

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, JUNE 21, 2016
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.**

Members present: Robert de Jongh, Charles Dimmick, Kerrie Dunne, Will McPhee and Thom Norback.

Members Absent: Dave Brzozowski and Earl Kurtz.

Staff: Suzanne Simone.

I. CALL TO ORDER

Chairman de Jongh called the meeting to order at 7:30 pm.

II. PLEDGE OF ALLEGIANCE

All present recited the pledge of allegiance.

III. ROLL CALL

Ms. Dunne called the roll.

Members in attendance were Robert de Jongh, Charles Dimmick, Kerrie Dunne, Dave Brzozowski, Earl Kurtz, Will McPhee and Thom Norback.

IV. DETERMINATION OF QUORUM

Chairman de Jongh determined there were enough members present for a quorum.

V. APPROVAL OF MINUTES

**Public Hearing – June 7, 2016
Regular Meeting – June 7, 2016**

Motion: To approve the minutes of the June 7, 2016 public hearing and regular meeting with corrections.

Public Hearing: page 2 L44 “peruse” to “pursue”; pg. 3 L41 “slide” to “slid”; pg. 6 L27 change to “may have”; pg. 8 L14 “raceme” to “regime”, L25 “metaphor” to “metamorphosed” and “mitigated” to “migrated”, L44 “course” to “coarse”; Pg. 9 L6 “further” to “border”, L18 “guideless” to “guidelines”; pg. 10 L43 “in avertedly” to “inadvertently”, L45 “was” to “in a house with”; pg. 11 L17 change to “applicant was”.

Regular Meeting: Pg. 4 L17 “our” to “are”; pg. 15 L41 change to “don’t look”; pg. 16 L42 “relieve” to “relief”.

Moved by Mr. Norback. Seconded by Ms. Dunne. Motion approved unanimously by Commission members present.

VI. COMMUNICATIONS

Commission members reviewed the following communications:

- 1. Request for Determination Re: Solar Facility Installation at Cheshire Landfill, Waterbury Road**

Dr. Dimmick stated this item was on the agenda under new business.

- 2. DEEP Notification**

Ms. Simone stated the DEEP notification for the Canal Heritage Trail was handed out at tonight’s meeting and reviewed by Commission members.

VII. INSPECTION REPORTS

- 1. Written Inspections**

Ms. Simone stated there were no written inspections.

- 2. Staff Inspections**

Ms. Simone stated there were no staff inspections.

VIII. ENFORCEMENT ACTIONS

- 1. Notice of Violation**

SC 1/07/14

**Mr. Nathaniel Florian Permit #2013-015 compliance date: 07/01/2016
Woodruff Associates
Unauthorized Activities in the Upland Review Area/Inland Wetlands
108 Blacks Road
Assessor's Map 19, Lots 43 & 44**

Chairman de Jongh stated this item remains on the agenda for continued monitoring. He stated there was a mandatory action date of July 1, 2016.

Ms. Simone stated she would reach out to his attorney (Mr. Florian) and remind him of that date.

Chairman de Jongh asked what we are waiting for.

Ms. Simone said there's an area where there was an excavated pit that needs to be restored or filled in and the stream that ran along it needs to be restored and that is something his attorney had agreed to and she would contact him to find out that has been done.

Chairman de Jongh said that has to be done before our next meeting (to meeting the compliance date).

Ms. Simone said yes.

Mr. Norback asked if that was the major part of the violation.

Ms. Simone said no it was the stock pile of soil that was the impetus to the cease and desist order and then the mulch piles that were then falling into the wetlands – those have been removed.

Dr. Dimmick said the other (thing) had to do with digging a pit for water collection for various purposes and there was a question as to if that was done properly. He said he thought that's what the remaining thing was.

Ms. Simone stated yes.

Chairman de Jongh asked what our recourse is if this doesn't get taken care of by July 1st.

Ms. Simone said the town attorney is involved and he has advised the owner's attorney that court action will take place and that the town attorney will file court papers.

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| 2. | Notice of Violation | SC | 09/15/15 |
| | Mr. David Flanagin | SC | 10/20/15 |
| | Unauthorized Activities in an | SC | 11/05/15 |
| | Inland Wetland and Upland Review Area | SC | 11/17/15 |
| | Summit Road | | |
| | Assessor's Map 32, Lot 50 | | |

Chairman de Jongh stated this item remains on the agenda for continued monitoring.

IX. UNFINISHED BUSINESS

There were no unfinished business items.

X. NEW BUSINESS

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|----|---|-----|----------|
| 1. | Request for Determination | RFD | 2016-020 |
| | All Points Technology Corp. "Solar City" | | |
| | Cheshire Landfill site, 1220 Waterbury Road | | |
| | Solar Facility Installation | | |

Dean Gustafson, professional soil scientist with All Points Technology Corporation "Solar City" was present.

Mr. Gustafson addressed the Commission. He explained he was present on behalf of Solar City for a proposed solar voltaic solar facility on the Cheshire Land Fill property.

Mr. Gustafson said what he had here on the presentation board depicts the proposed solar facility located on the town's property that encompasses the DPW and Dog Park as well as the capped landfill and some other undeveloped land.

Mr. Gustafson explained the proposed solar facility is outlined on the plan showing the various solar rays located on top of the existing capped land fill surface.

Mr. Gustafson said there would be limited soil disturbance because of trying to maintain the integrity of the cap and that will also be coordinated with Connecticut Department of Energy and Environmental Protection with a landfill disruption permit.

