

**CONSERVATION COMMISSION
TOWN OF WALLINGFORD**

Special Meeting

Monday, February 9, 2009

MINUTES

The Wallingford Conservation Commission held a Special Meeting on Monday, February 9, 2009, at 10:45 a.m. in Room 116, First Floor, Town Hall Building, 45 South Main Street, Wallingford, CT, for the purpose of a discussion, review, and possible action regarding approval of changes to the Locational Guide Map of the State of Connecticut Conservation & Development Policies Plan.

Present were Chairman Jeffrey Borne, Vice Chairman Mary Heffernon, Vice Chairman, and Commissioners Dianne Saunders, John Lathrop, Kenneth Ryan, Scott Trauner, and Tom Pietras. Also present were Mayor Dickinson, Roger Dann, General Manager, Water & Sewer Divisions, George Adair, Director, Dept. of Public Utilities, Bob Beaumont, Vice Chairman, PUC, and Erin O'Hare, Environmental Planner.

The following acronyms will be used herein for the agencies/organizations discussed at the meeting:

CC - Conservation Commission
DEP - State of CT Dept. of Environmental Protection
DOPH - State of CT Dept. of Public Health
LGM - Locational Guide Map
OPM - State of CT Office of Policy and Management
PZC - Planning & Zoning Commission
SC&D - State of CT Conservation and Development Policy Plan
SCRCOG - South Central Regional Council of Governments
TC - Town Council
W&S - Wallingford Water & Sewer Division
WPCA - Wallingford Water Pollution Control Authority

Jeffrey Borne called the meeting to order at 10:47 a.m. Erin O'Hare acted as Recording Secretary.

George Adair, Director, Dept. of Public Utilities, introduced Bob Beaumont, Vice Chairman, Public Utility Control Commission (PUC) and then indicated that the Draft Map, which is the subject of today's meeting, has been presented to DPOH, DEP, OPM, the Wallingford Town Council, the PZC and, today, to the Commission. He indicated staff will go back to the PUC on February 17 for approval of a final map to be sent to OPM. OPM reviews include DEP and DPUH too. He would like to get the proposed Boundary Map (aka Draft Map) approved so that PUC and W&S can continue to do business without jeopardizing funding due to the recent interruption of existing status.

Bob Beaumont indicated that the issue began in September, 2007 when the Town had approached DEP to increase the size of a water main. Subsequently, the Town learned that this interpretation by the State had begun in January 2006.

Mayor Dickinson stated that we are not extending the service area - just trueing up the State's map. Right now, the Town won't do a lateral for fear of upsetting DEP. There is no authority to extend sewers on this map with the exception of two areas where Eloise Hazelwood, Director of Health, has indicated possible septic systems failures in the future.

Roger Dann referred to CGS Statute 16A-31 relative to eligibility for future funding. For projects in excess of \$200,000, state agencies need to make a determination of consistency with the State Plan. Originally the consistency language was advisory and did not disqualify funding, he said. In 1991, the Legislature amended the language to "shall be consistent" with State C&D. He presented the State's Locational Guide Map and pointed out that the Map is only one element of the SC&D. Routine review and approval has transpired since then without disqualification for funding. Our system existed outside the boundaries pre-1991 and we extended it after 1991 without comment until last year. The SC&D recommends development area policies for each of the Developed areas, which in Wallingford are the "Neighborhood Conservation Area" and "Growth Area", and for each of the four Conservation area categories:

a.) "Existing Preserved Open Space", b.) "Preservation Area", c.) "Conservation Area", and d.) "Rural Lands. He pointed to two small white areas in the center of Town that are designated "Rural Land" areas that obviously need to be corrected by the State. He noted that the State Plan Locational Guide Map depicts the developed Bristol-Myers property as in the green "Conservation Area".

