

Town of Stonington Conservation Commission

Minutes of a Regular Meeting held on August 25, 2008

Stonington Police Station Meeting Room, 173 South Broad Street, Pawcatuck, CT

1. Call to order: Called to order by Chairman Simm at 6:20 p.m. Commission members also in attendance were Bell, Baldwin and Lyons. Cole, Swenarton and Dewire were absent. Herbst arrived at 6:50 p.m. Town Planner Brynes was present. Members of the public and applicants were in attendance.

2. Review of Town Developments and Proposals:

2a. PZ0821ZC & CAM Joseph Putnam, et al - *Zoning Map Amendment from Residential RC-120 to Residential RM-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.* Not reviewed as applicant had requested the application be heard at the next meeting.

2b. PZ0822SD & CAM Estate of Harriet K. Sullivan (D. Reagan) – *Subdivision Application & Coastal Area Management Review for an 8-lot subdivision of an approximate 3.96 acre parcel. Property located at 12 Geiser Street, Mystic, CT. Assessor's Map 161, Block 9, Lot 3, Zone RA-20.* Peter Gardner, licensed surveyor, presented the subdivision application requesting a fee in lieu of open space; applicant Dave Reagan was present. A preliminary subdivision design had previously been reviewed on 3/24/2008. The applicant said that existing arborvitae trees within the parcel would be preserved and protected. Mr. Reagan stated that an earlier subdivision of his just to the south between Hatch Street and Hewitt Road has permeable driveways, swales and on-site water detention or control. Mr. Reagan said similar designs could be part of the Geiser Street subdivision, but that they prefer the flexibility of paved driveways. MOTION: Recommend acceptance of a fee in lieu of open space (Bell, Lyons). Approved unanimously. Herbst arrived.

2c. PZ0823ZC & CAM Thomas Haggerty & Gail Shea - *Zoning Map Amendment from Residential RC-120 to Residential RR-80 (portion to remain RC-120), and a Coastal Area Management Review for property located at 197 River Road, Pawcatuck, CT. Assessor's Map 7 Block 2 Lot 2. Zone RC-120.* Gail Shea said that the property was zoned RA-2 when purchased in 1977 and that the town rezoning of 1979 changed it to RC-120 prevents any expansion on the 122,800 sq. ft. lot. She displayed plot plans showing how the setback requirements of the RC-120 zone are considerably more restrictive than the RA-2 zone. Shea distributed a parcel outline map and a letter from the Zoning Enforcement Official stating that the pre-existing nonconforming structures cannot be relocated or expanded except by a variance from the Zoning Board of Appeals. The application proposes rezoning to RR-80 except for a 25-foot-wide band of RC-120 along the Pawcatuck River. Shea hopes to expand or reconfigure her home and by transferring 19,000 sq. ft. of land to her neighbor remove a right-of-way from the river and front of her home. Shea said that the marsh on the property once was tidal and connected to the river through the now DEP property to the south. Brynes said that there was no staff report on the application yet and that they are not usually done for zone changes. The PZC hearing is scheduled for October 21st. MOTION: Approve the zone change (Herbst, Bell). Approved unanimously.

2d. PZ0816RA Sea Research Foundation, Inc. - *Zoning Regulation Amendment to create a Marine Research and Education District (MRED) in Section 1.1 and add proposed MRED Regulations to Article VII as Section 7.22.* Christopher Rixon, the applicant's representative, was not present. Chairman Simm said that he wanted to review the regulation amendment again because he had been unaware of the size of the applicant's parcels on Maritime Drive, about 26 acres. Brynes distributed copies of the draft of the regulation amendment received on 7/23/2008 which incorporated some of the changes requested by the Conservation Commission. Upon further review, the amendment would expand TC-80 uses to the M-1 zone (such as hotels, restaurants and retail) and minimum lot sizes would be reduced from 80,000 sq. ft. to 40,000 sq. ft. The POCD calls for maintaining Maritime Drive as industrial land. This application will be heard by the Planning and Zoning Commission on 9/2/2008.

MOTION: Our further review of the regulation amendment application finds it incompatible with the Plan of Conservation and Development (POCD) and we recommend denial of the application as written. The

opening sentence states that “The [Planning and Zoning] Commission recognizes that the real property along Coogan Boulevard and Maritime Drive is unique and a major engine for the Town,” but if the amendment is approved we fear that commercial development along those two roads will remove that unique character. Section 7.22.7.1, Area and Bulk Requirements, would allow lots of 40,000 sq. ft., no setbacks and building heights of 50 feet. Section 7.22.8.1, Principal Uses, would allow “tourist related uses such as hotels and other accommodations, including fractional ownership interests, restaurants, retail outlets” consistent with MRED statement of purpose. These uses on 40,000-sq. ft. lots are not consistent with the POCD (Lyons, Bell). Passed unanimously.

MOTION: That Lyons will attend the 9/2/2008 PZC hearing to read a letter of reasons for denial and that her back up will be Bell if she is unable to attend (Lyons, Bell).

2e. *Any pending applications and new preliminary proposals.* None.
Brynes departed.

3. Open Space Subcommittee

3a. *Discussion on parcels for preservation in Pawcatuck.* Not discussed.

4. Old Business

4a. *Mystic River Dam Committee.* Not discussed.

4b. *Discussion of Stonington’s 200 Greatest Roadside Trees.* Not discussed.

4c. *Discussion of Anguilla Brook Preserve Transfer.* The Board of Selectmen is holding a meeting on the transfer to the Stonington Land Trust at 6 p.m. on 8/27/2008 in the police station meeting room. A sign has been posted on the property. The transfer is to be decided as part of a Town Meeting to be held at 7 p.m. on 9/4/2008 in the high school auditorium.

4d. *Discussion of Waivers In Land Use Regulations.* Not discussed.

4e. *Discussion of Terra Firma Farm.* Not discussed.

4f. *Discussion of Updates to Plan of Conservation and Development.* Lyons said that Bill Abt had made up a priority list and list of accomplishments. Water protection is the number one priority, especially since some of its sources are from out of town.

4g. *Discussion of HI-60 Zoning Regulations.* Not discussed. The status of the regulations is unknown.

4k. *Discussion of Alternative Energy Regulations and Public Information and Participation.* Not discussed.

5. New Business

- Chairman Simm asked who is responsible for making sure that businesses are in compliance regarding the handling of hazardous materials.
- Swenarton is still a member of the Conservation Commission despite his appointment to the PZC.

6. Review of July 28 and August 14, 2008 draft minutes.

Review of July 28, 2008 meeting minutes - Motion to accept as amended (Baldwin, Bell). Passed unanimously.

Review of August 14, 2008 meeting minutes - Motion to accept as amended (Lyons, Bell). Passed unanimously.

7. Adjournment - Motion to adjourn (Baldwin). Approved at 10:00 p.m.

Submitted by Ben Baldwin, Secretary

Approved as amended on 9/22/2008.