

Town of Stonington Conservation Commission
Minutes of a Regular Meeting held on November 23, 2009
Police Station Community Meeting Room, 173 South Broad Street, Pawcatuck, CT

1. Call to order: Called to order by Secretary Ben Baldwin at 7:05 p.m. Commission members also in attendance were Tim Bell, Sheila Lyons, Jennifer Herbst, and Walter Grant. Members Stuart Cole, Bob Dewire and Town Planner Keith Brynes were absent. First Selectman Haberek, Director of Public Works Joe Bragaw, Highway Supervisor Lou DiCesare and members of the public were present. Baldwin welcomed new member Walter Grant. Chairman Stanton Simm arrived and took over the meeting.

2. Review of Town Developments and Proposals

2a. PZ0934RA Lattizori Development, LLC - Zoning Regulation (ZR) Amendment to add a Highway Transition Design District (HTDD) to create a mixed use zone for retail, commercial, office, and residential uses. Chairman Simm said that Attorney Branse would not be present. Attorney Ted Ladwig reported that the previous application was withdrawn due to a miscalculation of the distance from the Lattizori property to the commercial zone and the possible incomplete notification of abutters. He said that the signage regulations are based on frontage and that the long frontage on I-95 is not intended to allow for huge signs. He said that the proposed housing has been reduced to 48 one and two-bedroom units, "age targeted" to not attract families with children. He said that this regulation amendment is the first step in a three step process; that a master plan would be the second step and a site plan the third step. He said that it would preserve open space and promote economic development. Chairman Simm said that Eldercare had proposed an age-restricted development on the site in 1989 and that it still might be feasible, especially as a Conservation or Open Space Subdivision, possibly with an affordable housing component due to the proximity of I-95. Baldwin said he was concerned that the open space would not be defined until the first site plan application and that the existing house, setbacks, roads, and water detention structures would be called open space as they are depicted as such on the preliminary master plan. He also was concerned with the preservation of the iconic farmhouse which he said is part of scenic Pequotsepos Road. Chairman Simm said he was concerned that since this regulation can apply to only one property in Stonington we are tailoring zoning to for one property. Baldwin read the Commission's motion of 8/13/2009. Baldwin said he was sorry that staff was not present so that members' questions could not be addressed and that the Commission could not hear what the staff report on the application might say. Walter Grant departed.

MOTION: Restate the motion made on 8/13/2009 that the Conservation Commission does not recommend adoption of the regulation amendment because of the following reasons:

- The proposed development goes well beyond the recommendations of the Plan of Conservation and Development (POCD) for the site on pages 6-7 through 6-9. The POCD "Transition Area" is located west of much of the conceptual plan's proposed building area as it is limited to a triangle extending north toward I-95 from Jerry Brown Road west of Pequotsepos Road.
- It is unclear if sewer can or should be extended to the east part of the proposed building area as it is outside the Sewer Limit line shown on page 7-23 of the POCD.
- The proposed development doesn't follow the Comprehensive Plan in terms of zone and map although it may in terms of character due to the development of StoneRidge across the road.
- The Conservation Commission prefers that the regulation not recognize the non-access frontage on Interstate 95 as part of a frontage requirement or parameter.
- The Conservation Commission prefers that interior roads or drives and storm water detention basins not be included in the open space.
- The proposed building height of 58 feet is too high.
- The Conservation Commission is concerned that the entry drive from Coogan Boulevard is shown crossing wetland at Jerry Brown Road.

Additional concerns of 11/23/2009 are:

- The maximum building height of 58 feet or four stories need clarification and that the regulation needs a definition of ‘story’ because the maximum building height is four stories and some stories might be very high, especially in a hotel lobby.
- The Conservation Commission believes that this is a suitable site for a Conservation or Open Space subdivision which would allow a developer reductions in road construction for clustering of homes in return for setting aside open space.
- The Conservation Commission suggests that an age-restricted housing complex with an affordable component might be suitable for the site which might include professional offices within the western “Transitional Area.” (Herbst, Bell). Passed unanimously.

2b. *Any pending applications and new preliminary proposals.* None.

MOTION: To move to **New Business** item 5a (Bell, Lyons). Passed unanimously.