The second map he presented was the Locational Guide Map with sewer & water facilities superimposed by his office. This is referred to as the "Draft Map". He indicated they are talking to DEP, DPOH, and OPM. OPM funnels information to the State Bonding Commission with respect to bonding. OPM is the formal approval agency. If they fail to act, then it goes to the Program Review Committee in the Legislature. We are not alone, lots of towns have this issue, he said. We are on the forefront. Bob Beaumont indicated that our Map is different from other towns as we combine water and sewer on the same map. DEP asked Wallingford if they can use us as a template.

Roger indicated the "Draft Map" has already been discussed with TC and PZC. Parcels with existing access to water and sewer today are identified on the map and pockets or islands were avoided. Parcels subject to an 'assessment' have been left in. Possible future extensions were included as we want State approval now to avoid a 6 to 8-month process to change the map later on. There is also the category of "proposed water service only".

Dianne Saunders indicated that the properties of Cooke, Hall, and Cella lie within that category. Cooke's water main was for irrigation for dairying operation. Hall's is not tied in. She asked if they could do an OSPRD or does this category designation limit service to existing residences. Roger indicated no, they will not be limited. George Adair added that as the Cooke property is a whole parcel, it is consistent.

Dianne asked, regarding parties with taps, can future limitation of sewers be considered. Roger responded, if we were approached by a developer of an OSPRD, we would consider the proposal if there were proposed no more than the number of residences allowed under a regular subdivision. It's a policy decision to be made by PUC at a later date but we do not want to do this now as it's complicated. There are two exceptions to the general rule, he said: 1.) Blue Hills has frontage on existing utilities, but we have never counted this property for development, and, 2.) In the southerly tip of Town, we increased the water and the sewer area. Fox Run Drive had well trouble, so sewers were put in here. To be clear, he continued, #1., this is not an update to the next SPOCD, and, #2., SCRCOG got an OPM grant to develop a consolidated SSA for all 15 towns in the SCRCOG area that is due Feb 19.

Mayor Dickinson emphasized that #2 is the process to provide input to the State Plan as SCRCOG gives documents to OPM. The update SC&D may be delayed to 2011, but this deadline is now. Roger indicated he intends this to be an interim update for consistency for use until the 2011 SC&D Plan is approved. He expects both agencies to sign off on this as an "administrative process" to safeguard funding. The Mayor stated, if we do not get the sign-off, then we will seek this to be an "interim map" because sewer and water approvals will remain in limbo otherwise.

George stated that on Sept 16, PUC had decided we will not extend water and sewer except in pink and orange areas so as not to be in conflict with funding and so we can move this forward. The Mayor stated that a developer has a right to the municipal service, so the developer would win a lawsuit. Bob Beaumont noted that one town was turned down for a \$50 million sewage treatment plant due to inconsistency with the SC&D. This Map will have no purview over down zoning, he said.

Chairman Borne thanked the staff for the summary. He added some background for the benefit of two new Commissioners. He distributed and reviewed the "Priority Areas of Open Space Interest" map which is Appendix B of the Conservation Commission's *Open Space Plan, 1999*. He stated that the Commission had identified key areas on this map that it has succeeded keeping undeveloped and preserved over the years. He invited Dianne Saunders to address her concerns.

Dianne indicated that, she is Chairman of a subcommittee which is currently updating the *Open Space Plan, 1999*. Six months ago she had contacted the contact person at OPM. She then explained how it works from the top down: State Plan at the top, SCRCOG, Town Plan of Conservation and Development, and then the Open Space Plan. Funding was still available in December, but that may change due to the economy. The State may not fund invasive species grants, for instance, for areas located in sewer areas. The guidelines for the recent statutes are not written yet, so it's unclear how it may effect funding relative to Purchase of Development Rights, NRCS, and Dept. of Agriculture. She noted that the Dept. of Agriculture and DEP are collaborating now unlike in the past. American Farmland Trust has requested language in open space plans for protection of agricultural lands so that's how she got into this aspect. But when looking at all the PUC meeting presentations, she felt it looked like input to the SC&D. Primarily, she seeks language in the Draft Map legend to be compatible with the Open Space Plan goals. She is all in favor of "truing" facility lines up. She noted the SC&D affects every area of funding including historic

preservation. Particular areas of concern are the area near the North Branford town line and preservation of agricultural in east side of Town.

The State is behind the Farm Bill. She spoke of the various taxes imposed on farmers and the regulatory burden farmers are under and she wants to see farms preserved. She mentioned the recent grant application the Commission made for technical assistance to put our farmland and our lease lands in a more marketable position. She does not want to see agriculture land crowded out. She feels increased development in the northeastern corner of Town has increased runoff flows to Mackenzie Reservoir. The Mayor indicated this Map won't change the tough watershed standards of the W&S Division which have been in place for 20 years. Roger noted that in IX & I-5 zones sand filtration is required.

John Lathrop asked Roger to address the OPM's concerns about the Map. Roger indicated they were parcel by parcel concerns. The area in the southern tip of the Town is of concern. OPM is looking closely at the big undeveloped parcels. George indicated the Map is anticipated to be approved by OPM/DEP but we do not know if the colors on the Map will subsequently be impacted. Bob said OPM may decide to develop another category of color or layer. Roger said that the OPM layered-map he has seen shows Bristol-Myers as a developed area.

Dianne said the pressure will be on by developers the moment the colors are changed. She asked about the Gaylord parcel. Roger indicated OPM had asked about Gaylord as they had misread the legend and thought the golfcourse had a conservation easement. OPM looks at this area in terms of future development. The SC&D guides us to think in terms of parcel boundaries. OPM may not apply that here; they may wish to bisect the parcel.

John Lathrop asked about the transmission mains from Pistapaug Pond, is this Ok as proposed in terms of future funding or could OPM say that our not putting them within the service area is problematic. Roger replied no, these are shown, but there is no service through there.

Bob Beaumont added that the Conservation Commission will need to make pitches to parcels approached by developers and the cost of residential development is a factor in favor of open space acquisition. He does not want farmers to be unaware of the status of their property in terms of access to service or prohibitions to service. Funding comes and goes. We have to be flexible to operate in this grey area, so he appreciates watchdogs keeping an eye on the consequences. He is concerned about the future of farming in Town. There is no guarantee there will be farms. The State is promoting clustering of development. He feels we can deal with certain open space areas on a local level and should not quibble over the mapped areas.

Tom Pietras asked about the history of the categorizing process as some areas appear to be outdated as mapped. Erin noted that public drinking water supply watersheds depicted on the Wallingford Watershed Map on the wall shown on this map comprised the basis for the conservation areas on the Location Guide Map.

Erin indicated that she had invited Linda Bush, Town Planner, to the meeting but Linda was unable to attend. Erin had forwarded the Commission Linda's two

documents of testimony that she had presented to the Legislature on the issue of sewer funding and map inconsistency. Erin relayed that Linda stated that she is in accord with what was being presented today and that she fully intends to discuss input to the 2011 SC&D with the PZC in the future. Dianne felt the Commission needs to be in closer touch with Planning Dept. on this going forward. She expressed concerns about residential impact to the environmental quality of Tyler Mill Preserve, in particular.

Chairman Borne referred to a document entitled, "State Guidelines for Creation of a Sewer Service Area Map", which indicates that the WPCA has the authority to create the sewer service area map but consensus should be attained from the IWWC, CC, and the Public Health Department in the process. He asked Commission to support this Map as submitted. The Mayor suggested that the Commission is approving changes to the Locational Guide Map of the State of CT Conservation & Development Policies Plan. The Commission did not wish to approve that as stated. George indicated that on February 17 the PUC will be asked to bless the boundary for service only.

Chairman Borne called for a motion.

Motion: Mary Heffernon: the Conservation Commission reviewed and supports the Town of Wallingford proposed revision for water and sewer service areas.

Second: John Lathrop

Vote: Unanimous

Chairman Borne Adjourned the meeting at 12:15pm.

Respectfully submitted,

Erin O'Hare,
Acting Recording Secretary