

PLANNING AND ZONING COMMISSION
TOWN OF SOUTHTON
MAY 19, 2020

The Planning & Zoning Commission of the Town of Southington held a public hearing and regular meeting on Tuesday, May 19, 2020 via WebEx teleconference. Robert Hammersley, Chair, called the meeting to order at 7:00 pm.

The following participated:

Robert Salka, Jeff Gworek, Susan Locks, James Macchia, Christina Volpe* & Peter Santago

Alternates: Theresa Albanese, Joe Coviello & Caleb Cowles

Absent: Alternate Stuart Savelkoul

Staff:

Robert Phillips, Director of Planning & Community Development

James Grappone, Ass't Town Engineer

A quorum was determined.

(* Ms. Volpe left the meeting at 8:40 pm where noted in the Minutes.)

The Pledge of Allegiance to the American Flag was recited by everyone in attendance being led by the Phillips' children.

A Moment of Silence was observed by everyone.

ROBERT HAMMERSLEY, Chair, presiding:

APPROVAL OF MINUTES

A. Regular Meeting of May 5, 2020

Mr. Salka made a motion to approve as submitted. Ms. Locks seconded. Motion passed unanimously on a voice vote.

Minutes are prepared summary style. You may refer to the recording on line to hear the full presentation on each item.

PUBLIC HEARINGS

A. Lovley Development, Inc., special permit application for multiple buildings on one site, property located at 318 North Main Street, owned by Beaton Corbin Mfg. Co., in a B zone, parcel size 1.65 acres (SPU #633)

Sev Bovino, Planner with Kratzert, Jones & Associates represented the applicant, Lovley Development.

The property is located at 318 North Main Street at the intersection with Chapman Street. It's zoned B with an area of 1.67 acres, served by public water and sewer.

(Plans on the screen)

He pointed out the orientation of the parcel. Chapman Street is north, to the east is North Main Street, to the west is the rails to the trails and then to the south is the TOS fire station. The property was occupied by multiple buildings operating as an industrial facility. A few years back, fire destroyed most of the structures and now it is a Brownfield site.

Lovley Development is interested in utilizing the property for two offices building laid out as shown on the map. They are laid out in an east/west direction facing each other with parking and drainage in the center of the property. The reason for this orientation is that the public will have an unobstructed view from North Main Street and the rails to trails. If we put the back of the buildings to North Main Street, you would not see any interior area of the site. The buildings will have a residential/colonial look. The rear of the building along Chapman Street will have a residential look in windows with shutters similar to front view except windows instead of doors.

We are proposing two buildings because it is the highest and best use of the property. One building would not serve the clientele or the tenants well. The buildings are built on a slab with a low roof profile matching the medical office buildings to the north.

The reason for the special permit is we are proposing two buildings on one lot. The minimum lot area in this zone is 20,000 sf. We could subdivide if necessary, into two lots.

He explained the three buildings that were previously on this property. One was about 15,000 sf, a T-shaped building built out of masonry. The other block building was along the rails to trail and it is still there. And, a wood barn/garage to the south with the remains still visible.

We believe this proposal meets the regulations and will not be detrimental to the public or the orderly development of the area.

We have addressed all staff comments. All appropriate notes and details are on the plans. We ask you to consider approving this application.

With me tonight is Mark Lovley and also Paul Natoli from Arcadis if you have questions regarding clean up. We will be glad to answer.

Various commissioners asked questions which are summarized below:

- Ms. Volpe asked about the applicant not wanting to put the sidewalk on Chapman Street and the request to waive the sidewalk. Mr. Bovino responded they have changed their mind and not asking for a waiver. The latest maps sent to the staff show the sidewalk. That is a good connection

from the rails to trails to North Main Street. We cannot build them on the north side, so we are showing them. We are also showing a bike rack and a bench on the northwest corner right by the rails to trails for public use.

Mr. Phillips confirmed with Mr. Bovino they are withdrawing their request for a sidewalk waiver along Chapman Street. Mr. Bovino answered that is correct.

Ms. Volpe pointed out that fits within our POCD and is a good way to connect two very busy sections of our town. Our historic district and our industrial/commercial district.

- Mr. Gworek asked about the entrance closest to the entrance on Chapman and North Main Streets. His concern was about backup on Chapman trying to turn into this property right there and traffic building up on North Main Street, slowing everything down? Mr. Bovino said the traffic report indicates the total trips are 52 trips at the peak hour, so we don't expect a problem.

He explained that is the best location to place it. Placing it way to the west near the rails to trails would cause problems there. For the public's easy access in/out of here that is the best location. We could place it in the middle of the site but then we are destroying the building possibilities. To make the site work we need to create as many square feet as possible on the site, otherwise we would not be able to pay back the state for the expenses incurred here.

Mr. Gworek asked about what is proposed for the boundary for the rails to trails. The rain gardens are there for the drainage, but is there going to be landscaping or is it going to be open so you can see straight through to North Main Street? Mr. Bovino said they have two rain gardens on the west side of the buildings. You can see through from the rails to trail. He explained that is good because it opening up the area. We are preserving most of the trees along North Main Street. We have landscaping within the site. Flowering shrubs and trees.

Mr. Gworek asked if there were any environmental cleanup concerns. I know it is on slab. Is there a concern for the public ion that property? I'm not sure of the type or to what extent the contamination was. Mr. Natoli will answer that later in the meeting.

