

Kim Powell

From: Kate Berrigan <kateberrigan@gmail.com>
Sent: Tuesday, October 29, 2024 7:58 AM
To: Kim Powell; Maureen Fitzgerald
Cc: Bates FriendsForever
Subject: Bates Woods/Inland Wetlands - adjacent to Clark Lane Middle School
Attachments: 0_Chester_Street-Site_Plans_Tue_Sep_3_2024_15-27-53.pdf; 0_Chester_Street-Stormwater_Narrative_Tue_Sep_3_2024_15-28-24.pdf; 0_Chester_Street-Proposal_for_Engineering.pdf

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Dear Ms. Powell and Ms. Fitzgerald,

I'm writing on behalf of a group called Bates Friends Forever, which is working to protect and strengthen community access to Bates Woods Park. Bates Woods, as you may know, is the largest public wooded area in New London and represents a significant portion of our open space as well as tree canopy; it also shelters multiple areas of wetlands including part of the headwaters of Fenger Brook. Parts of these wetlands are visible on the Waterford Wetlands Map just east of Clark Lane Middle School and Ahepa.

The city of New London is proposing to install a 4-acre solar array on top of the capped landfill in Bates Woods. The proposal recently cleared the Inland Wetland and Conservation Commission (2-1) and is likely headed to Planning and Zoning next.

We believe the project impacts Waterford's wetlands and watercourses as well as New London's and want to make sure your Commission is fully aware of the details. We are especially concerned about items (d), (e), and (g) under Section 2.32 of the Waterford IWW Regulations regarding Significant Impact Activity.

I believe New London notified David Campo, the Waterford town clerk, in writing on 9/4/24 of the application affecting areas within 500' of the town line, and the scheduled hearing on 10/10/24 at the NL Inland Wetlands Commission meeting. Greenskies, the company responsible for the proposal, was also required to notify abutters of the property (0 Chester Street) prior to the hearing, some of which have Waterford addresses.

You can find the minutes of the 10/10 Inland Wetland Commission meeting [here](#).

I am attaching the site plans for the solar proposal as well as documents related to soil disturbance and project engineering. These were posted on New London's website prior to the hearing, but I can't find them there now. Please let us know if you would like to meet and discuss further or if there's additional information you need; we are also happy to keep you apprised on the progress of the project through New London's approvals process if that's helpful.

Thanks for your consideration.

Kate Berrigan, New London

- (d) *A final set of plans shall be submitted to the Office of Development & Planning that includes the conditions of approval as outlined in the IWC Permit, including the expiration date.*
11. *All modifications to the approved plan shall be reviewed and approved by the agent of the Commission, the Wetlands Official and/or the Inland Wetlands Commission prior to and during construction.*
 12. *All of the plantings (plants or trees) included with the approval of this development that become dead or diseased shall be replaced annually as an on-going requirement of this approval, with substitutions approved by the Wetlands Official and/or the Inland Wetlands Commission.*
 13. *Additional erosion and sedimentation control materials, including silt fencing, straw bales, wood chips, and crushed stone be kept on-site and installed as may be required by the Wetlands Official or his/her designee either directly with unforeseen erosion and sedimentation control needs.*
 14. *Applicant and/or their engineer shall ensure that only clean fill is used for the site that is free of invasive species.*
 15. *Any substitutions of planting for the site shall be submitted and approved by the Wetlands Official and/or the Commission designee prior to planting.*
 16. *Applicant shall ensure catch basins on the subject property are properly cleaned out and maintained after major flood events.*

ITEM #3

PUBLIC HEARING. Application for a Wetlands Permit. Proposal: To allow the installation of utility poles within the 100-foot upland review area to support a proposed solar array project. **Site: 0 Chester Street (Map C13/Block 118/Lot 19).** Applicant/Agent: William Sweeney, Esq. Property Owner: The City of New London.

William Sweeney, Esq. 43 Broad Street, New London, CT addressed the commission on behalf of the applicant and stated that a public hearing has been set, in public interest. He stated that the application is a request to allow the installation of fourteen (14) utility poles within the one-hundred (100) foot upland review area. Attorney Sweeney stated that the poles would be utilized to connect to the solar field on the landfill. He stated that the landfill is outside the jurisdiction are of the Inland Wetlands Commission.

Attorney Sweeney noted that present for the public hearing, is the project Engineer Mike Gagnon and Matt Sanford, Connecticut licensed Soil Scientist.

