

**TOWN OF STONINGTON
CONSERVATION COMMISSION
REGULAR MEETING**

**AGENDA
September 22, 2008**

There will be a Regular Meeting of the Conservation Commission on Monday, September 22, 2008 at 6:00PM at **the Stonington Police Station**, 173 South Broad Street, Pawcatuck, CT

1. Call to order
2. Review of Town Developments and Proposals:
 - a. **PZ0821ZC & CAM Joseph Putnam, et al** - Zoning Map Amendment from Residential RC-120 to Residential RA-20, and a Coastal Area Management Review for properties located at 200 Mistuxet Ave., 136 Hewitt Rd. & parcel off Hewitt Rd., Mystic, CT. Assessor's Maps/Blocks/Lots: 151/3/13, 152/2/7 & 152/2/4. Zones RC-120 & RA-20.
 - b. **PZ0825RA Town of Stonington (PZC)** - Zoning Regulations Text Amendment to Article VII to create regulations for Alternative Energy Systems: Section 7.23 (Renewable Energy Systems) and Subsection 7.23.1 (Small Wind Energy Systems).
 - c. **PZ0826RA & ZC Town of Stonington (PZC)** Zoning Regulations Text & Map Amendments to establish a "Downtown Pawcatuck Parking Overlay District," modifications to existing Sections 7.10.2.3 (Parking Reductions), 7.10.2.4 (Dedicated Off-Site Parking), 7.10.2.5 (Shared On-Site Parking), and 7.10.4 (Parking Space Requirements); deletion of Section 7.10.2.6 (Agreements) to be replaced with new 7.10.2.6 (Residential Parking Agreements); and addition of new Section 7.10.8 (Downtown Pawcatuck Parking Overlay District).
 - d. Any pending applications and new preliminary proposals
3. Open Space Subcommittee
 - a. Discussion of parcels for preservation in Pawcatuck
4. Old Business
 - a. Mystic River Dam Committee
 - b. Discussion of Stonington's 200 Greatest Roadside Trees
 - c. Discussion of Anguilla Brook Preserve Transfer
 - d. Discussion of Waivers In Land Use Regulations
 - e. Discussion of Updates to Plan of Conservation and Development
 - f. Discussion of HI-60 Zoning Regulations
 - g. Discussion of Alternative Energy Regulations and Public Information and Participation
5. New Business
 - a. Discussion of Revisions to Neighborhood Development District (NDD) Zoning Regulations
6. Review of August 25, 2008 draft minutes
7. Adjournment
Stanton Whitney Simm, Jr. Chairman

7.23 RENEWABLE ENERGY SYSTEMS

7.23.1 Small Wind Energy Systems.

7.23.1.1 Purpose. The purpose of this regulation is to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity.

7.23.1.2 Findings. The Town of Stonington finds that wind energy is an abundant, renewable, and nonpolluting energy resource and that its conversion to electricity will reduce dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. Distributed small wind energy systems will enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversify the State's energy supply portfolio. Wind energy also makes the electricity supply market more competitive by promoting customer choice.

7.23.1.3 Definitions:

- .1 Small Wind Energy System. A wind energy conversion system consisting of a wind turbine (nacelle), a stationary tower, control or conversion electronics, and associated accessory structures. Small wind energy systems are intended to primarily reduce on-site consumption of utility power, and shall have a rated capacity of not more than sixty (60) kW. Such systems are not to be utility scale, where the primary use is electrical generation to be sold on the wholesale electricity market.
- .2 Tower Height. The height above natural grade of the wind turbine hub to which the blade is attached.

7.23.1.4 Location, Setback and Design Criteria. Small wind energy systems shall be allowed by Special Use Permit in all zoning districts except CS-5, DB-5 and LS-5, subject to the requirements set forth below:

- .1 Special Use Permit applications for small wind energy systems shall include a Site Plan of the subject property drawn to a scale of not less than 1"=40' horizontal on sheets 24" x 36" in size. Plan view drawings shall include location of the tower, all appurtenant equipment and accessory structures, proposed landscape screening, and the location of all other structures on the property. Profile drawings shall include the tower and all appurtenances, minimum and maximum height above the ground of turbine blade tips, footings, and guy wires or other structural supports. The

Applicant shall provide a report containing a description of the tower with technical supporting documentation establishing its structural integrity and need for accessory structures.