- Ms. Locks asked about the details of the cleanup. Mr. Natoli will answer those questions.

Mr. Natoli answered the environmental concerns at this time. This site housed a manufacturer of buttons and they did a lot of metal plating on the site. With the metal plating, heavy metals, they dewatered in two lagoons on the site. One was dug out years ago. The other one is still active with a thin layer of metal sludge dewatering. With metal plating comes degreasing so there was a vapor degreaser there with solvent and storage areas of solvent. They have a gasoline tank still there underground and they have a fuel oil above ground storage tank. You have a mixture of petroleum, soluble organic solvent and heavy metal. All will be addressed. Major stuff will be excavated off site. There are areas of petroleum where we may reuse on the site. That would be all reused under paved parking lot with an Environmental Land Use Restriction (ELUR).

There are areas of solvent, heavy metal and petroleum that will be excavated and moved off site. All excavations will be sampled when complete and that'll determine the success of the remediation. Just several areas of concern where they stored waste and areas where they did the metal

plating.

Discussion.

Ms. Locks wanted to be sure the reports come back clean as a whistle.

Mr. Natoli explained the multiple testing that was done on the slab, beneath the slab and in areas where there was storage of waste and materials. All being done in accordance with the standard regulations and is being overseen by an LEP. It is under regulatory oversight.

- Mr. Gworek asked about the timeframe as far as remediation, the ELUR filing and the building. Are we talking six to twelve months out? Mr. Napoli said there is a certain agreement with the TOS. There is a triparty agreement going on and everything is being worked from there. As far as the ELUR, it doesn't get filed until the site is developed.

Mr. Gworek asked about post remediation or groundwater monitoring after the development of the site. Mr. Natoli said when remediation is complete and development of the site there will be a monitoring well network installed and sampled according to the regulations.

Mr. Gworek asked about the buildings on slab and solvents in the past. Is there any sub-slab mitigation for the VOCs, et cetera? Mr. Natoli said most of the solvents are in the paved parking area and not beneath the buildings. There is a proposal for a foundation boot on the southern building to address any solvents in groundwater.

Mr. Lovley interjected. We are actually putting a ventilation system under all the buildings and there is a boot under the building that is going to be in the area of a little bit of contamination. Just to make sure we don't have any problems in the future.

Mr. Natoli pointed out it is not an active remediation system where we will be drawing. As a precaution they are putting piping beneath.

Mr. Gworek asked if you will need approval from CTDEEP to construct and go ahead with these systems? Mr. Natoli said the DEEP doesn't approve anything. This is under our Connecticut Licensed Environmental Professional to make sure that the regulations are followed.

- Mr. Santago commented he was pleased the site will be improved. Thank you for taking it on. It is a very good laid out site plan. I'm pleased to see the greenspace there and the involvement of rails to trails. As to the two buildings on one lot, given the nature of what you have --- I appreciate the colonial look and feel of it --- I do not have a problem with two 7,000 sf office buildings. My concerns are echoed with regard to the environmental. I don't think you have any choice but to come out of Chapman Street. While it is a concern, it would be a concern with regardless of what got put there. This looks good to me from a site plan perspective. Blight and contamination was there for years and to have a couple of nice colonial looking office buildings with green space incorporating the rails to trails, I think that benefits the town and will look better than anything else there.

- Mr. Salka had three questions and they were answered. Environmental, putting the sidewalk back on Chapman Street were addressed. I have some concern about the curb cut on the northeast side. It is really the only place to put it. I like the two buildings and the green space. My questions have been answered and I like the concept.

- Ms. Albanese liked the rain gardens. I assume they are taking on all the stormwater for the impervious cover. Mr. Bovino said that is correct. The last catch basin the drainage run has a hooded system in it to prevent any oils that have escaped from the parking lot to be picked up and cleaned up. Explained the system.

Ms. Albanese asked about the seed mix note that was supposed to be added to the landscape plan. It would be a pollinator friendly seed mix for the rain garden. Mr. Bovino said it was on the response sheet and if not on the plan, we will add it. Not a lot of management associated with the rain gardens. There are shrubs planted which will be maintained.

Mr. Bovino said the concerns about the curb cut, we could have extended the building on the north side and just have a curb cut on North Main Street, there is an existing one there. Explained that is not a good choice. This is the best option.

Mr. Grappone clarified one of Sev's comments. I know there is a reduction in pervious area. The comment was made concerning the rain gardens taking parking lot drainage but I believe the design is for the rain gardens to accept the building impervious area. Mr. Bovino said it is the building rooftops. If I said the building and parking lot, that is incorrect. Just the rooftops.

The existing fence line along the trail not in the disturbed area, I want to clarify that I think it is important the fence remain because of the activity and it is going to be a drop off in the rain garden area and actually may hold water. I want to confirm it will remain along the trail. Mr. Bovino said along the trail they are not planning to remove it. If we do anything, it will be replacement with a new one in case it is in bad shape.

(Those in the public wishing to speak in support of the application)

No response.

Mr. Phillips noted he received no emails/comments this evening.

(Those in the public wishing to speak in opposition to the application)

1. Dr. Stephanie Urillo, 360 North Main Street, had a couple of questions/concerns.

- She read on the special permit that it cannot abut town property. The southern part of this property abuts the fire department. Correct me if I am wrong.

- Concerns about the traffic flow with egress/ingress on Chapman Street. It is a heavily trafficked area. In my complex we have a problem with people parking there to use the trail. We're private property and we tell people to go down to Mill Street.

