

**TOWN OF EAST WINDSOR
INLAND WETLANDS WATERCOURSE AGENCY**

Regular Meeting – December 7, 2016

MEETING MINUTES

*******Draft Document Subject to Commission Review/Approval*******

I. CALL TO ORDER: Chairman Baker called the Meeting to order at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

II.> ESTABLISHMENT OF QUORUM:

Present: Regular Members Alan Baker (Chairman), Dave Menard, Richard Osborn, and Rebecca Talamini, and Alternate Members Michael Sawka and Steve Smith.

Unable to Attend: All members were present.

Guests: Deputy Selectman Richard P. Pippin, Jr., Inland/Wetlands Liaison; Kathy Pippin, Board of Finance.

Chairman Baker noted the establishment of a quorum with 4 Regular and 2 Alternate Members as noted above. All Regular members and Alternate Member Sawka will sit in on votes this evening. .

Also in attendance was Acting Wetlands Enforcement Official Virginia Higley.

III. AGENDA ADDITIONS:

MOTION: To ADD under MISCELLANEOUS Informal discussion of Solar Panel installations at two locations on Wapping Road.

Talamini moved/Osborn seconded/DISCUSSION: None.

VOTE: In Favor: Unanimous

IV. APPROVAL OF MINUTES /1) November 2, 2016 Regular Meeting:

MOTION: To ACCEPT the Minutes of the Inland Wetlands and Watercourse Regular Meeting dated November 2, 2016 as presented.

Osborn moved/Talamani seconded/DISCUSSION: None.

VOTE: In Favor: Baker/Menard/Osborn/Sawka/Smith

MOTION: To TAKE THE AGENDA ITEM IX/A OUT OF ORDER to hear MISCELLANEOUS/A. Informal discussion of Solar Panel installations at two locations on Wapping Road.

Talamini moved/Osborn seconded/

VOTE: In Favor: Baker/Menard/Osborn/Sawka/Smith

IX. MISCELLANEOUS/A. Informal discussion of Solar Panel installations at two locations on Wapping Road:

Appearing to present this discussion was Jay Ussery, of J. R. Russo & Associates, LLC., and Jeffrey Macel, representing Lodestar Energy. Mr. Ussery reported Lodestar Energy is proposing to develop two energy projects in East Windsor. Mr. Ussery noted the Connecticut Siting Council is the permitting agency for all energy producing facilities, cell tower and communication installations in the State; while a formal application will not be submitted to the Wetlands Commission he and Mr. Macel are present to advise the Commission of the proposed locations/facilities.

Both locations will be located on Wapping Road on properties owned by NORCAP. The installations will be located adjacent to the existing landfill, or on the site of a previous gravel operation. The parcels are identified as NORCAP South and NORCAP North. NORCAP South, containing approximately 11+/- acres, is presently the site of an ongoing gravel pit operated by Herb Holden. When the excavation is completed – possibly within the next year – the site will be leased to Lodestar for installation of solar panels. Currently NORCAP generates power via methane gas; that power is sold to Eversource for resale to municipalities at a discounted rate, Mr. Ussery reported there are no wetlands, nor any regulated area, on the NORCAP South parcel.

NORCAP North, containing 12+/- acres, is located on the north side of the landfill, and is the site of a former gravel operation owned by the Maslak family. The pit has been inactive for approximately 10 years; most of the site is open, but contains a small area of wetlands to the north and west which was a former sedimentation basin associated with the gravel operation. Mr. Ussery indicated they would not disturb that wetlands; the blue line referenced on the site plan is the regulated area. They will be building a new sedimentation basin in the corner which will outlet to the old basin and eventually flow to Ketch Brook. All work will occur on the south side; nothing will occur on the Ketch Brook side of the site.