Attorney Sweeney stated that the Inland Wetlands Commission is charged with enforcing New London Wetlands Regulations and CT State Statutes regulating the activities in the one-hundred (100) foot upland review area.

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Attorney Sweeney stated that the commission wears two hats and when it comes to an application for an Inland Wetlands Permit, the commission must put down the Conservation hat and review the application according to the Inland Wetlands regulations.

Attorney Sweeney referring to the site plan, showed the three areas that are mapped wetlands on the entire property that he identified as; Wetland area A, Wetland area B, and Wetland area C.

Attorney Sweeney stated that there are no regulated activities in Wetland areas A and C. He explained that is within Wetlands area B that the proposed installation of fourteen utility poles within the one-hundred (100) upland review area.

Attorney Sweeney stated that there would be no impact on the wetlands nor habitats with the proposed installation of utility poles. He stated that the installation of poles was proposed as using conduit would require trenching; he noted that an auger would be used.

Attorney Sweeney noted that poles are ten (10) feet tall and would be buried fifteen (15) inches. He stated that the installation may require some tree trimming; no tree removal is planned.

Attorney Sweeney reiterated that there is no activity in or impact to the wetlands.

Attorney Sweeney stated that at the hearing for the previous application, public comments were made that were not relevant to the application and stated that the commission is legally charged with providing the applicant with a fair hearing.

Chairman Stuller called speakers from a sign up sheet.

Jeffery Butler, 5 Cape Ann Court, NL spoke in opposition of the application stating that things were missing from the application, referenced material in the wetlands regulation, CT General State Statutes and suggested that the application was incomplete because the applicant did not provide an alternative method and the plans were not signed by a soil scientist.

Maureen Connaughton, 152 Lincoln Avenue, NL asked for clarification about how activity can take place in Open Space, whether or not City Council will need to approve the project and asked whether or not the poles are pressure treated.

Kate Berrigan, 211 Connecticut Avenue, NL asked if the auger process is controlled, suggested that the area is ledge, and expressed concerns about the limbs of mature trees being trimmed. She suggested that the commission needs a better evaluation of the wetland resources.

Patrick Sheehaun-Gaumer of 246 Connecticut Avenue, NL supported Mr. Butler's comments and asked the commission to view the application as incomplete.

Paloma Doyle, 270 Mohegan Avenue, NL questioned the management of the invasive species without the use of herbicides.

Attorney Sweeney stated that he appreciated the speakers coming out to participate. In response to the comments and questions, he stated that the applicant isn't required to provide an alternative; the obligation is limited to no impact. He stated that the less impactful option has been proposed and the applicant is able to connect the poles using the existing pathway.

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Attorney Sweeney stated that the final set of plans will be signed.

Attorney Sweeney reiterated that there will be no signification surplus material and materials would not be placed in the upland review area. He noted that the fill mentioned by the speakers is existing and not a result of the applicant. He stated that the Department of Public Works is removing; this is not part of this application.

Attorney Sweeney stated that the upland review area is set by the municipality and that the substantial evident in the record and the application document that there is no impact to the upland review area.

Attorney Sweeney stated that the utility poles are pressure treated, like all other utility poles throughout the city and elsewhere.

Attorney Sweeney stated that shelf of the road soil is not rock.

Mike Gagnon, civil engineer SLR Engineers stated that an auger would be used to create concise hole and the trailings will be removed from site. He stated that there would be no tree cutting, only branch trimming.

Matt Sanford, Connecticut licensed soil scientist stated that there will be no impact to the upland review area and no adverse affect to the wetlands.

Attorney Sweeney stated that the expert testimony supports the application; there will be no impact to the upland review area or the wetlands. Attorney Sweeney stated that the applicant is entitled to an approval.

Ms. Munger noted that she had difficulty reading the plans. Attorney Sweeney provided another overview, pointing out the wetlands, the upland review area and the location of the upland review area and the location of the proposed utility poles.

Ms. Munger stated that she has concerns for the environment as is part of the work members consider as a conservation commission.

A motion was made by Mr. Levine, seconded by Ms. Munger and voted unanimously to close the public hearing.

A motion was made by Mr. Levine, seconded by Ms. Munger and voted (2-1) to approve the application by submitted by Attorney William Sweeney for an Inland Wetlands Permit for the property located at 0 Chester Street (Map C13/Block 118/Lot 19) to allow the installation of utility poles within the 100-foot upland review area (as defined by the Inland Wetlands Regulations) to support a proposed solar array project.

This authorization constitutes the permit required by Section 22a-39 of the Connecticut General Statutes, as amended.