- I am concerned about congestion.

- I am concerned about aesthetics.

- The trails are heavily used causing a problem with parking. It is a traffic congestion problem.

I don't think this is a good idea and needs to be further thought out.

Mr. Bovino responded we cannot control people parking where they are not supposed to park. We can ask the police department for No Parking signs. We are providing the walk to get safely from North Main Street to the trail.

I don't recall anything about being next to a town property. He explained the two-building concept in lieu of subdivision.

Dr. Urillo interjected the police will not put up signs on private property. I would like to know. I read that special permits cannot abut town property. Mr. Phillips commented he is not aware of that regulation.

Discussion.

Mr. Bovino pointed out the parking is between the two buildings and not close to Chapman Street. We don't think it is going to be a problem. Your property is a separate issue.

Dr. Urillo summed up her concerns as to parking, traffic flow, vandalism. I have great concerns about the increased volume on a very small street, even with the sidewalk in place. We have to consider the neighborhood, as well.

Mr. Lovely commented we are in a triparty agreement with the town and the bank to get this property developed. We've been working five years on this getting the state funds, getting a loan from the Naugatuck Valley COG to be able to get this developed. A lot of work by the town staff and on my staff. A lot of money has been spent to get this from a blighted situation into something that is a gateway to our town that looks good.

On the parking, we can work with the town and Jim and the highway department to put No Parking signs on Chapman Street. We have enough parking on our site to take care of all of the medical office space and the grass overflow parking, if needed. I don't see parking being a problem.

Looking forward to getting this developed for a new gateway into the town.

The Chair closed the public hearing.

Minutes are prepared summary style. You may refer to the recording on line to hear the full presentation on each item.

B. Senco, LLC, special permit application to construct multiple buildings on one lot to facilitate the development and operation of a source separated organics recycling facility, known as a volume reduction plant, using anaerobic digestion and aerobic composting to produce compost, renewable energy and heat for use in greenhouses that will grow premium quality vegetables, property located at 111 Spring Street, in an I-1 zone, parcel size 37.4 acres (SPU#537.1) (previous approval expired)

Stephen Giudice, Harry Cole & Son, presented on behalf of the applicant. The Chair noted there was a question about the legal notices. Do we have the applicant here to attest they were sent out?

Mr. Phillips said Mr. Giudice, who is on the call, did confirm through an email/text the fact they completed the required notice to abutters.

Mr. Giudice added the legal notices did go out and we did receipts to the planning department on Friday. We had a couple that were returned and we dropped those off, as well. That is all in the record.

Tonight, we are here to request a reapproval of the special permit #537 and site plan #1672. These applications were approved by the commission in 2014. The original applicant, Turning Earth, has stepped away from the site and during that time the property owners were looking for a new applicant for the same type of use. Unfortunately, the owner missed the opportunity to extend the previous approvals. If he had requested the extension within the five-year period, we could've just submitted a letter. It is unfortunate that did happen. It would've been a little more straight forward.

We were asked to move forward with a form application per the previous plans and we submitted copies of the original plans for the new application identifying the owner as the owner/applicant. We submitted the required fees for the application.

I'd like to ask that the Minutes from the previous meetings of May 20, 2014, June 3rd, 2014 be incorporated into this public hearing. I did forward those to Rob and highlighted the appropriate sections. If they were made part of the record that would be helpful for our proposal.

We submitted the site plans --- copies of approved site plans from that July 17th, 2014 meeting.

Also, in the record, I wanted to note there is an email from Ms. Kessler of Turning Earth committing the use of their plans and documents for this hearing (inaudible).

The property is a 37.5-acre parcel know as Assessor's Map 168, Parcel 13 and has an address of 111 Spring Street. Located directly behind BJs.

Access is located through the main BJs driveway site. There are existing cross easements for access utilizing the single light on Spring Street. Abutters to the north is the Jensen's Home facility, to the east, the former Pratt & Whitney Building which is now owned by the Southington Business Park 2, and also to the east by the BJs property which is owned by Twinco. At the south we are abutted by the facility owned by (inaudible) and also by (inaudible comments). And, the Quinnipiac River and industrial property owned by (inaudible).

The parcel is relatively flat and partially wooded. Grades are shallow and there are pockets of wetland soils throughout the site which kind of limits the location of the development on the property. The area of our proposed development is really the best and only use (inaudible).

We are currently before the wetland commission requesting their reconsideration of this application, as well. We will need their blessings before this commission can go forward.

He explained the proposal as the construction and operation of a source separated organics recycling facility, known as a volume reduction plant, using anaerobic digestion and aerobic composting to produce compost, renewable energy and heat for use in greenhouses that will grow premium quality vegetables, a full cycle facility. It will contain a small office building, receiving area and there are

enclosed process areas, modules and a storage area, maturation basin, two reactor tanks, biofilter areas and greenhouses. It has two proposed greenhouses and one future greenhouse.

Site is serviced by public water and public sewer. He explained the subsurface stormwater collection system.

To the south is an employee parking lot.

The proposed development is approximately 1300 feet from Spring Street and 250 feet from the Quinnipiac River, 200 feet from the southerly property line and 180 feet from (inaudible). There will be an existing vegetative buffer on all sides of the facility and also will be completely fenced with a gated entrance.

He explained the processes performed on the site.