- .2 One turbine and one tower shall be permitted on each residentially zoned parcel. Individual properties zoned for commercial or industrial uses, or those properties owned by a non-profit institution or unit of government, may have one turbine and one tower for each five (5) acres of land area.
- .3 Tower height shall not exceed 100 feet, and a 360 degree fall zone with a radius equal to tower height shall be provided within the parcel upon which the tower is located. In cases where a fall zone radius encumbers portions of an adjoining property, there shall be a binding agreement between each of the owners, which must be executed and filed in the Stonington Land Records before any zoning permits are issued. The applicant shall present a draft agreement to the Commission for review and approval, containing a covenant assuring in perpetuity the availability of the fall zone on the adjoining tract, binding on all property owners and their successors.
- .4 The tower and accessory structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and built environment.
- .5 Guy wire anchors and accessory facilities may extend no closer to property lines than the minimum zoning district setback requirements for accessory structures.
- .6 Wind energy systems shall not be located within any inland wetlands and watercourses, tidal wetlands, or coastal resources as defined in Section 22a of the Connecticut General Statutes.
- .7 Wind energy systems shall not exceed noise and vibration standards contained in Article 2.13.2.4 of these Regulations.
- .8 Advertising signage, communication devices, cellular dishes or the like shall not be attached to a tower. This restriction does not apply to signs necessary for public safety purposes as authorized by the Commission.
- .9 Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, footings and all appurtenant structures demonstrating compliance with the International Building Code and

National Electrical Code, as amended. The tower and turbine shall be engineered to withstand appropriate wind loads in conformance with the International Building Code. An engineering analysis shall be submitted demonstrating code compliance as certified by a licensed professional engineer or manufacturer.

- .10 Wind energy systems shall comply with applicable FAA regulations as specified in 14 CFR Part 77, entitled “Objects Affecting Navigable Airspace.” Towers shall not be artificially lighted unless required by FAA. If lighting is required, the Commission shall review available lighting alternatives and approve a design that will cause the least disturbance to surrounding views.
- .11 In granting a Special Use Permit for a small wind energy system, the Commission shall have the power to impose such additional standards and requirements as it deems necessary to carry out the purposes of these regulations.

7.23.1.5 Utility Notification. No small wind energy system shall be granted a Special Use Permit until written evidence has been provided that the utility company has been informed of the customer’s intent to install an interconnected customer-owned generator. Off-grid, non-connected systems shall be exempt from this requirement.

7.23.1.6 Abandonment. The owner of the property where a wind energy system is located shall be required to obtain a demolition permit to remove and properly dispose of the structure within one hundred and twenty (120) days of its abandonment, which shall be defined as the ceasing of continuous production of electricity for longer than ninety (90) days. If such tower is not removed within the specified timeframe, the Town of Stonington may remove the structure at the owner’s expense.

KEY: Original Text to Remain Unchanged
Proposed New Text
~~Proposed Deleted Text~~

* * * * *

***Editorial Note:** Modify Section 1.1 (Zoning Districts – Established) to include Downtown Pawcatuck Parking Overlay District in following table:*

1.1 ZONING DISTRICTS – ESTABLISHED

INDUSTRIAL AND SPECIAL DISTRICTS	SYMBOL
Manufacturing	M-1
Light Industry	LI-130
Groundwater Protection Overlay District	GPOD
Coastal Area Management Overlay District	CAMOD
Flood Hazard Overlay District	FHOD
Industrial Heritage Re-Use District	IHRD
Maritime Heritage District	MHD
Neighborhood Development District	NDD
<u>Downtown Pawcatuck Parking Overlay District</u>	<u>DPPOD</u>