Mr. Ussery reported both proposals must go before the Connecticut Siting Council. Mr. Ussery read an excerpt from Public Act 03-140, which was enacted in 2003; the excerpt summarized the purpose of the Siting Council in its review of

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proposed energy generating facilities while balancing environmental, ecological and historic impact associated with site selection. With regard to these sites, Mr. Ussery indicated the Siting Council will be reviewing the proximity of the proposed installations to Ketch Brook. He indicated the wetlands on NORCAP North was flagged by John Ianni. The Siting Council will also review archeological events which may have occurred on a site being considered. Mr. Ussery reported that Mr. William Raber did work at Southern Auto Auction 20 or more years ago. He found arrowheads, shards of dishes, and evidence of encampments on that site; as a result a piece of the parcel under consideration was put in a Conservation Easement. The area hasn't been touched since that time, and will be preserved for perpetuity. Mr. Ussery reported Mr. Raber has found no evidence of archeological artifacts at NORCAP North. He reported George Logan has also been looking at the flora and fauna at the sites. Mr. Ussery submitted a fact sheet listing the members of the Connecticut Siting Council. He noted Michael Klemens is a herpetologist acting as their wetlands expert. He noted Commissioner Kleen, of the DEEP (Department of Energy and Environmental Protection) is also a member.

Mr. Ussery reiterated they are not required to file an application with the Wetlands Commission as the Siting Council will be reviewing the projects. He suggested he would like to return to the Commission periodically to provide updates on the progress of the projects.

Mr. Ussery suggested he feels both sites are good locations for these installations; neither is visible from local streets and neither site will be built on due to the previous gravel operations.

Mr. Ussery submitted a photo of a solar "farm". The panels are located 16 feet apart; grass – which is mowed/maintained – is planted between the rows of panels.

Commissioner Osborn questioned if any portion of the NORCAP South site is currently being farmed? Mr. Ussery suggested a part of the site is still being excavated; he noted a small area in front of the berm near the front of Wapping Road is vegetated. Commissioner Osborn questioned if there are any high tension wires at the site? Mr. Ussery replied negatively, noting the site currently contains a three-phase generator associated with the Eversource affiliation.

Commissioner Menard questioned if the panels are fixed? Mr. Ussery replied affirmatively. Commissioner Menard asked if they would consider utilizing panels that move to follow the direction of the sun? Mr. Macel reported he has installed "tracker" panels in North Carolina but it's more difficult to use them in the north due to the operational challenges caused by snow. Commissioner Menard suggested an existing operation in Somers. Mr. Macel indicated he was

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familiar with the site.

Commissioner Osborn cited Mr. Ussery's reference to Mr. Raber; he noted a William Raber had been a member of a local commission several years ago. He questioned if this is the same person? Mr. Ussery indicated the person he mentioned lives in Glastonbury.

Mr. Ussery requested the Commission consider writing a letter of support for referral to the Siting Council if they feel they can support these projects. The consensus of the Commission favored the project. Chairman Baker will write a letter and present a draft for the Commission's review at their next meeting.

MOTION: To GO BACK INTO THE POSTED AGENDA ORDER.

Talamini moved/Osborn seconded/

VOTE: In Favor: Baker/Menard/Osborn/Sawka/Smith

V. **PUBLIC HEARINGS:** None.

VI. **CONTINUED PUBLIC HEARINGS:** None.

VII. **NEW APPLICATIONS TO BE RECEIVED:** None.

VIII. **NEW BUSINESS/1) Appointment of Shawn Rairigh as Wetlands Official for East Windsor:**

Chairman Baker summarized the interview process for the full-time position for the Assistant Planner/Zoning Enforcement Officer/Wetlands Agent; he noted Mr. Rairigh has been hired to fill that position. He thanked Acting Wetlands Agent Higley for her assistance during the interim.

MOTION: To APPOINT Shawn Rairigh as the Wetlands Official for East Windsor.

Talamini moved/Sawka seconded/DISCUSSION: None.

VOTE: In Favor: Baker/Menard/Osborn/Sawka/Smith

VIII. **NEW BUSINESS/2) Election of Officers:**

Commissioner Menard indicated that due to his Summer schedule he felt it was unfair to the Commission to hold the position of Vice Chairman; he suggested someone else should be considered.