This technology is something that Turning Earth had hoped to bring to Southington and we are still hoping to do that. We are hoping to attract a producer that will incorporate this proposal. If the proposal changes, we would definitely have to come back to you for approval of those changes. Right now, we are asking you to look at this as a whole as to how it was approved previously with the approved plans and approved applications.

That concludes my presentation. The applicant believes from a sustainability perspective this proposed use will bring (inaudible) and my knowledge and belief is we have met all the requirements.

Any questions, I will try to answer them.

- Mr. Salka confirmed that basically this is the same proposal that was done five years ago and the application ran out. Is that correct? Mr. Giudice said that is correct. Mr. Salka had no questions. This is the same proposal and is really just an extension of what we have approved previously.

- Mr. Santago agreed with Mr. Salka's comments.

- Mr. Gworek noted a concern of the area neighbors was odor. Can you talk to that, at all?

Mr. Phillips remembers it smelled just like dirt. Ms. Locks said at the time it did not smell at all. It smells like soil you would put in your backyard.

- Ms. Volpe asked about the stipulations made in 2014 and do we plan to continue to work with the engineering department on the odor, if it is an issue, and providing some sort of personal contact information should residents in the area have any kind of issues.

The Chair advised of his tour of the Quantum Biopower Facility on DePaolo Drive about three to four years ago. I encourage you to do it. There is an odor inside the facility that's pretty pungent, but outside you would not know that anything like that was inside. They do a really good job and I would think this group would do an equally good job. We can include the stipulations that were made in 2014 when we get to the business section of the application.

- Ms. Albanese asked Mr. Giudice to explain some of the permits that are required for the operation and maintenance of this facility. Mr. Giudice said he is not an expert in this process. I know

we have to work with DEEP to get a permit and they have to go through the process to be vetted.

Discussion.

- Ms. Albanese asked if this was a solid waste operation. Mr. Giudice said it is basically food products from the school systems, grocery stores, et cetera. Recycling.

She said this a good sustainable facility that is needed in the state.

- The rest of the commissioners queried confirmed as it is a reapproval they are fine with it.

(Those wishing to speak in favor of the application)

Mr. Phillips read an email from Robert Hooper, 8 Pine Grove Road, not against the plan, but having questions. (On file in the planning office.)

Questions: (1) Will there be any issue with the noise level coming from this plant once up and running.

Question (2) Where is the entrance to the site. It states 111 Spring Street but I couldn't find that.

Question (3) I heard any smell would be just the smell of dirt, but I assume it will not have any odor even a dirt smell over at the Jensen's property.

Mr. Giudice explained the noise remediation and the site entrance.

He also explained the truck routes for access/ingress.

The vegetative buffer was noted.

Frontage on Spring Street was described.

Further discussion on the entrance to the site through BJs.

Truck traffic routes were further discussed.

Mr. Phillips interjected. Speaking with the applicant, the original applicant, Turning Earth, they have since abandoned the project. As I understand, this is an attempt basically to get the extension which lapsed last year, so they can market the property for this use that was approved. It is extremely likely that if somebody does adopt this project, they will come back with a modified site plan because they are not going to be entitled to use this technology so there will be changes to the site plan. It'll be back before you again assuming someone picks up the project.

There were four conditions of approval on the June 3, 2014 original approval I would suggest carrying forward. I will read them when we get to that point.

Discussion of the size of the truck, i.e.: like a garbage truck.

Mr. Salka reiterated what Rob had said. All questions we are asking really pertain to Turning Earth which has abandoned this application. The kind of trucks sounds like a moot point. All we are doing is reapproving this application even though the actual initial application has been abandoned by

Turning Earth. Mr. Phillips explained if the applicant had come in last year, they would have just had to file a letter requesting extension and you would have acted at that point in time. Because the entire approval lapsed within five years, that's why they're back in front of you for essentially a reapproval.

This plan is not going to happen. If another operator takes over this approval, they'll have a different technology and they'll be back before you.

The Chair, hearing no further comment, closed the public hearing.

BUSINESS MEETING

A. Lovley Development, Inc., special permit application for multiple buildings on one site, property located at 318 North Main Street, owned by Beaton Corbin Mfg. Co., in a B zone, parcel size 1.65 acres (SPU #633)

Mr. Salka made a motion to approve SPU 633. Mr. Macchio seconded. Mr. Phillips advised this one is ready for action. The applicant withdrew their request for a sidewalk waiver.

When we get to it, the floodplain application is still with the wetlands commission at this point in time.

Mr. Salka said he liked the application as presented along with the change to adding a sidewalk.

Mr. Macchio said he was glad someone was doing something with that site. It has been an eyesore for a number of years. There has been a lot of problems there because of the remediation. With the opportunity now to do it, I give Mark and his group a lot of credit for bringing this to fruition. They've been working on it for a number of years.

Upon a polling, all of the other commissioners too had positive comments.

Motion passed 7 to 0 on a roll call vote.

B. Lovley Development, Inc., Floodplain filling application for the construction of a new building to replace one destroyed by fire, property located at 318 North Main Street, owned by Beaton Corbin Mfg. Co., in a B zone, parcel size 1.65 acres (FF #267)

Mr. Salka made a motion to table. Mr. Santago seconded. Motion passed unanimously on a voice vote.

