

Town of Stonington Conservation Commission
Minutes of a Regular Meeting held on August 27, 2007
Stonington Police Station Meeting Room, 173 South Broad Street, Pawcatuck, CT

1. Call to order: Called to order by Vice Chairman Cole at 6:10 PM. Commission members also in attendance were Bell, Baldwin, Lyons, and Herbst. Simm arrived at 6:12 PM and took the chair. Swenarton and Dewire were absent. Presenter Ed McCabe and six members of the public were present. MOTION: To move to item 2b (Lyons, Bell). Passed unanimously.

2. Review of Town Developments and Proposals.

2b. PZ0738RA KAC Realty, LLC – Zoning Regulation Amendment to Section 6.6.14 Rehabilitation of Existing Buildings to authorize additional floor area ratio for new construction in the DB-5 Zone where restrictions on use are imposed by the FHOD designations and limitations in Section 7.7. Ed McCabe spoke on behalf of the applicant. Regulation amendment would allow addition of density to the DB-5 zone and allow residential use in the floodplain. Commissioners spoke about conserving business space in the zone. Applicant wishes to use this regulation at 17-19 East Main Street in Mystic. Baldwin felt the language about first floor uses was vague. MOTION: Considering the inconsistencies in the DB-5 zone per the amendment of 6/24/2006, we recommend that any further changes prevent loss of commercial space, particularly as this application is requesting a doubling of the floor area ratio (FAR). First floors should be limited to commercial purposes (Cole, Lyons). Passed unanimously.

MOTION: Return to item 2a (Bell, Cole). Passed unanimously.

2a. PZ0733RA Town of Stonington – Zoning Regulation Amendment to various sections to remove super-majority voting threshold from areas where it is not statutorily authorized. The proposed regulation amendments were discussed. Many commissioners expressed that the use of supermajority voting is a protection against undesirable changes to the existing regulations and that a lot of effort has gone into the Zoning Regulations, as written, and that use of supermajority voting should be maintained. MOTION: The elimination of supermajority voting will make the approval of an application less difficult. We question whether this is desirable for Stonington. The Conservation Commission is requesting a consultation with the Town Attorney to review this application as we consider this to be a vitally important issue for the protection of the town (Lyons, Bell). Passed unanimously. Chairman Simm will coordinate consulting with the Town Attorney.

2c. Any pending applications and new preliminary proposals. None.

3. Open Space Committee

3a. Open space plan update – discussion on parcels for preservation. Simm received a call from an appraiser appraising the Walsh property; he referred him/her to Alicia Betty of TPL.

3b. Discussion on parcels for preservation in Pawcatuck – Ben. Baldwin said that he and Dora Hill have been unable to contact Mr. Verzillo for the letters of commitment to sell, but will keep trying. Baldwin reported seeing 208 North Stonington Road in Old Mystic, a 40± acre parcel with an easement to CFPA for sale; He will contact the broker to express the Conservation Commission's interest.

3c. Discussion on possible referendum for open space bonding. Not specifically discussed.

4. Old Business

4a. Discussion on Open Space Plan. Copies of the plan were distributed. It is not yet available on the Department of Planning or Conservation Commission website. The Plan was approved by PZC on 7/17/2007 with an effective date of 8/10/2007 as an amendment to the Plan of Conservation and Development.

4b. Mystic River Dam Committee. The participation of John Lincoln was discussed.

4c. Discussion on recommended procedures for Town's acceptance of conservation easements and open space. On 6/13/2007 the Board of Selectmen accepted a conservation easement over 22.39 acres part of a subdivision on the east side of Al Harvey Road below Route 184 which was filed on 8/8/2007. The legal

description of the easement gives rights and responsibilities to the Conservation Commission. Simm suggested to First Selectman Bill Brown that the easement could be granted to the Stonington Land Trust; Brown to discuss with the Town Attorney. There does not appear to be any 'existing conditions' or 'baseline' report. Cole suggested a site walk. This area is important as headwaters of Copps Brook. MOTION: Chairman Simm will ask SLT if they are interested and then the Town could transfer (Cole, Herbst) Passed unanimously.

4d. *Discussion on utility providers' use of herbicides on Town roads.* Will await meeting with Town Planner Brynes.

4e. *Discussion on Stonington's 200 Greatest Roadside Trees.* Meeting held 8/13/2007; off to a good start.

4f. *Discussion on Admiral's Cove Subdivision Public Access.* Will await meeting with Town Planner Brynes.

4g. *Discussion on Anguilla Brook Preserve.* Town Attorney to give opinion on transfer to SLT, especially as some Conservation Commission members are also board members of the SLT. Simm will check to see if the SLT has voted to accept the transfer. Simm also said that SLT was interested in Vargas Pond, a town property on the west branch of Stony Brook that is heavily used for ice skating and has historic remains of the Vargas ice business.

4h. *Discussion on PA-490 Open Space Preservation.* A hot potato at present; town ordinance would have to enable inclusion of open space as a PA-490 category along with farm, and forest.

5. New Business

5a. *Discussion of forum on land preservation.* Meeting with Rep. Diana Urban on 8/13/2007 discussed having this event on the 4th Wednesday of October at the Stonington High School.

5b. *Correspondence* – Letter from Director of Planning Jason Vincent to Bill Brown giving his resignation, TPL announced Melissa Spear as CT director on 7/27/2007; CACIWC requests nominees for commissions and commissioner of the year

6. *Review of July 23, 2007 meeting minutes.* Accepted as written (Lyons, Cole). Passed unanimously.

Review of August 13, 2007 meeting minutes. Accepted as written (Bell, Cole). Passed unanimously.

7. Adjournment

Motion to adjourn at 9:45 PM (Baldwin).

Submitted by Ben Baldwin, Secretary

Approved at a regular meeting of the Conservation Commission on 9/24/2007