and they hold a meeting, and take feedback. Mr. Kops added that there is a 30 day window to comment after the application is filed, and he recommends the Commission vote to authorize the Chair to object to the application whenever it is filed.

Mr. Shadle wanted to know how they came up with the one-megawatt threshold. Mr. Kops said that there will be additional information in the office whenever we open, as well as what can be found on-line. Mr. Shadle went on to say it is important to mention that they are not opposed to the idea of solar farms in Hamden when writing the letter. Mr. Kops said he will discuss the Town's position with the mayor and the attorneys.

Ms. Lakin said that the Commission is opposed to the clear-cutting, and would need to write a very basic letter since no one is presenting data to the Commission at this point. Mr. Lee asked what anyone knew of GE Solar's track record. Mr. Vocelli said that it might be a somewhat new company, as GE Solar formed a joint venture with a non-GE corporation, so it's conceivable it might be a new entity with new investors who formed this partnership.

Mr. Mack asked if the Siting Council has environmentalists on board to see if this will have a negative impact. Mr. Vocelli said that the Siting Council has a full staff of resources, including DEEP, and they can go to any other state agencies.

Mr. Kops said that DEEP is involved, and has reviewed primary plans. Mr. Kops said that they had storm water reviews with DEEP.

Mr. Schnieder said that it is his understanding it is a 3 megawatt project and that number is based on the number of panels that are installed. Mr. Schneider added that he supported Mr. Mack's comment about drafting an understanding of what the impact would be on the Town. Mr. Schneider then said that clear-cutting that amount of land on a hill will create a huge amount of runoff.

Mr. Milazzo said that he assumed that the Commission has the expertise of our own organization, based on our oversight and the property being clear cut. Mr. Lee added that the town has access to the Town Engineer as well. Mr. Vocelli said that the Commission can use the resources of the town.

Mr. Austin added that if the plan was submitted to the Engineering Department, it can be reviewed for comment. The department has three PE on staff. Mr. Milazzo asked if the department can review. Mr. Austin said that more often than not, he does a thorough review of anything submitted to him, and will break it down.

Mr. Mack asked about the drainage plan for the solar farm at the transfer station. Mr. Kops replied that it went through the Planning and Zoning Commission, and went through an extensive review. Ms. Lakin said there are also windfarms scattered across the town, but they don't involve clearcutting. Mr. Kops added that none involve clear cutting.

Mr. Shadle stated that the solar farm on Whitney Avenue did involve clear cutting. Mr. Vocelli said that it was 5 acres, and it was flat. Mr. Vocelli added that it was more than 100 feet from the pond.

Mr. Clapp asked that since the Siting Council has a staff of five or six, and four of those are environmental analysts, would it be possible to ask for their input. Mr. Kops said that while he doesn't know for sure, his guess would be no.

Ms. Wholey asked if she can comment. Ms. Wholey said it seems like since we don't have wetlands scientists, we will ask Mark to review plans for a technical engineer's point of view and we can raise our concerns about wetlands and the size of clearing. Ms. Wholey added the letter needs to state that the Commission is concerned about clear-cutting, stormwater, wetlands, and the size of it. Ms. Wholey stated that she expects the Siting Council will do their due diligence, and she doesn't know if the Commission can oppose it.

Ms. Wholey said that her concern is only having 30 days to respond, and suggested **we** have a special meeting. Ms. Wholey said she feels better getting more facts before writing a letter, but doesn't want to miss submitting something.

The Commission members said that they are available for a special meeting if needed.

Mr. Schneider said that it's good to get a letter started, and then use a meeting to review. Mr. Mack said that the Commission needs to get something started, as it will let both the Siting Council, and the company know that there is concern.

Mr. Lee said that he thinks Town staff can take on a draft of the letter, so that there is something to talk about when the Commission meets. Ms. Lakin asked if he was talking about writing two letters. Mr. Mack said that it might not be a bad idea, as it lets them know that we are concerned, and investigating.

Mr. Campo asked how close the wetland is in the proposal. Mr. Vocelli said the project would affect several wetland pockets and two directly, and the largest wetland would have a 50-foot buffer.

Mr. Vocelli then suggested some language for a motion.

Mr. Schneider made a motion to move that we authorize the Chair in conjunction with Town staff to prepare a comment letter to the CT Siting Council regarding the proposed development of a solar power generating facility at 360 Gaylord Mt. Road. The letter should express the Commission's grave concerns about a project that would entail clear-cutting approximately 15 acres of trees in or near the wetlands that have been identified on the property. The letter will be reviewed at a subsequent meeting of the Commission (a special meeting if need be) before it is submitted to the Siting Council.

Mr. Milazzo suggested adding giving permission to Ms. Lakin to work with the Engineering Department and to review at the wetlands commission.

Mr. Campo seconded the motion. The vote was unanimous in favor with 1 recusal from Ms. Morico.

Discussion: Mr. Mack asked if there would be a site inspection. Mr. Lee said that the Commission can't go on the property but can make a request to the Siting Council that they schedule a site inspection. Mr. Kops added that any site inspection would be conducted by the Siting Council, and the Council will hold a meeting in town.

Mr. Lakin added that there may be a Commission meeting in July and possibly August, and we will begin work on the letter.

