

Town of Stonington Conservation Commission

Minutes of a Regular Meeting held on August 24, 2009
Stonington Police Station Meeting Room, 173 South Broad Street, Pawcatuck, CT

1. Call to order: Called to order by Chairman Simm at 7:15 p.m. Commission members also in attendance were Bell, Baldwin and Lyons. Cole, Herbst, Dewire and Town Planner Brynes were absent. Members of the public were present.

2. Review of Town Developments and Proposals:

2a. PZ0928SD Richard C. Panciera Charitable Remainder Trust II – *Application for a 5-lot subdivision of a 58.36± acre parcel. Proposed project consists of 4 lots for single family residences, and a 5th lot reserved for future development. Property located on Mary Hall & Greenhaven Rds., Pawcatuck. Assessor's Map 7 Block 1 Lot 44. Zones RA-20, RM-20 & RR-80.* Thomas Ligouri, treasurer of Cherenzia Excavating, presented the plan for the first phase of the Crescent Club subdivision. The four proposed front lots on Mary Hall Road will be joined by 7 front lots on Greenhaven Road and 68 townhouse units on an interior loop road in future phases. Each townhouse unit will have 3,000 sq. ft. of integrated lot area adjacent to the rear of the unit; no rear alleys are proposed. A wetland area receiving runoff from Greenhaven Road will have a deeded drainage easement and conservation easement. A conservation easement will provide a 15% open space set aside (half upland, half wet) at the south end with access at the end of Crestwood Lane. Access would not be available from Meadow Road as this road might be extended onto the property as part of a conventional subdivision, should the townhouse plan be denied. Baldwin described the Mary Hall Road frontage as having several significant mature street trees north of the stone wall within the right of way; none are shown on the site plans the Conservation Commission reviewed, dated 4/15/2009 and revised 7/21/2009. Baldwin also noted that a USGS benchmark was not shown on the plan. He also described a glacial erratic shown on the boundary between two proposed lots as a neighborhood landmark. Mr. Ligouri proposed adjusting the side yard setbacks of those two lots, 44A and 44B to 25 feet from 10 feet so that the erratic will be preserved in the 50-foot space between houses. He welcomed preservation of the street trees, subject to any line of sight issues required for the 4 new driveways.

MOTION: The Conservation Commission recommends that the proposed 4-lot subdivision with one lot reserved for future development be approved as proposed with the modification of the common side yard setbacks of lots 44A and 44B to 25 feet from 10 feet to preserve the glacial erratic and that mature street trees on adjacent town property (Mary Hall Road) be protected subject to safety considerations (Baldwin, Bell). Passed unanimously.

2b. PZ0926RA Dale & Pamela Tourville – *Zoning Regulation (ZR) Amendment to amend the definition of Home Occupation, Section 1.2.2 Specific Definitions.* A two-page typewritten application dated 8/12/2009 was reviewed (not the emailed document formatted for the zoning regulations). Patrick O'Donnell, accompanied by Tracy O'Donnell and Mark Steinmetz, spoke about the application. Mr. O'Donnell said that he is an abutting neighbor of the applicants and that his home occupation occupies 400 sq. ft. of his garage (the balance of the large building used for parking and personal storage); that the description of his home occupation in *The Westerly Sun* was incorrect; that Mr. Tourville was a former business partner and that the partnership ended on poor terms. Mr. O'Donnell said is occasionally does cabinetmaking for clients onsite when a specialized piece is required. Chairman Simm stressed that the regulation amendment was being reviewed and not a particular dispute between neighbors. Bell noted that the application mentions a loophole being allowed, but this loophole was not explained. Commissioners expressed their belief that the amendment was too strict in prohibiting home-based businesses from operating from outbuildings such as garages and that musicians and furniture and cabinet builders have long worked from home with minimal impact within residential areas.

