

NORWALK CONSERVATION COMMISSION MINUTES

JANUARY 7, 2003

ATTENDANCE: Matthew Caputo, Vice Chairman (7:20 PM); Marny Smith; Ed Holowinko; Andrew Kydes; Karen DeStefanis; Larry Losio.

STAFF: Alexis Cherichetti, Sr. Environmental Officer

The Special Meeting was called to order at 7:15 PM by Ms. Smith in the absence of Mr. Caputo, Acting Chairman. She stated that there was one item on the agenda, which was the presentation by CL&P, and the decision on their application to expand the substation at New Canaan Avenue.

PUBLIC HEARING and DECISION

a) New Canaan Avenue – Connecticut Light & Power – Expansion of the Norwalk substation, including depositing approximately 48,000 cu. yards of fill and excavation of 8,000 cu. yards of material in the floodway and floodplain of the Norwalk River, as well as construction of a flood conveyance channel, in and adjacent to a wetland and watercourse.

Ms. Smith then opened the Public Hearing and a roll call of Commission members was then taken by Ms. Cherichetti.

Ms. Smith then called on Mr. Christopher Swan, Division Manager of CL&P, who introduced the members of his team present. Attorney Harold Blinderman, of Dayberry and Howard, stated he was representing CL&P. He began by noting that CL&P was seeking a location approval application from the Commission.

Ms. Smith questioned what portion of land was taken by DOT for Route 7. Attorney Blinderman replied that 6 acres was taken in 1987.

Mr. Caputo arrived at 7:20 p.m.

Attorney Blinderman continued that the Commission acts as an agent of the State and as an agent of the State, it decides the balance between the public good vs. the local impact. Mr. Caputo questioned which was given more weight and Attorney Blinderman replied that the local Board decides the balance and that consideration is not called out by statute. He stated that CL&P believes the project makes sense and that it was the best place for the property activities.

Mr. Robert Carberry, Project Manager with CL&P, stated that the proposed alterations of the site were designed with consideration of the space required for possible electrical substation uses for the site well into the future. He reported the site plan has adequate space to accommodate High Voltage Direct Current converter equipment, as well as the addition of a 345-kilovolt Gas insulated Substation, because a Connecticut to Long Island HVDC cable project was being planned when the site development plans were being engineered and designed. Mr. Carberry continued that the original parcel of land purchased by CL&P in the 1920's was sufficient for the uses envisioned now, but the site was substantially reduced in 1997 when the State Department of Transportation took a significant part of the eastern portion of the property for the construction of Route 7. He stated that when considering how to accommodate electrical equipment on the remaining site, those electrical components that could be constructed on columns and therefore raised above the level of floodwaters, were located west of the retaining wall. This equipment included a component of any HVDC converter called the HVDC filters, which would be located in the area west of the retaining wall, allowing for floodwater to occupy this area during flood events. He noted that locating the filters there resulted in the fence placement shown on the plans.

Mr. Carberry stated that despite the fact that the Connecticut-Long Island HVDC project was cancelled, there are other scenarios possible in the coming years which would require the installation of additional electrical equipment on the Norwalk Substation. He noted that the proposed site modifications would create the space required for electrical equipment projects. Because what is built electrically is controlled by other regulatory agencies, creating additional substation space for future growth is prudent. CL&P was requested by the Department of Environmental Protection to plan for any necessary modifications to the site for the next five years and incorporate those needs into the proposed site modifications for today's needs, to avoid repeated disturbance of the site, and multiple permitting processes.

Mr. J. Stanley Watson, land scientist with CL&P, stated CL&P met with the City a year ago, the DEP a year ago, and the Mayor and his staff on November 15th, 2002. He noted that the Zoning Commission strongly endorsed the addition of a bike trail at the site. To accommodate this request, he stated it was decided to pull back the fence by 10 feet toward the substation and he felt that the final adjustments were favorable. He stated that there were other alternative sites on the other side of the river that were looked into, however there were impacts to the wetlands. He then pointed out the location of the bike trail on the site plan.

Mr. Watson continued that in the 1920's the pond did not exist and that the entire site has been disturbed and modified. He reported the intention is to create high land and leave the riverside low and to create a bypass channel to eliminate the rise and increase the flow in the area. He also noted there would be a significant planting plan for the channel. The proposed channel will not alter the frequency of flooding of wetlands on the site.