* * * * *

***Editorial Note:** Amend various parts of Section 7.10.2 (Modifications to Parking Regulations) relative to dedicated off-street parking, shared parking, and parking agreements (applies in both Mystic and Pawcatuck):*

7.10.2.3 Parking Reductions. The Planning and Zoning Commission may reduce the on-site parking requirement through Special Use Permit for properties in the CS-5, DB-5 and LS-5 districts, provided:

- .1 The reduction of parking shall not exceed 40 percent of the required parking under Table 7.10.4.4.
- .2 Reductions in parking may be granted for operations with a high turnover of parking use.
- .3 Reduction in parking may be applied only to customer parking. Parking for employees must be provided as required by the use, and may not be reduced in favor of available on-street parking.
- .4 Reduction of parking shall not apply to residential uses.
- .5 Sufficient **off-street and/or** on-street parking is available within 500 feet. Sufficiency shall be determined based on a parking study in accordance with Section 7.10.2.7.

* * * * *

Editorial Note: Delete 7.10.2.4 (Dedicated Off-Site Parking) in its entirety and replace with new text.

~~7.10.2.4 Dedicated Off-Site Parking. Required parking for a nonresidential use in the DB-5 zone may be located off-site by Commission under certain circumstances. Use of this provision is solely within the discretion of the Planning and Zoning Commission, and subject to the requirements of these regulations. Requests for off-site parking must satisfy the following requirements:~~

- ~~.1 The off-site parking shall be located so that it will adequately serve the use for which it is intended. In making this determination the following factors, among other things, shall be considered by the Planning and Zoning Commission:
 - ~~.1 The proximity of the off-site parking facility in relation to the use served.~~
 - ~~.2 The type of use intended to be served.~~~~
- ~~.2 Off-site parking may not be appropriate for operations with a high turnover of parking use.~~
- ~~.3 All required parking spaces shall be located within the Town of Stonington and within a radius of 500 feet of the use served.~~
- ~~.4 Where off-site parking is provided, there shall be a pedestrian walkway, built in accordance with Section 7.10.6.2.5 of these regulations, provided between the parcel upon which the use is located, and the parcel upon which the off-site parking is located. Pedestrian connections within the parking lot shall be well integrated with the buildings or uses it is designed to serve.~~
- ~~.5 Where required parking facilities are provided on land other than the lot on which the building or use served by such facilities are located, they shall be and remain in the same possession and ownership as the lot occupied by the building or use to which the parking facilities are accessory, the Planning and Zoning Commission may authorize the use of leased, off-site land for the provision of required parking, with an agreement in accordance with Section 7.10.2.6.~~
- ~~.6 Where off-site parking provision is requested, the applicant may be permitted to provide a maximum of 50 percent of the required parking in the off-site facility.~~

7.10.2.4 Dedicated Off-Site Parking. Required parking for nonresidential uses in the DB-5 and LS-5 districts may under certain circumstances be located off-site. Use of this provision is solely within the discretion of the Commission and subject to the following requirements, to include issuance of a Special Use Permit:

- .1 A signed agreement between the applicant and owner of the off-site parcel shall run for the duration of the Special Use Permit. Termination of this agreement by one or both of the parties or a violation of its terms shall be considered a basis for revocation of the Special Use Permit. Any change in use of the properties which substantially alters the conditions of the Special Use Permit for off-site parking shall require a modified agreement, to be approved by the Commission. The shared parking agreement shall acknowledge that continued validity of the Special Use Permit depends on the applicant's ability to continuously provide the requisite number of parking spaces for the duration of said Permit.
- .2 When evaluating a Special Use Permit application for off-site parking, the Commission shall consider proximity of the off-site facility to the buildings it serves, and the type of use intended to be served. Off-site parking may not be appropriate for uses with a high turnover or short duration parking.
- .3 All off-site parking spaces shall be located within a radius of 500 feet of the use served.
- .4 The Commission may require that a pedestrian walkway built in accordance with Section 7.10.6.2.5 be provided between the parcel on which the use is located, and the parcel on which the off-site parking is located.