The Commissioners offered the following appointments.

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MOTION: To NOMINATE Alan Baker as Chairman,

Talamini moved/Osborn seconded/DISCUSSION: None.

VOTE: In Favor: Baker/Menard/Osborn/Sawka/Smith

MOTION: To NOMINATE Rebecca Talamini as Vice Chairman.

Baker moved/Menard seconded/DISCUSSION: None.

VOTE: In Favor: Baker/Menard/Osborn/Sawka/Smith

MOTION: To NOMINATE Rick Osborn as Secretary.

Baker moved/Talamini seconded/DISCUSSION: None.

VOTE: In Favor: Baker/Menard/Osborn/Sawka/Smith

VIII. NEW BUSINESS/3) Approval of 2017 Meeting Schedule:

Chairman Baker asked if the proposed schedule was acceptable to everyone; no one requested any changes.

MOTION: To ACCEPT the 2017 Inland Wetlands Commission Meeting Schedule as presented.

Osborn moved/Talamini seconded/DISCUSSION: None.

VOTE: In Favor: Baker/Menard/Osborn/Sawka/Smith

VIII. NEW BUSINESS/4) Review of Commission bylaws:

The Commissioners reviewed the amendments proposed; all amendments are procedural. Discussion followed regarding the reference to attendance of two members at site inspections requiring posting as a Special Meeting. The Commission found the amendments reasonable as proposed.

MOTION: To ACCEPT Bylaws of the Inland Wetlands and Watercourse Agency as amended.

Talamini moved/Osborne seconded/DISCUSSION: None.

VOTE: In Favor: Baker/Menard/Osborn/Sawka/Smith

X. AGENT DECISIONS: None.

XI. STATUS REPORTS:

Acting Wetlands Agent Higley reported on the following issues:

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- She recently attended a meeting of CASIO at which Mike Siska appeared. He reported on a recent finding regarding the Indian Spring Land Company. The courts have decided that if an applicant is a farm operation or farm use they can put in a farm road, including a piped wetlands crossing if necessary, but the applicant cannot fill in a body of water to create the farm road.
- Recently one of the owners of the dog agility business on North Road visited the Planning Office. During that visit they mentioned that Connecticut Mulch, who owns property in Enfield which is adjacent to the dog business, has clear-cut the Enfield parcel. This East Windsor business owner feels Connecticut Mulch may be encroaching on their property. Acting Wetlands Agent Higley recalled recent discussion before this Commission with a representative of Connecticut Mulch regarding owing on another East Windsor parcel – also adjacent to this business owner. The business owner was advised to send a letter to Connecticut Mulch, with a copy to the Enfield Inlands/Wetlands Official.

XII. VIOLATIONS: None.

XIII. CONFERENCES/SEMINARS/TRAIING:

Nothing to report.

XIV. CORRESPONDENCE: None.

XV. GENERAL BOARD DISCUSSION:

Commissioner Menard recalled a recent appearance of a homeowner who was asking for assistance regarding a contractor who was required to put in a fence by a previous Wetlands Commission. Commissioner Menard reported he reviewed minutes, and felt the contractor was told to put in bushes but didn't. He questioned if this Board has the ability to reject subsequent applications/projects by the contractor if he refuses to comply with Commission directives? Acting Wetlands Agent Higley suggested holding any bonds which had been submitted to the Town by the contractor. Chairman Baker suggested the contractor must file As-Built plans when a project is completed; Staff should inspect the property for compliance with plans/conditions before releasing bonds. It was noted Staff transitions occurred during the timing of this incident. Acting Wetlands Agent Higley noted this contractor is currently requesting release of bonding on other projects. Chairman Baker indicated this Commission wants to advised of the status of the bond release for this contractor.

XVI. PUBLIC PARTICIPATION (Discussion on non-Agenda items only):

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No one requested to speak.

XVII. ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:40 p.m.

Talamini moved/Menard seconded/VOTE: In Favor: Unanimous

Respectfully submitted:

Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission