

**INLAND WETLANDS COMMISSION
TOWN OF HAMDEN**

August 28, 2020
Connecticut Siting Council
Ten Franklin Square
New Britain CT 06051

Re: Petition for a Declaratory Ruling concerning 360 Gaylord Mt. Road, Hamden CT ---
CSC Petition # 1425

Honorable Members of the Siting Council:

I am Joan Lakin, Chair of the Hamden Inland Wetlands Commission. On behalf of the members of the Commission I would like to submit this comment letter concerning the proposed construction of a solar power generating facility at 360 Gaylord Mt. Road in the Town of Hamden (CSC Petition # 1425). The Commission is well aware that the Siting Council enjoys exclusive regulatory jurisdiction over this proposal, so we are especially appreciative of your willingness to evaluate and consider local feedback before rendering a decision on the project.

The Commission's stewardship over Hamden's wetland resources is defined and driven by the Town's Inland Wetlands & Watercourses Regulations, so I'll begin by using several provisions of those regulations to convey some of our concerns about the project.

- Section 10.2.k of the Regulations requires ***“at a minimum, a Non-disturbance Buffer Zone encompassing the land area one hundred (100) feet from any wetland or watercourse... unless the applicant demonstrates through substantial evidence in the record that such activity within the 100-foot non-disturbance area does not pose an impact to the regulated area.”***

The solar farm proposal falls significantly short of the Commission's 100-foot buffer target. For example, Wetland 3 would have a 50-foot buffer, Wetland 5 would have a 10-foot buffer, and Wetland 4 would have no buffer whatsoever.

- Section 10.2.k also stipulates that ***“Factors to be considered in determining the appropriate width of a buffer zone include but are not necessarily limited to the presence of steep slopes, the intensity of adjacent land use, soil erodibility....”***

The solar farm project would be located on a slope, and that slope would be subjected to a very intense type of land-use --- the clear-cutting of 12 acres of trees. Such factors argue in favor of buffer zone widths much closer to the optimal 100 feet, rather than widths of 50 feet, 10 feet, or zero feet.

- Sections 10.3 and 10.4 address the question of ***“feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses.”***

The Commission generally raises the question of feasible and prudent alternatives when a proposal appears to pose a significant threat to wetland resources because of intense development and a diminished buffer. The solar farm proposal now pending before the Siting Council is an example of just such a project. In distinct contrast to the solar farm, the radio tower that our local wetlands agency authorized for construction on another part of the property in 1998 is an example of a feasible and prudent alternative that has had a minimal to non-existent impact on the wetlands.

- Section 10.4 also authorizes the Agency in certain circumstances to ***“propose on the record in writing the types of alternatives which the applicant may investigate...”***

Since the Hamden Inland Wetlands Commission has no regulatory jurisdiction over the solar farm proposal, we would probably be exceeding the spirit if not the letter of the statute were we to specify “the types of alternatives which the applicant may investigate.” We do hope, however, that the Siting Council, with its wide-ranging mandate to promote a balanced approach to energy generation and environmental protection, will see fit to task the applicant with just such an investigation.

- Section 11.9.g stipulates that ***“The boundary of the Non-disturbance Buffer Zone(s)...shall be marked at every thirty-five foot interval using....such materials...and medallions as the Agency may direct”.***

If the Siting Council should ultimately conclude that approval of the solar farm proposal is in the public interest, we would request that the Council require the delineation of buffer boundaries and wetland boundaries in a manner consistent with local practice.

In closing, it has been noted by other stakeholders that clear-cutting 12 acres of trees on a slope will likely have an adverse drainage impact on several roads and residential properties in the adjoining neighborhood. This concern, no matter how compelling, is largely beyond the purview of an inland wetlands commission. We will therefore respectfully defer to other municipal agencies or officials who may choose to raise this issue.

I again want to take this opportunity to express our gratitude for the Council's willingness to consider local comments and concerns. It is also our hope that the Siting Council will extend the public comment period and allow members of the public to visit the site so that the proposal is afforded a thorough and complete review prior to any decision.

If your staff should have any questions or if we can be of any assistance in your evaluation of this project, the Commission can be reached by contacting the Town of Hamden Wetlands Officer, Tom Vocelli, at 203-287-7001 or at tvocelli@hamden.com.

Sincerely,

Joan F. Lakin

Joan F. Lakin
Chair - Hamden Inland Wetlands Commission

cc via e-mail:

Curt Leng – Mayor
Daniel Kops – Town Planner
Matt Davis – Assistant Town Planner
Mark Austin – Town Engineer
Tim Lee – Assistant Town Attorney
Tom Vocelli – Wetlands Officer
IWC Officers and Members