5a. *Discussion of the Town’s planned removal of hazardous trees along North Main Street*

Chairman Simm said that the Conservation Commission did not compose the title of item 5a which includes the word “hazardous:” The Town officials discussed the recent history of certain trees on North Main Street; how the Tree Warden received a complaint about their condition and how he then hired Tennett Tree Service of Windham to evaluate the trees. Paul Rohacik, the Tree Warden, was said to be out of town and unable to attend the meeting. After a site walk by Tony Wilber, a General Foreman/Arborist with Tennett, and Paul Rohacik, the Tree Warden, 26 trees were recommended for removal on 11/5/2009. Two of the trees were said to be dangerous to passersby and were removed as soon as possible by Tennett. They were identified as #8 and #12 on a Town GIS map titled “NORTH MAIN STREET TREE REMOVAL” distributed as a PDF which does not include #7 and #25). The PZC has oversight of tree care proposals on this scenic road, but in the case of the two trees the situation was deemed an emergency. A public meeting on the fate of the 24 trees and North Main Street in general will be held at The Como on 12/7/2009 at 6:30 p.m. Joe Bragaw said that he would like a second opinion on the 24 trees, ideally by the public meeting, and that there really is very little money budgeted for tree care. First Selectman Haberek said that he had received many messages regarding the tree removals, that Glenn Dreyer had been recommended for a second opinion and that there were monies to hire him. Chairman Simm said that the Conservation Commission once had funds for planting about 15 trees per year in its budget and in conjunction with the Garden Club could plant and prune throughout Town, including three salt-tolerant maples at the public waterfront access on East Main Street opposite Cottrell Street at the flagpole. The cost of removal of the two North Main Street trees was said to be about \$600 as Tennett charges the Town less than other companies do. Members of the public spoke about the proposed second opinion and future plans for North Main Street. The trees have since been posted with the Tree Warden’s office notice and no removals will be made until after the 12/7/2009 meeting. It was also noted that a dead tree on private property is hanging over the road from Avalonia Land Conservancy’s Paffard Woods. First Selectman discussed the Clean Energy Task Force, the Conservation Commission’s draft wind or alternative energy regulations and how the Affordable Housing Commission is evaluating Town land for a proposed affordable housing project by the owner/operators of Stonington Arms. Mr. Haberek spoke about the \$75,000± CT Office of Policy and Management Municipal Energy Efficiency and Conservation Block Grant for the installation of solar tubes at Deans Mill School.

MOTION: To move to **New Business** item **5b** (Bell, Baldwin). Passed unanimously.

- Baldwin told of a proposal for a cell tower adjacent to Spellman Park and Amtrak at 166 Pawcatuck Avenue. A public notice was published in The Day on 11/21/2009 announced T-Mobile’s intent to apply to the CT Siting Council for a 120-foot tower. This is not far from the multiuser tower at the police station.
- Baldwin told of a federal-funded multi-modal transportation study for the Mystic area that was announced in The Sun on 11/16/2009. The \$396,000 study will include the construction of six

\$25,000 bus shelters around Mystic. He said that integration with the current SEAT #10 and #108 busses, Mystic Bikes and the existing or proposed Mystic trail system appears to have been overlooked.

- Baldwin told of a series of articles in the NY Times that reported on water quality issues. One article, "Sewers at Capacity, Waste Poisons Waterways," published on 11/23/2009 has mapping of EPA violations including many by Stonington's Wastewater Treatment Facilities within the past few years (29 for Pawcatuck, 14 for Mystic and 4 for Borough).
- An editorial titled "Revamping Stonington's sign ordinance a good move," published in the Mystic River Press on 10/22/2009, was discussed.
- Chairman Simm said that the Conservation Commission would be invited to a holiday party of the Stonington Land Trust with the SLT membership, tentatively on 12/14/2009 at 7 p.m.

3. Open Space Subcommittee

3a. *Discussion of parcels for preservation in Pawcatuck and other locations.* Not discussed.

4. Old Business

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

4b. *Discussion of Stonington's 200 Greatest Roadside Trees.* Covered under 5a. New Business.

4c. *Discussion of Wequetequock Cove water quality study and water quality testing for streams.* Not discussed.

4d. *Discussion of possible regulation changes in the RC-120 and GBR-130 zoning districts.* Not discussed.

4e. *Discussion of possible regulation amendments to GBR-130 and LI-130 zones.* Not discussed.

4f. *Discussion of drinking water quality issues.* Not discussed.

4g. *Discussion of alternative energy regulations.* Covered under 5a. New Business.

6. *Review of October 27, 2009 draft minutes.*

MOTION: Approve as distributed (Bell, Lyons). Passed unanimously.

7. Adjournment - Motion to adjourn (Lyons). Approved at 11:00 p.m.

Submitted by Ben Baldwin, Secretary

Approved at a regular meeting of the Commission on 1/25/2010.



Ben Baldwin

Secretary, Town of Stonington Conservation Commission