Mr. Watson next reported that the portions of the trap rock covered area west of the retaining wall and the area associated with the HDVC building may be initially

constructed as grass covered areas until needed for utility purposes. Mr. Losio questioned the electrical equipment on the grass areas and Mr. Watson replied that if electrified, they would use stone cover and the equipment would be on stilts.

Mr. Caputo then asked the Commission if there were any other questions.

Mr. Losio questioned if there would still be a 20-foot landscaping area between the channel and the bike trail. Mr. Watson replied yes, the landscape plan does not change.

Mr. Kydes asked for a timetable of the plan and Mr. Watson replied if the Citing Council acts by April and with the DEP permit, the anticipated time for construction would be late summer and a May 2005 completion date.

Mr. Leonard Jackson, consultant with Leonard Jackson Associates, stated he performed a study on flooding and flood control to make sure the plan does not have an effect on the Norwalk River. He stated that his analysis showed no rise in flood elevation and it will not encroach on the river and create a river rise. He stated there would also be no increase in the peak discharge as a result of the increase in impervious surface. He noted that only a small portion of the substation area will be paved and that the runoff associated with the paved areas will be piped to the river and will enter the river prior to the peak discharge in the river, therefore the impervious surface will not have an effect. Pertaining to the water quality, he stated that this was not his expertise.

Ms. DeStefanis questioned if ground water hydraulic studies were performed under drought conditions. She also questioned if this was discussed with the First District Water Department since the subject substation work will be across from the district's wellfield. Mr. Watson replied there had not been discussion with the Water Department.

Mr. Kenneth Stevens and Jennifer Benow, soil scientists with Soil Scientists and Environmental Services, reported they performed an environmental assessment of the area. They noted that they mapped both the Connecticut and Federal wetland boundary.

Ms. Benow noted that the assessment contained a total review of the plant materials in the wetlands and upland areas, she looked at the Norwalk River and fisheries and the described the regulatory area and described the quality of the wetlands. There were 13 functions recognized by the DEP.

Mr. Caputo next advised that the procedure was to hear from the public that were in favor of the proposal and then next to hear from those in opposition. There were no members of the public in favor. Therefore, he asked to hear from those in opposition.

Ms. Diane Lauricella, a resident of Norwalk and representing the Sierra Club, also stated she had been a former employee of the First Taxing Water Company of Norwalk. She stated her opposition and asked the Commission to deny the proposal, without prejudice, due to it not being formal, its location issue, there was not enough information on it. She felt it was a premature application, and it will harm the public safety and its drinking

water. Her main concern, she stated, was the ground water and that the Water Company was not even contacted. She stated the wellfield provides 15% of the drinking water to the city and legally they should have been contacted as an important source.

Ms. Lauricella stated that Mr. Allan McKissock had to leave the meeting, however, he had signed the opposition sheet and was in opposition also.

Ms. Alexis Cherichetti stated that the a letter to the Conservation Commission had been sent by the First District Water Department, dated January 6, 2003 and that copies were available.

Mr. Caputo then called for a five-minute break at 9:15 p.m. The meeting was reconvened at 9:20 p.m.

Mr. Bill Wrenn stated he was a member of the Norwalk Common Council and a member of the Land Trust Board of Directors. He stated he was overwhelmed by the information and that it was a question of what the public was giving up. He stated the site was 9 acres of a natural site in which few are remaining in Norwalk. He stated that what the public would be getting is 345 kilovolts of power that has still yet to be determined if it is needed. He asked for a more value judgment for the people of Norwalk and he felt that if this would not be done for a private citizen of Norwalk and it should not be allowed to give up 500 linear feet of wetland for Northeast Utilities.

Mr. Peter Wien stated he was a resident of Norwalk and a member of the Norwalk Common Council. He stated he agreed with Ms.Lauricella and Mr. Wren's points and that he felt that he felt that in the presentation by members of CL&P, they used "limiting reagent" words that may cause a change the scope of what happens. He stated that there were other sites available and that the timing was ill-timing being the Christmas holiday. He asked the Commission to deny the application and find out what is really happening.

Ms. Betsy Bower, a Norwalk resident, stated she felt it was shameful that an application was made to destroy 9 acres of natural space. She stated one of her favorite places is the bridge on the site and that there was no public good in it.

Ms. Beth Ackerman, a Norwalk resident, stated that the thought of a subdivision near her home was a disaster. She questioned why the disturbance to the area before it was ascertained if the high voltage lines will come into Norwalk. She asked the Commission to act with prudence and not with haste.