* * * * *

Editorial Note: Delete 7.10.2.5 (Shared Parking) in its entirety and replace with new Text titles "Shared On-Site Parking."

~~7.10.2.5 — Shared Parking. Shared parking opportunities exist where the individual uses, such as office, retail and restaurants will experience peak parking demand at different times. In such cases the Planning and Zoning Commission may authorize the reduction in parking through special use permit by recognizing the opportunity to share common parking spaces. In no case shall the shared parking be reduced by more than 50 percent of the amount required by the combined uses. Shared parking may be used in the following circumstances:~~

- ~~.1 In a mixed-use development, when there are two or more land uses that have differences in their principal operating hours or seasons, thereby allowing utilization of the same parking spaces;~~

~~.2 Where uses in a mixed-use development, although having similar operating hours, will in fact be geared to the same users thus reducing the demand for parking spaces; or~~

~~.3 In the case of two or more structures or uses on the same lot, or contiguous lots, the Planning and Zoning Commission may approve a shared parking arrangement. The Planning and Zoning Commission may reduce the parking requirement for the use requiring fewer spaces, provided:~~

~~.1 A finding is made by the Planning and Zoning Commission that the proposed capacity will substantially meet the intent of these regulations:~~

~~.2 In a mixed use development, there are two or more uses which have differences in their principal operating hours, thereby allowing the utilization of the same parking spaces.~~

~~.3 The use is located within 500 feet of the shared parking facility.~~

~~.4 There shall be a pedestrian connection between the parking lot and the use(s).~~

7.10.2.5 Shared On-Site Parking. In calculating required parking, the Commission may allow shared on-site parking in cases where it is demonstrated that individual uses occupying the same property will have peak parking demands at different hours of the day or are expected to share many of the same customers. A Special Use Permit application must be submitted, and shall contain the following information:

.1 A description of proposed uses that are subject to the shared parking proposal, the square footage of each such use, and number of dwelling units if residential use is proposed.

.2 A description of the hours of operation and estimated number of employees by shift.

.3 A proposed layout of parking including the number and location of all spaces, vehicular access and internal drives. The layout shall be provided at a scale of 1 inch equals 40 feet.

.4 Any change in use of the property which substantially alters the conditions of the Special Use Permit shall require modification of such permit, to be approved by the Commission. Continued validity of the Special Use Permit depends on the applicant's ability to continuously provide the requisite number of parking spaces for the duration of said Permit.

* * * * *

Editorial Note: Delete 7.10.2.6 (Agreements) in its entirety and replace with new Text titled “Residential Parking Agreements.”

~~7.10.2.6 Agreements. Where a Parking Reduction involves Dedicated Off Site Parking or Shared Parking, there shall be an agreement, in writing between the parties, for the construction, use and maintenance of the parking area.~~

~~.1 The agreement shall stipulate responsibilities and cost allocation arrangements to maintain the parking area in compliance with standards set forth in these regulations.~~

~~.2 The agreement shall be guaranteed by a covenant identified on the site plan and filed with the deed of each participating property binding each participating owner and his successors in interest for the life of the joint use of the facility. Any covenant for such shared use shall be in a form acceptable to the Planning and Zoning Commission and the Town Attorney.~~

~~.3 The agreement shall assure the continued availability of the off site parking facilities for the use they are intended to serve.~~

~~.4 The agreement cannot be amended without Planning and Zoning Commission approval.~~

~~.5 If a use is enlarged, changed or terminated, the Planning and Zoning Commission shall have the discretion to terminate the approval of such joint use or require full compliance for each separate use upon finding that conditions justifying joint use no longer exist.~~

~~.6 The agreement shall be filed on the Land Records of the Town of Stonington.~~

7.10.2.6 Residential Parking Agreements. When dedicated off-site parking or shared parking is proposed for residential uses, to include residential units within a mixed-use development, there shall be a legally binding agreement between each of the parties, which must be executed and filed in the Stonington Land Records before any zoning permits are issued. The applicant shall present a draft agreement to the Commission for review and approval, containing the following:

.1 Stipulated responsibilities and costs for maintaining the shared on-site parking area and/or dedicated off-site parking area in compliance with standards set forth in these regulations.