C. Lovley Development, Inc., Site plan application to construct two buildings to replace the ones destroyed by fire, property located at 318 North Main Street, owned by Beaton & Corbin Mfg. Co., in a B zone, parcel size 1.65 acres (SPR #1797)

Mr. Salka made a motion to table. Mr. Santago seconded. Motion passed unanimously on a voice vote.

D. Senco, LLC, special permit application to construct multiple buildings on one lot to facilitate the development and operation of a source separated organics recycling facility, known as a volume reduction plant, using anaerobic digestion and aerobic composting to produce compost, renewable energy and heat for use in greenhouses that will grow premium quality vegetables, property located at 111 Spring Street, in an I-1 zone, parcel size 37.4 acres (SPU#537.1) (previous approval expired)

This is ready for action. Stipulations on the approval of June 3, 2014:

- Provide contact for any or necessary complaint management.
- Work with engineering on odor control with the memo dated 6/3/14.
- Work with DEEP on maintaining primary traffic routes to and from Queen Street rather than West Street.
- Greenhouse will have no retail and no marijuana growing.

Mr. Salka made a motion to approve SPU 537.1 with the four stipulations. Ms. Locks seconded.

Discussion as to stopping them from growing cannabis.

Motion passed 7 to 0 on a roll call vote.

E. Senco, LLC, special permit application to construct multiple buildings on one lot to facilitate the development and operation of a source separated organics recycling facility, known as a volume reduction plant, using anaerobic digestion and aerobic composting to produce compost, renewable energy and heat for use in greenhouses that will grow premium quality vegetables, property located at 111 Spring Street, in an I-1 zone, parcel size 37.4 acres (SPR 1672.1) (previous approval expired)

Ready for action. Mr. Salka made a motion to approve SPR 1672.1. Ms. Locks seconded. Motion passed 7 to 0 on a roll call vote.

The Minutes are prepared summary style and you may refer to the on line recording to hear/view the full 65-minute presentation, documents and commentary.

F. Public Information Sessions in advance of application to the CT Siting Council under their exclusive jurisdiction – Southington Solar One is a proposed 4.7-Megawatt solar energy array located at 1012 East street. Once operational the project will produce 9,155 Megawatt Hours of renewable energy annually. The equivalent of offsetting 6,473 Metric Tons of CO2 emissions or powering over 1,000 homes each year. Southington Solar One will seek approval from the Connecticut Siting Council and will apply for a stormwater general permit with CT DEEP.

Ms. Volpe recused herself on this application. The Chair seated Mr. Coviello in her stead.

Ms. Locks and Ms. Volpe asked to have Mr. Cowles seated for Ms. Volpe. The Chair observed it is a public hearing and all commission members, alternates or not, have the opportunity to weigh in.

Mr. Phillips clarified it is actually just a public informational session. It is not an application before you and you don't have a thumbs up or down voting responsibility on this. It is to gather input from the commission and the public in advance of the potential operator's application to the Siting Council. The CT Siting Council holds the jurisdiction over these approvals or denials. They take locally gathered information in consideration when putting their application in.

Ms. Volpe said in her recusal, if there is any commentary to be made on behalf of a commissioner, I would prefer Commissioner Cowles take my place. That being said, I will digress from the meeting. Be well everybody! Good night.

(Ms. Volpe left at meeting at 8:40 pm.)

The Chair explained the procedure to be followed. Southington Solar One will present. The Town has retained the services through Town Attorney Taylor of Keith Ainsworth, Attorney out of New Haven and following the presentation Attorney Ainsworth will ask a series of questions he has prepared and then we'll open it to the commission members and then members of public to ask questions.

Bryan Fitzgerald from Verogy on behalf of Southington Solar One. (Hard copy on file.)

The following topics were discussed in the presentation:

- (1) Verogy Background
- (2) Project Profile
- (3) Public Need
- (4) Site Plan
- (5) Landscaping Protocol
- (6) Ground Mount Solar Project Characteristics
- (7) Public Outreach
- (8) Commentary Feedback
- (9) Environmental Benefits
- (10) Timeline & Schedule
- (11) Project Wetland activities Update (5/19/2020)
- (12) Questions.

Attorney Keith Ainsworth at 51 Elm Street in New Haven. The presentation was fairly comprehensive but I'd like to touch on some specifics.

- You are working on the agricultural activity within that 17-foot panel space. Have you secured commitments from anyone to do that or are you committing to ensuring there is going to be some intrapanel agriculture there? Mr. Fitzgerald responded they are working on that possibility. Currently we are working through the (inaudible) to make sure we can secure the commitment from a local farmer to make that happen. We do not have anything formalized to-date.

- I notice the footprint of the proposed facility is generally in the center and that happens to correspond with the prime agricultural soil map. Is there going to be any plan to rejuvenate the soils during the course of the operation planting either legumes or other soil restorative plantings in between the rows even if they are not presumptive? Mr. Fitzgerald answered they are pursuing that avenue, as well, to choose the best path forward. Accordingly, we have been working through the specifics that we could use in those scenarios. Brad can give you background on the specifics and how that would work.

Brad Parsons with All Points Technology Corporation added we are looking to potentially work in some local seed mix into the actual array area for establishment. Also, something that we've talked about and looked into is the possibility of aeration after completion of construction to ensure that any compaction that would occur during construction can be relieved from the site. Additionally, in some of the habitat enhancement areas, mainly over near the vernal pool in the southeast corner of the facility, looking at doing some habitat enhancement there with some cool and warm grass seed mixtures as well as potentially pollinator habitat in some areas including in the southwest corner of the site.