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The Commission grants this approval with due regard for the matters enumerated in Section 22a-41 of the General Statutes and in accordance with Section 10 of the Inland Wetlands Regulations for the Protection and Preservation of Inland Wetlands and Watercourses of the City of New London, Connecticut, and has found that the proposed work, as specified and conditioned herein, is in conformance with the purposes and provisions of said section.

The approval is granted with due consideration of the following plans and documents submitted for the record at the October 10, 2024 regular meeting:

This approval is granted subject to the following nine (9) boilerplate conditions included in the City of New London Inland Wetland Permits:

- 17. The permittee shall notify the Office of Development and Planning immediately upon the commencement of work and upon its completion.*
- 18. If the authorized activity is not completed on or before October 10, 2029, said activity shall cease and, if not previously revoked or specifically extended, this permit shall be null and void.*
- 19. All work and all regulated activities conducted pursuant to this authorization shall be consistent with the terms and conditions of this permit. Any structures, excavation, fill, obstructions, encroachments or regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension, or revocation. Upon initiation of the activities authorized herein, the permittee thereby accepts and agrees to comply with the terms and conditions of this permit.*
- 20. This authorization is not transferable without the written consent of the New London Inland Wetlands & Conservation Commission.*
- 21. In evaluating this application, the Commission has relied on information provided by the applicant and, if such information subsequently proves to be false, deceptive, incomplete and/or inaccurate this permit shall be modified, suspended or revoked.*
- 22. This permittee shall employ best management practices, consistent with the terms and conditions of this permit, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands or watercourses.*

For information and/or technical assistance, contact Michelle Johnson Scovish, Wetlands Official. The permittee shall immediately inform the Office of Development and Planning of any problems involving wetlands or watercourses which have developed in the course of, or which are caused by, the authorized work.

- 23. No equipment or material including without limitation, fill, construction materials, or debris, shall be deposited, placed, or stored in any wetland or watercourse on or off site unless specifically authorized by this permit.*
- 24. This permit is subject to and does not derogate any present or future property rights or other rights or powers of the City of New London, and conveys no property rights in real estate of material nor any exclusive privileges, and is further subject to any and all public*

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and private rights and to any federal, state, or local laws or regulations pertinent to the property or activity affect hereby.

25. *Timely implementation and maintenance of sediment and erosion control measures are a condition of this permit. (All sediment and erosion control measures must be maintained until all disturbed areas are stabilized.)*

In addition to the above enumerated nine (9) boilerplate conditions of approval the Commission hereby attaches the following #10 through #16 additional conditions to this approval:

26. *Plans shall be revised to address the comments outlined in the memorandum for the record. Said revised plans shall be submitted electronically to the Office of Development & Planning/Planning-Zoning-Wetlands Division for the official Inland Wetlands File.*
27. *A final set of plans shall be submitted to the Office of Development & Planning that includes the conditions of approval as outlined in the IWC Permit, including the expiration date.*
28. *All modifications to the approved plan shall be reviewed and approved by the agent of the Commission, the Wetlands Enforcement Officer prior to and during construction.*
29. *All of the plantings (plants or trees) included with the approval of this development that become dead or diseased shall be replaced annually as an on-going requirement of this approval, with substitutions approved by the Wetlands Official or the Inland Wetlands Commission.*
30. *Additional erosion and sedimentation control materials, including silt fencing, straw bales, wood chips, and crushed stone be kept on-site and installed as may be required by the Wetlands Official or his/her designee either directly with unforeseen erosion and sedimentation control needs.*
31. *Applicant and/or their engineer shall ensure that only clean fill is used for the site that is free of invasive species.*
32. *Any substitutions of planting for the site shall be submitted and approved by the Wetlands Official and/or the Commission designee prior to planting.*
33. *Applicant shall ensure catch basins on the subject property are properly cleaned out and maintained after major flood events.*

ITEM #4

REVIEW AND APPROVAL OF THE 2025 MEETING SCHEDULE.

A motion was made by Mr. Levine, seconded by Ms. Munger and voted unanimously to approve the 2025 meeting schedule as presented.

ITEM #5

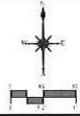
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DESCRIPTION	DATE	BY

INDEX SHEET
NEW LONDON LANDFILL PV SOLAR ARRAY
GREENSKIES CLEAN ENERGY LLC
CHESTER ST
NEW LONDON, CONNECTICUT

NOT FOR CONSTRUCTION

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