Mr. Caputo then asked for rebuttal by the applicant.

Mr. Watson stated that the issue of building it first missed the point. He noted that nothing would get built until it is approved by Citing Council, DEP, FEMA and other regulatory agencies. He stated that regarding wellfield and hydrogeological issues he was convinced that there were none. He agreed that the First District Water Company should be contacted and he was willing to sit down with them. He stated that in there they were

concerned about contamination and the impact on blasting. He will address these issues, however, he felt that blasting would not be necessary. He stated that regarding the Water Company's issue on flooding, he felt there would be no flood impact to the wellfield.

Mr. Caputo stated he was concerned that the landowner, the First District Water Company, had not been contacted or given the opportunity to be present for their input. He noted the 30 day window for approval of the application by the Commission and Mr. Watson stated he felt the timeframe was 30 days after the application was received, which was December 10th.

Mr. Wrenn voiced his concern of disrespect for the public, being the lateness of the hour. Mr. Caputo replied to Mr. Wrenn that he was not allowed to speak at this point of the meeting and that his comment was not necessary.

Attorney Blinderman stated that according to the statute, the 30-day review period by the Conservation Committee provides for no extensions.

Mr. Caputo then asked for a ten-minute break.

Mr. Caputo reconvened the meeting at 10:25 p.m.

Mr. Caputo then asked if the Commission had any further questions. There being none, he closed the Public Hearing at 10:30 p.m.

**** MS. DESTAFANIS MOVED TO DENY THE APPLICATION FOR THE**

FOLLOWING REASONS:

CONCERN THAT THERE IS A WATER SUPPLY ¼ MILE AND THERE DOESN'T SEEM TO BE A DISCUSSION ON THE IMPACT

- A. NO HYDRAULIC INVESTIGATION WAS PERFORMED. SUCH INVESTIGATION IS NECESSARY TO ASSESS THE POSSIBLE NEGATIVE IMPACTS, INCLUDING CONTAMINATION OF THE IMMEDIATELY ADJACENT SURFACE WATER AND GROUND WATER SOURCES. OF PARTICULAR CONCERN IS THE CLOSE PROXIMITY OF THE KELLOGG-DEERING PUBLIC WATER SUPPLY WELLS ON THE WEST BANK OF THE RIVER;**
- A. THE PROPOSED LIMIT OF DISTURBANCE ENCROACHES, OR CLOSELY ENCROACHES, THE WETLAND LINE ALONG APPROXIMATELY 1,500 LINEAR FEET OF WETLANDS. THE INTENSE NATURE OF THE DISTURBANCE, THE VERY CLOSE PROXIMITY OF THE DISTURBANCE TO THE WETLAND, AS**

- WELL AS THE LATERAL EXTENT OF THE DISTURBANCE RESULTS IN AN UNJUSTIFIED AND UNACCEPTABLE LOSS OF EXISTING NATURAL VEGATED WETLAND BUFFER;
- B. ADDITIONALLY, THE APPLICANT WAS UNABLE TO PROVIDE ANY REASONABLE JUSTIFICATION FOR THE PERMANENT REMOVAL OF A NATURAL VEGETATED BUFFER WEST OF THE PROPOSED RETAINING WALL;
 - C. THE PROPOSAL FAILS TO PROVIDE A PLAN THAT WOULD ENABLE ANY ENCHANCEMENT OR REMEDIATION OF STORMWATER QUALITY BEFORE DISCHARGING DIRECTLY INTO THE NORWALK RIVER;
 - D. THE DEVELOPMENT WOULD RESULT IN AN INADEQUATE NATURAL VEGETATED BUFFER BETWEEN PROPOSED DEVELOPMENT AND THE NORWALK RIVER.

**** MR. LOSIO SECONDED THE MOTION**

**** MOTION CARRIED WITH FIVE VOTES IN FAVOR, ONE VOTE IN OPPOSITION (MR. KYDES).**

Mr. Caputo called for a motion to adjourn.

**** MR. KYDES MOVED TO ADJOURN THE MEETING**

**** MS. SMITH SECONDED THE MOTION**

**** MOTION CARRIED UNANIMOUSLY**

The meeting was adjourned at 10:35 PM.

Respectfully submitted,

Donna DeVito

Telesco Secretarial Services