- I notice you had called out establishing a pollinator habitat. Are you planning on doing that in just those areas you called out now down by the wetlands, or are you going to do it around the arrays or within the perimeter? Approximately how many acres? Mr. Fitzgerald said we are still working through this. Our goal right now is to make sure we get feedback from the local farmer to make sure that we have the best plan moving forward. There is some collaboration and configuring of which land is used best for what. We hope to finalize that plan in the coming weeks. Ultimately, the goal being an as agriculturally friendly as possible project.

Will Herchel from Verogy followed up on that. We are working with a local farmer to try to continue to farm the areas that are not impacted by the array. I wanted to mention we are also working directly with the Department of Agriculture to make sure that we comply with all of their requests/concerns for some of the concerns just mentioned. Concerns for compaction and making sure that we are appropriately keeping this site available for agriculture at the end of its operational life.

- That's positive. I assume that is an ongoing process with the Department of Agriculture. Have they weighed in with any reports back to you or is it just conversation? Mr. Herchel responded they have been provided with a presentation. They have given us a number of questions, but they have not provided to us a formal report or specific guidance at this point for the exact parameters of the precautions and steps we need to take for this project.

- You are expecting that for the Siting Council Commission later on? Mr. Herchel answered that is right. That is 100% correct, yes.

- Now with regards to the owner, has the owner been a partner in plans for the decommissioning and have the committed to re-employing the parcel after (inaudible) or has that

conversation not happened? Mr. Herchel answered in terms of our obligation via our lease and with the CT Siting Council, we will be required to decommission the system and return it, excluding wear and tear, back to its original status. In terms of what the landowner does with the property will be up to them from that point forward. We have to make it is available for agriculture going forward at the end of that period of time.

- Turning to the subject of screening, have you done a visual impact or study to determine where this will be visible from properties. And, a follow up, have you looked to see if there is going to be a glare impact from this? Mr. Fitzgerald said they are currently in the process of working to do that visibility assessment. Again, that would be publicly available upon submission to the Council. It has identified various locations throughout the community in the vicinity of the project area that have been located and identified which we will take pictures from which will then complete that assessment. And, then work through layering in the vegetative screening and buffers to make sure to soften the view as much as possible.

- I'd encourage you to engage the neighbors who you believe preliminarily might --- get them to give you permission to have access from their private property which you might not have access to. That sometimes comes up in All Points views that they can't get private access and they can only do it from public roads. It is up to the owner. But you might do that. That's just a comment.

As far as the screening, I saw the proposed array, which would two plantings and a third offset. Are you thinking about a particular type of species and type of planting and is it going to be just one row or two? Mr. Fitzgerald responded. The current pieces we are looking at right now would be the spartan juniper to provide evergreen coverage throughout the year, not just seasonal. It is our goal to plant mature trees in that area and it would be a staggered row where we have a front row of 10' on center and one plant in-between to offset to make sure we have ample screening and coverage. Explained.

- The other aspect of screening is if you establish the trees, to a certain degree, sometimes they don't always take. It is an agricultural soil so they have a better shot than most. Is the applicant willing to commit to retaining the screen during the life of the facility in case some of these succumb to disease or drought, et cetera? Mr. Fitzgerald said the project owner and the operator will be required to maintain the array area and areas directly outside of it. They would manage that restoration, as well for the operational life of the facility.

- I noticed that there is on the NDDDB (Natural Diversity Data Base, there were some blobs or areas they have identified or reported listed species that are a special or endangered species on the project site. But not necessarily within the project footprint. What studies have you done to confirm or further the information? Mr. Parsons explained they did submit to DEEP and NDDDB for the parcel. We've come back with a couple listed species, one being a turtle and the other being a host plant. As part of our wetland's protection plan, we will come up with a plan that deals with the turtles during construction and that was part of the reason for the habitat enhancement along the vernal pool on the southeast side of the project. We will be doing surveys for the rare plant for NDDDB but that cannot be surveyed until mid-summer when it actually blooms. We will be on site to survey if that plant is actually on site for not. Anything found would be supplemented as part of our filing with the Council.

Chairman Hammersley thanked Attorney Ainsworth. He will now go through the commissioners for their questions.

Mr. Macchio: No questions at this time.

Mr. Gworek: Concerns answered.

Ms. Locks: How close to the vernal pool will you be getting? Mr. Parsons responded we are holding the town's 200-foot vernal pool buffer per the IW Commission by-laws.

Mr. Santiago: What is your estimate upon completion of the project that could Southington could see on potential tax revenue? Mr. Herchel said this project would not be tax exempt. We expect to pay property taxes for the personal property and equipment at the location. Explained the rate.

We have spoken with the town about the potential to provide virtual net metering credits to the town and provide them additional savings in addition to property tax revenues. As of right now, we have not come to terms on that and the virtual net metering caps in the State of Connecticut have not been raised and they are currently full.

Mr. Santiago: Outside of the metering, do you have an estimate on just straight property taxes? Mr. Herchel responded probably around \$30,000/year based off the final system size would be the starting point. I would also add that we are not trying to eliminate farming at the location. We are trying to maintain farming for the remainder of the property not being used by the solar array. We are trying to increase the acreage at the parcel that could be used for agriculture that is currently not being used for agriculture. And, we hope at the end of the life cycle of the project the soils would be available again for agriculture as opposed to a traditional development.