MOTION: The Conservation Commission recommends approval of the regulation amendment with the following modifications: 1) In 2.15 remove the word "solely" to allow the use of approved outbuildings. 2) In 2.15.2 change the sentence to say "Home occupation activities shall be conducted within the home and approved outbuildings and shall not occupy more than 25% of the gross floor space of the principal

residence.” 3) In 2.15.5 it should be noted that there should be strict guidelines limiting chemical storage on the property as per standards found in the groundwater protection regulation. 4) In 2.15.6 remove musicians, furniture and cabinet builders from excluded home occupations (Baldwin, Bell). Passed unanimously.

2c. PZ0927RA Town of Stonington (ADR) - Zoning Regulation (ZR) Amendments to implement Architectural Design Review: Section 2.13 Performance Standards; Sec. 2.15 Architectural Design Review; Sec. 2.16 Design Review Requirements; Sec. 4.9 Highway Interchange Zone; Sec. 6.1 Special Use Permits; Sec. 6.5 Commission Powers Relative to Action on a Special Permit Use; Sec. 7.10 Off-Street Parking Requirements; Sec. 7.13 Site Plan & Structure Design Review Requirements; & Sec. 8.3 Site Plan Submissions Review & Approval. To be reviewed at the next meeting.

2d. Any pending applications and new preliminary proposals - None.

3. Open Space Subcommittee

3a. Discussion of parcels for preservation in Pawcatuck and other locations. Baldwin - no report.

4. Old Business

4a. *Mystic River Dam Committee.* Baldwin said that Brand Fire Safety owned the dam despite it being attached by a lender and that the conservation easement accepted by the Town was never granted. Chairman Simm said that he had contacted the First Selectman on the matter and that this was a second instance of a conservation easement acceptance not being completed, the other being of the Patel property off Wheeler Road.

4b. *Discussion of Stonington's 200 Greatest Roadside Trees.* Baldwin described the cutting of mature street trees along Mary Hall Road and both sides of River Road in the area of the 4-lot subdivision by RSK-Kelco, Inc. at 186 River Road (PZ0924SD & CAM). Chairman Simm asked who removed the trees.

4c. *Discussion of Wequetequock Cove water quality study and water quality testing for streams.* To be discussed at an upcoming meeting due to the late hour.

4d. *Discussion of possible regulation changes in the RC-120 and GBR-130 zoning districts.* To be discussed at an upcoming meeting due to the late hour.

4e. *Discussion of possible regulation amendments to GBR-130 and LI-130 zones.* To be discussed at an upcoming meeting due to the late hour.

4e. (sic) *Discussion of drinking water quality issues.* To be discussed at an upcoming meeting due to the late hour.

4f. *Discussion of wind power regulations.* To be discussed at an upcoming meeting due to the late hour.

5. New Business

5a. Correspondence was reviewed which included:

- The Stonington Land Trust's newsletter
- CACIWCC
- Nancy D'Estant wrote asking the status of the Admiral Cove subdivision's public access which is incomplete despite sales of homes. She sent photos showing the parking area blocked by earthmoving machinery.
- CT DEP Inland Water Resources Division sent a notice of tentative determination and intends to waive public hearing re: Diversion of Water - Application No. DIV-200702824 which appears to be a second go-round for a diversion of Stony Brook by the Pequot Golf Course.
- WPWA newsletter

5b. Lyons distributed copies of articles from the 11/5/1986 copy of the former *Compass* newspaper related to development of the golden triangle area of Mystic.

5c. The ability of sewers to support development in the Mystic area was discussed.

It was reported that the open space fund has a balance of approximately \$424,000 based on the payment received thanks to the fee in lieu of open space and that the Commission had voted to tentatively contribute \$100,000 of those funds to purchase the Crowley property on Wequetequock Cove.

6. Review of August 13, 2009 draft

MOTION: That the 7/27/2009 minutes are approved as presented (Lyons, Bell). Passed unanimously.

MOTION: That the 8/13/2009 minutes are approved as presented (Bell, Baldwin). Passed unanimously.

7. Adjournment

Motion to adjourn (Lyons). Approved at 10:59 p.m.

Submitted by Ben Baldwin, Secretary

Approved at a regular meeting on 9/28/2009