.2 A covenant assuring in perpetuity the availability of the shared on-site parking area and/or dedicated off-site parking area for each of the residential units they are intended to serve, binding on all property owners and their successors. When a corporation or trust

is used, ownership shall pass with conveyances of the residential units.

* * * * *

Editorial Note: Modify Section 7.10.4 (Parking Space Requirements) to reference Pawcatuck Parking Overlay District:

7.10.4 Parking Space Requirements.

Parking spaces shall be provided in sufficient number to accommodate the motor vehicles of all occupants, employees, customers, and any others normally visiting the premises at any one time as may be required by the Planning and Zoning Commission. Spaces shall be provided in not less than the number indicated in Table 7.10.4.4 unless modified by the Planning and Zoning Commission as provided in Section 7.10.2. **Properties located within the Downtown Pawcatuck Parking Overlay District may use parking standards in Section 7.10.8.**

7.10.4.1 The Planning and Zoning Commission shall determine the required parking for all uses not included in Table 7.10.4.4. ~~Standards.~~ The Institute of Traffic Engineers' **Parking Generation, 3rd Edition** shall be used as a guide in determining such required parking. **The calculated number of spaces shall be rounded up to the next whole number.** ~~If the calculated number of spaces is not an integer, it shall be rounded up to the next larger integer.~~

* * * * *

Editorial Note: Provide cross-reference to Downtown Pawcatuck Parking Overlay District.

7.10.4.4 Minimum Of-Street Parking Requirements. (Table)
See Section 7.10.8 for properties in the Downtown Pawcatuck Parking Overlay District.

USE/ACTIVITY SERVED	PARKING SPACES REQUIRED	
	MINIMUM	MAXIMUM
Auto Service / Fire Stations	1 per bay + 1 per 200 SF of other gross building area	

Proposed Revision to Zoning Regulations – Section 7.10 (Off-Street Parking Requirements)
Revised July 31, 2008

USE/ACTIVITY SERVED	PARKING SPACES REQUIRED	
	MINIMUM	MAXIMUM
Churches	1 per each 4 seats	No maximum
Congregate Living Facilities	0.8 per unit + 1 per 10 units +1 per employee	No maximum
Convalescent Homes	1 per 3 beds + 1 per employee	No maximum
Day Care Center (all types)	1 for each 5 attendees	No maximum
Home Occupations	1 per 200 SF in use	No maximum
Hotels – Motels	1 per room + 1 per employee	No maximum
Housing for the Elderly	1 per dwelling unit + 1 per 3 units	No maximum
Marinas/ Yacht Clubs (Exclusive of parking for on site uses)	1 per 2 berths or slips	1 per berth or slip
Manufacturing: Assemble/Fabrication/Packing	1 per 1000 SF or 1 per employee (whichever is greater) +1 per 5000 SF	No maximum
Medical Clinics	1 per 200 SF floor area	1 per 350 SF floor area
Offices: General - Professional	1 per 250 SF floor area	1 per 225 SF floor area
Outdoor Vendors	4 per vendor or display + 1 per each vendor vehicle	No maximum
Residential: Single/Duplex/Triplex	2 per dwelling unit	No maximum
Residential: Attached	2 per dwelling unit + visitor parking at 1 per 4 units	No maximum
Residential: DB-5 Zone All Types	1 per dwelling unit	No maximum
Restaurants: DB-5/LS-5 Zones and any Non-Conforming Restaurant Use	1 per four seats plus 1 per employee	No maximum