Mr. Salka: How was this site selected versus other sites within Southington? Mr. Fitzgerald answered it was based on three criteria: (1) the most open parcel with very limited topographic features. This is required by DEEP to be within certain topographic levels of grade. (2) We would not be having any impact forest land habitat and not requiring the removal of forest. We felt it would be minor with the trimming of certain trees. (3) The project had close proximity to interconnection viability with the Eversource distribution network. Explained why that made it a viable location.

You mention about the pollinator habitat and you mentioned this site will generate some ambient noise but it won't be heard within the complex itself. Would that affect the pollinator habitat, that ambient noise? Mr. Fitzgerald said he couldn't comment directly on the impact to the pollinator habitat. But we do know throughout the industry on projects like this it is becoming very popular in the State of Connecticut, Massachusetts, New York, Maryland, Pennsylvania and other states across the Mid-Atlantic.

Mr. Coviello: The size of project on this property is about 34 acres. It looks like it is the area that is pretty well clear cut where the prime soils are. If this project goes in, how much of the land would still be available for farming without any additional clearing? Mr. Fitzgerald responded they are currently working on calculating that acreage and making that readily available. There are areas to be accessed through farmland restoration. We are working currently with the property owner. I don't have a specific acreage tonight but I can provide that through follow up.

Have you considered looking at other areas of that lot that might require clearing that don't disturb the farming operation/good soils? Mr. Fitzgerald answered the areas currently contemplated are in two different locations. The goal of this side of the parcel was to stay away from the good soils and the neighborhood, as well.

In looking into opportunities to farm in-between within the solar panels, that 7-foot section, in your experience have you ever done that before and can that work, the array and the farming together? Mr. Fitzgerald explained it is a relatively new concept. He explained a grazing program with sheep. But the integral farming component is relatively new. Explained it is hopeful it is something they can innovative with and on the leading edge.

Mr. Cowles: As to expanding the farmland, sounds like we are robbing Peter to pay Paul if we are going to clear-cut some forest land to expand some farmland. Seems almost like a double loss. How much of that space would you be removing? A significant portion to expand the farming while removing the forest land? Mr. Fitzgerald stated we are working that right now. We are trying to be conscious that in that effort we don't have undue compact elsewhere. Removal would not take place in the wetlands or vernal pool habitat. We would keep the appropriate buffers from the area. We are working through that currently so we don't rob Peter to pay Paul.

Mr. Herchel added there is tension between the Department of Agriculture and DEEP forestry in terms of what their priorities are for these types of projects. We are searching for the happy medium to satisfy the Department of Agriculture and DEEP while being cognizant of trying not to remove trees or forest or core forest or edge forest, et cetera. It is definitely searching for that happy medium.

Ms. Albanese: She stated her experience with projects like this and her understanding. As related to historical significance and archeological studies, were there any requirements with CHIPO for a Phase I or testing of the farmlands for any potential impacts to any resources? Mr. Parsons said they did a Phase I analysis and it did come up with some areas of moderate to high sensitivity and we are in the process of moving forward directly into a Phase I-B shovel test for those areas. We are going directly to a Phase I-B for those areas and once complete it will be submitted for concurrence.

If your findings say there are areas of archeological significance, would some of the arrays redistributed around those areas? Would you avoid those areas? Mr. Parsons said they would work with their consultants/archeological expert on this project. Take their recommendations on what was found and employ the appropriate buffers for those areas, as well.

I understand you are going to be preparing your registration for your Connecticut general permit and at the same time you are going to be following DEEP's January, 2020 guidance recommendations for solar development? Mr. Parsons confirmed that is correct. As part of the current draft permit that was issued by DTDEEP earlier this year, they issued draft guidance for solar and a draft of Appendix I which is directly related to solar development. I would point out with regards to the site plan, from a drainage standpoint, this site normally would involve minimal disturbance under a calculation standpoint if we weren't dealing with Appendix I. That is requiring solar projects to actually decrease the hydraulic soil group by a class. In their opinion dealing with compaction, it is our belief there are other ways to do that, however we are following their draft guidance until the permit is fully issued. We are proposing four storm water basins on this site. Explained they will have significant stormwater control and we would likely not have them in an open field situation.

What's the total acreage of land disturbance? Mr. Parsons said as far as the new draft guidelines for the state they are considering compaction as a disturbance level now. Under that guidance we are required to consider our entire solar array area as disturbance. Explained.

We are probably looking at upwards of thirty acres of "disturbance" as it relates to the new guidelines on compaction.

Ms. Albanese continued. The existing road to be used for construction and access, is that going to be improved to make it a permanent access road for the life of the facility? Or improve it just for construction. Mr. Parsons said the intent would be to improve it for construction but ultimately for the overall life of the facility. Explained.

Is the external exterior road going to be improved? Mr. Parsons commented that will be improved as it will be an actual new road on the north side of the facility. The current access path road through the site leads through the middle of the array and that will be relocated and that will be a new road.

Going to the NDDDB response and the turtle identified. During construction will there be monitors on staff, specific qualified folks, that would be monitoring the turtles to move them out of the area during construction? Mr. Parsons said as part of our wetland and vernal pool protection program, that will also include a turtle protection program. Explained.