Mr. Gustafson said wetland resources are located in proximity to the facility and those are highlighted in greens lines (on the plan); there are a couple of detention basins and then there's a forested riparian system along the east side of the landfill.

Mr. Gustafson said as you can see from the proposed fence line none of the work is proposed within the 50' upland review area (located by the orange highlighted line) on the presentation board.

Mr. Gustafson said the only activity we do have within the upland review area is associated with just a small area of forest clearing that consists of 700 SF and the nearest location of wetlands is about 44' away and that's to allow for some tree clearing within this portion of the facility to minimize shadow effect on the solar ray.

Mr. Gustafson said considering the activity that's being proposed for tree clearing we have coordinated with Solar City's construction manager to ensure that tree clearing will be done in an appropriate manner –no stumps will be removed and minimized soil disturbance and sedimentation controls are located along the dark dash line and in addition there will be a wetland protection plan that will be incorporated during construction to provide additional assurances to make sure there will be no impact to the nearby wetland system.

Mr. Gustafson said they have coordinated with the Natural Diversity Database – there are a few rare species identified in the vicinity of the project and we've incorporated a rare species protection plan that's been approved by the department as well.

Dr. Dimmick said he had questions and comments: comment one – one of your reports and not necessarily your wording says there are wetlands to the north and west of the site – it's obviously to the north and the east so there's a typo in one line of the report.

Mr. Gustafson stated that's correct.

Dr. Dimmick said questions – in the report there's some mention of potential vernal pools where are they located.

Mr. Gustafson explained those are located with the riparian wetland system and its located in the southern reach and its noted on one of our graphics that we included on our documentation.

Dr. Dimmick said it's nowhere near the work you are doing though.

Mr. Gustafson said no, there's an area where there's some back water that looked like it had the potential for supporting so we're more than 100' away from that potential vernal pool habitat.

Dr. Dimmick said second question he seemed to remember there was a very steep drop off the landfill site down into creek down into where you would be doing this – is that correct.

Mr. Gustafson said yes – it's a fairly steep slope where that wooded section is.

Dr. Dimmick asked if those trees were part way down the slope they'd be cutting.

Mr. Gustafson said some of them are so yes that's correct.

Dr. Dimmick said so they are going to make sure somehow when cutting they are not going to fall into the creek as you do that because that's a tricky sort of a thing and you may have to use a backhoe with a rope or something to keep it falling in the wrong direction.

Mr. Gustafson stated that's something that's part of their wetland protection plan; we have a preconstruction meeting with our contractor and that's something that we'll go over with them as far as special precautions during tree falling activities to make sure trees fall into the clearing to minimize impact and maintain mature vegetation.

Chairman de Jongh said he has solar on his house and he knows there's there was a lot of work that had to be done in the house in terms of creating a collection box - he asked where the solar is going to be collected and how is that going to be transmitted back to CL&P or back to the town. He said it was mentioned there wasn't going to be any soil disturbance yet everything is going to be on a rack system – correct.

Mr. Gustafson stated correct – it's a rack system with concrete ballast mounts so essentially its concrete ballasts that the racking system is mounted into and those basically sit on the surface on the existing landfill or they are not disturbing the capped material.

Mr. Gustafson said there is electrical interconnection point and all of these will be interconnected and then feed out along the access road and then interconnect out on to Route 70 – the distribution line out on Route 70.

Mr. Norback asked if there was any trenching for this.

Mr. Gustafson said from what he understands it's all overhead runs – there is an existing maintenance road that starts all the way out from the entrance to the DPW facility and there are overhead utilities that they can utilize or they will be installing new poles to run overhead so there will be very little trenching activity that will be required.

Mr. Norback asked what was the profile of the cap that's capping land fill – is there a membrane over the filled area and then a cap underneath it or is it just capped.

Mr. Gustafson said talking with the design engineer who's Weston and Sampson they work on a lot of landfill closure projects and they are also Solar City's special designer for all their landfills in Connecticut so speaking with them and through discussions with DEEP what the profile is there is approximately 2' of a mixture of topsoil and then some fill material overlying capped material.

Mr. Norback said so there's 2' prior to getting to what is assumed some kind of membrane.

Mr. Gustafson stated that was correct.

Mr. Norback said those racks asked if they had to go down to frost.

Mr. Gustafson said no they are just going to be sitting on concrete ballast foundations that just sit on the soil surface.

Chairman de Jongh asked if there was any issue with methane coming from that landfill still.

Mr. Gustafson said no – there are still vent pipes and we actually designed around the vents so we are not altering the gas pipe or vent system at all with this proposal.

Chairman de Jongh said so we are not creating a potential safety issue when we've got electrical collection as well as methane distribution.

Mr. Gustafson stated no and like he said this all has to go through DEEP and their landfill closure group – it requires a natural disruption permit so DEEP will go through a full technical and engineering review of these drawings and there will be another permit required for this project.

Dr. Dimmick said the request is for determination and he did not see this needing a permit and de minimis in his own opinion.

Motion: To declare the proposed activity de minimis and not requiring a permit.

Moved by Dr. Dimmick. Seconded by Mr. Norback. Motion approved unanimously by Commission members present.

XI. ADJOURNMENT

The meeting was adjourned at 7:44 pm by consensus of Commission members present.

Respectfully submitted:

**Carla Mills
Recording Secretary
Cheshire Inland Wetland and
Watercourse Commission**