USE/ACTIVITY SERVED	PARKING SPACES REQUIRED	
	MINIMUM	MAXIMUM
Restaurants: GC-60/TC-80/MC-80	1 per 3 seats +1 per employee	No maximum
Sales: Retail/Wholesale ≤ 10,000 Square Feet of Floor Area	1 per 200 SF floor area	1 per 175 SF floor area
Sales: Retail/Wholesale > 10,000 Square Feet of Floor Area	1 per 250 SF floor area	1per 225 SF floor area
Schools	1 per 15 students	No maximum
Theaters	1 per 3.5 seats	No maximum
Undertakers	1 per 5 seats	No maximum
Warehousing – Storage	1 per 2000 SF or 1 per employee (whichever is greater)	No maximum

* * * * *

Editorial Note: Add new Section 7.10.8

7.10.8 Downtown Pawcatuck Parking Overlay District

7.10.8.1 The DB-5 and LS-5 zoning districts located in Downtown Pawcatuck are characterized by a historic mixed-use pattern of development with high floor area ratios relative to lot size, resulting in unique parking demands. Unlike similar zoning districts in Mystic, parking studies conducted for downtown Pawcatuck indicate low peak hour usage relative to overall parking capacity, attributable to significant amounts of vacant retail space. Hence the Planning and Zoning Commission finds that parking standards developed for other areas of Stonington are overly-burdensome in Downtown Pawcatuck and that parking reductions in addition to those specified in Section 7.10.2.3 are warranted.

7.10.8.2 There is hereby established a Downtown Pawcatuck Parking Overlay District (DPPOD) confined to a specific area within the DB-5 and LS-5 zoning districts, as shown on a map entitled *Pawcatuck Parking Overlay District Boundary* dated June 2008. Standards in the DPPOD shall apply in place of Sections 7.10.2.3 (Parking

Reductions), 7.10.4.4 (Minimum Off Street Parking Requirements), and 7.10.5 (Off-Street Loading Berths). Other requirements of Section 7.10 shall apply to parking within this Overlay District.

7.10.8.3 (Table) The following parking standards shall apply to uses in the DPPOD. Uses not listed herein shall comply with parking standards in Section 7.10.4.4.

<u>USE/ACTIVITY SERVED</u>	<u>MINIMUM PARKING SPACES REQUIRED</u>
<u>Auto Service</u>	<u>1 per bay + 1 per 300 SF of other gross building area</u>
<u>Congregate Living Facilities</u>	<u>0.5 per unit + 1 per employee</u>
<u>Convalescent Homes</u>	<u>1 per 5 beds + 1 per employee</u>
<u>Day Care Center (all types)</u>	<u>1 for each 10 attendees</u>
<u>Home Occupations</u>	<u>1 per 500 SF in use</u>
<u>Housing for the Elderly</u>	<u>1 per dwelling unit</u>
<u>Medical Clinics</u>	<u>1 per 350 SF floor area</u>
<u>Offices: General – Professional</u>	<u>1 per 400 SF floor area</u>
<u>Personal Services</u>	<u>1 per 400 SF floor area</u>
<u>Residential (all types)</u>	<u>1 per dwelling unit</u>
<u>Restaurants</u>	<u>1 per 5 seats + 1 per employee</u>
<u>Sales: Retail / Wholesale</u>	<u>1 per 350 SF floor area</u>

7.10.8.4 Parking Reductions. The Commission may reduce on-site parking not exceeding 40% of the amount required in Table 7.10.8.3, provided that the applicant demonstrates via a Parking Assessment as described in Section 7.10.2.7 that such reductions apply to uses with a high turnover of spaces and that alternative on-street or off-street parking is available within 500 feet. Parking reductions shall not apply to any residential use.

- 7.10.8.5 Use of Municipal Parking Lot. As part of the Parking Assessment described in Section 7.10.2.7, an applicant with property located in the DPPD may with written permission of the Town of Stonington, include parking for employees in the Municipal Parking Lot located adjacent to Donahue Park. Such spaces can be included at a ratio of 1 space per 1,500 square feet of non-residential building use.**
- 7.10.8.6 Off-Street Loading Berths. The Commission shall require off-street loading berths if it is determined that on-street deliveries and shipments pose public safety concerns or blockages along public streets. Shared use of loading areas is encouraged.**