Applications or Requests:

- a. 11-1170** 2623 Dixwell Avenue --- Pardee Brook Diversion Channel maintenance activities
Request for permit renewal - Town of Hamden, Applicant

Mr. Austin, Town Engineer, addressed the Commission. Mr. Austin said that the Department is looking to renew the permit as is, and is looking to continue the maintenance of the brush.

Mr. Clapp asked if there will be a new application submitted in 2025. Mr. Austin said yes.

Mr. Mack asked how Mr. Austin gets rid of invasive species.

Mr. Austin said that it really depends on the type of invasive. Mr. Austin said that often it's a Japanese knotweed, and they are horrible to get rid of. Mr. Austin added that the intent is to get the large brush down, and the intent is to get it down once or twice a year. More often than not, they get the big brush down.

Mr. Clapp moved to renew IWC Permit # 11-1170 for Pardee Brook Diversion Channel maintenance activities at 2623 Dixwell Avenue, subject to the following stipulations:

- 1) In accordance with Section 7.9 of our Inland Wetlands & Watercourses Regulations, the Commission hereby waives the 65-day filing requirement for renewal requests;
- 2) The permit shall be renewed for a period of five years, with a final expiration date of June 1, 2025;
- 3) The renewed permit shall include all conditions, amendments, and advisory rulings previously imposed or approved by this Commission.

The motion was seconded by Mr. Campo, and the vote was unanimous in favor.

Mr. Shadle asked if this is going to be an ongoing maintenance.

Mr. Austin answered that is the scope of the renewal, and you need to do it on a regular basis to mow it down. Mr. Austin said that you need to keep going to keep it clear. Mr. Shadle asked if there was a maintenance plan. Mr. Austin said that a lot of it would be the amount of disturbance, but less if you're just mowing something. Mr. Austin added that the reason why he has to go to the Commission is due to soil disturbance.

- b. 11-1172** Tom Swamp Road near Julian Drive -- replacement of a culvert
Request for permit renewal -- Town of Hamden, Applicant

Mr. Austin said that since the twin culverts were authorized we had a much wetter-than-usual August and a tornado, and they were hoping to get to it this year, and hoping in another year or two. We had an unseasonably-wet August. The money is there/allocated, and it's just a matter of the watercourse going dry so that the job can be done as required.

Ms. Morico cited some excerpts from Mr. Austin's renewal letter, and she then moved to renew IWC Permit # 11-1172 for the replacement of a culvert on Tom Swamp Road near Julian Drive, subject to the following stipulations:

- 1) In accordance with Section 7.9 of our Inland Wetlands & Watercourses Regulations, the Commission hereby waives the 65-day filing requirement for renewal requests;
- 2) The permit shall be renewed for a period of five years, with a final expiration date of June 1, 2025;
- 3) The permit shall be renewed with all conditions, amendments, and advisory rulings previously imposed or approved by this Commission.

Mr. Campo seconded, and the vote was unanimous in favor. The motion carries.

Other Business:

a. Review Site Inspection Schedule

There are none.

b. Review Minutes from the May 6, 2020

Mr. Milazzo made a motion to approve the minutes of the May meeting. Mr. Campo seconded the motion, and all were in favor. The minutes were approved.

c. Storm water catch basins:

Mr. Vocelli said Mr. Walters expects the Watershed Fund will decide on the grant request sometime in August. Mr. Vocelli added that he did include a hard copy of Ron's write-up, and he hopes the Watershed Fund will grant the money.

Mr. Shadle said he has a solid commitment from one of the Boy Scouts, and he will be ready to start in the fall. Ms. Wholey added that Mr. Mack has another person who is interested, who is an Eagle Scout, and was glad to hear that the funding was looking promising.

Ms. Wholey asked if there was enough money for one person. Ms. Lakin said that she didn't know. Mr. Shadle said that he implied that it would be fine to have a couple of people involved, and based on that, the work would be split up. Mr. Shadle added that he thought that considering the way that Eagle Scout Projects worked, a realistic figure would be 50-100 catch basins per kid. Mr. Shadle then said that it's going to take some time, and he is allocating for 200 plus medallions.

Other items: Mr. Milazzo asked if Mr. Vocelli found out anything further about 736 Sherman Avenue. Mr. Vocelli said that he walked the entire site, and there was a pile of earth work and fill. Mr. Vocelli said that the owner would seek an after-the-fact minimal-impact ruling for the construction work. Mr. Vocelli will walk the site again, and he has asked Mr. Clapp to assist. Mr. Vocelli added that the written complaint made the owner and the problem sound worse than it was, and only the soil-scientist will be able to say how close it is to wetland soils.

Mr. Kops said that there has been a high call volume due to more people being home more due to the COVID-19 pandemic.

Mr. Schneider said that prior to Stacy Shellard leaving, he used to see various land-use agendas, and he personally liked seeing that information. He spoke to the clerk, and she has added those to the list.

d. 360 Gaylord Mountain Road – update from the Town Planner and the Assistant Town Attorney

See above.

C. Adjournment

Mr. Milazzo made a motion to adjourn. It was seconded by Mr. Schneider, and unanimous in favor. The meeting was adjourned at 8:15 p.m.

Submitted by: _____
Natalie Barletta, Clerk of the Commission