Lastly, for the site decommissioning, does that also include a site restoration plan? A dual focus where you are not only decommissioning but you're restoring the site with a combination site restoration plan as well? Mr. Parson advised that is correct. It is a site restoration/decommissioning plan. The only thing that would be open for discussion as far as a decommissioning sense is the access road itself. With the relocation of that road to the northern half of the site, outside the center, that may remain versus going back to the center of the site.

The Chair referenced the question by Commissioner Salka about site selection which was an interesting question and response. The three different factors used for site selection are topography, forestland habitat and viability to the Eversource assets in that area. In the context of the POCD, farmland is identified as one of the top five priorities with regards to open space. Farmland is also specifically brought out as a "community" asset within Southington.

In the POCD a policy is that we will work to preserve existing farms and soils that have potential for agricultural use. By all accounts, the property identified here contains that farming soil that has potential agricultural use, so I ask: Did you consider the POCD and are there other places in or outside of Southington that were considered as part of your site selection? If so, where were they and why was this one chosen over those? Mr. Hercel said that the specific criteria Bryan mentioned specifically are extremely important. It is important based off of the criteria in terms of what the rate payers in Connecticut need for the lowest cost of electricity that we're able to install an array that is larger than an array that might be installed on a smaller piece of property because those type of installation typically provide the lowest cost to rate payers which is another criteria that we tried to search for for these individual projects. In working with landowners across the state, we have reached out to individual parcels in Southington and all across the area to try and find the best areas for us to install these types of projects. It is incumbent sometimes upon the landowners to come to terms with us in

those types of opportunities. I would like to stress the importance of the interconnection aspect of siting these individual projects.

It might not be known to this commission that any time a project like this is interconnected to a utility, there is a significant amount of expense that goes long with upgrading the electrical infrastructure on the circuit that it is interconnecting to and that is borne by the developer/owner of that generation. Making sure you can interconnect on to the distribution network is maybe more important than you might think if you were just looking for a free base tower.

Mr. Fitzgerald added they did look at dozens upon dozens of sites and selected this one. Some of the landowners we work with we were able to come to terms with and others give no response at all. Explained.

The Chair asked if they could identify any of the communities. Mr. Fitzgerald said the communities are: Berlin, Bristol, North Haven and a lot of different communities that provide the criteria that would lead to a permissible project as it relates to DEEP and the CT Siting Council and has no undue adverse environmental affect.

Mr. Herchel added as a renewable energy company we do not want to be at odds with the environment or preserving farm land. We would like to, to the extent possible, co-exist as best as we can with the farmer on that parcel. We'd like to make sure that we're preserving the soils as best we can for the duration of the operation of our facility so that we hope it is a form of preservation for that farmland. We try not to be at odds if at all possible. We're trying to preserve the environment with the production of renewable energy.

The Chair appreciated the presentation. He is not personally sold that this project is one that considers the environment based on what I just read from the POCD. I have to imagine there have got to be other sites out there that could meet all three of those criteria without removing some piece of farmland from the community's inventory. Farmland is something we've lost a substantial amount of inventory on this town and the state and throughout the northeastern part of the country.

(Public comment)

No response.

Mr. Phillips reminded everyone his email address is: phillipsr@southington.org.

Attorney Ainsworth concluded by saying I think we have covered the ground that can be covered now. Before you get to the Siting Council, (inaudible comments) clearly there as still some parts of this project being worked on with regard to precisely what kind of ongoing agriculture might be done during the course of the life of the project. The town should continue to follow up because there are a number of significant questions. They are looking into interpanel agriculture and that might be around (inaudible). And, they're looking into pollinator friendly plantings but none of these things have been really nailed down. It is important the town continue to participate. The town does have the ability to go before the Siting Council and make a statement during the public hearing.

Attorney Taylor thanked Attorney Ainsworth for participating tonight on behalf of the town. I think you all had insightful questions tonight. I have nothing further.

The Chair agreed the questions from the commission were good and the proponent of the project did a good job presenting their viewpoint and perspective on this project, as well.

Mr. Phillips said it was covered very well. It's not application so you don't have to act on it per say. The Chair said he looked forward to Attorney Ainsworth working with Attorney Taylor to do what they can do.

9. ADMINISTRATIVE ITEMS

Mr. Phillips advised as to our temporary outdoor dining policy, enabled by the Governor's Executive Order 7-MM. We've had probably about eight different applicants at this point in time. Three are coming in tomorrow. Restaurant owners. Certainly, they jumping on board. We're expediting that process as best we can and try to at least get that sector back in business.

The Chair advised the second meeting of Southington's Long-Term Recovery Committee is going to be held tomorrow at noon. That's on the agenda. To look at how we come out of this. It is going to be done by WebEx as well and you can listen in. It is a collaborative effort.

Any sense on when we might be able to get back into a person to person meeting like the old days? Mr. Phillips said the most recent correspondence from the Town Manager said we will continue our digital meetings going really forward. I have no idea when they might end.

The former college was continued to June 16th and it is most likely going to be on WebEx. I don't see that changing any time before July 1st. With this situation, things change by the day. We'll see what happens.

10. ITEMS TO SCHEULE FOR PUBLIC HEARING

- Louis Gianacopolos, special permit use application for a garage in excess of 3 spaces, property located at 924 Old Turnpike Road, in an r 20/25 zone, parcel size 1.07 acres (SPU #635)

11. RECEIPT OF NEW APPLICATIONS

None this evening.

12. ADJOURNMENT

Mr. Salka made a motion to adjourn. Mr. Santago seconded. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 9:50 o'clock, p.m.)