

Town of Stonington Conservation Commission

Minutes of a Special Meeting held on June 30, 2009  
Stonington Police Station Meeting Room, 173 South Broad Street, Pawcatuck, CT

**1. Call to order:** Called to order by Secretary Baldwin at 7:11 p.m. Commission members also in attendance were Bell, Lyons and Herbst. Cole and Dewire were absent. Chairman Simm arrived at 7:42 p.m. Town Planner Brynes, applicants, applicants' representatives and members of the public were present.

**2. Review of Town Developments and Proposals:**

**2a. PZ0920SD & GPP Stephen O. Monson** – *Subdivision & Ground Water Protection Permit applications for a 5-lot subdivision of a 23.2± acre parcel. Properties located at 33 & 69 Wolf Neck Rd., Stonington. Assessor's Map 139 Block 1 Lots 13 & 14. Zone RR-80.* John Paul Mereen of Gerwick & Mereen LLC, a surveyor, presented the resubdivision plan for two lots totaling about 23 acres. 5 lots would be created, plus a lot with an existing house. A preliminary plan with one additional lot was presented to the commission on December 22, 2008 when the Conservation Commission recommended a fee in-lieu of open space. They are bounded by open space to the north and PA490 farm/forest to the west. All of the houses will be set back from the road; 6 houses will be accessed via a single shared driveway. MOTION: The Conservation Commission feels that a fee in-lieu of open space is appropriate on the proposed subdivision because the wetlands and their upland review area are self-regulating (Bell, Herbst). Motion passed 3 to 1 with Baldwin, Herbst and Bell in favor and Lyons opposed. Lyons said that these are large lots on the periphery of Town and we are losing open space.

**2b. PZ0922RA Donald & Sally Vail** - *Zoning Regulation (ZR) Amendment to add Professional Office to Section 1.2.2 Specific Definitions, Section 3.3.3 Uses Allowed by Special Permit; Section 5.1.2 Residential Zones: Permitted, Accessory & Special Uses; Section 5.2.2 Commercial/Industrial Zones: Permitted, Accessory & Special Uses; and change Section 7.10.5.2.3 Office buildings – General and Professional.* Attorney Mark Branse presented the application that was distributed to Commission members; Mr. Vail was present. Definition of Professional Office to be added to zoning regulation and permitted in the RH-10 zone adjacent to LS-5 and CS-5 zones when fronting on state highways. The Vails live in a Washington Street home which has their dentistry practice on the first floor as a home occupation; due to increased commercial activity in the abutting LS-5 zone they want to move out of the house, retain the dentistry practice and leave the residence portion vacant. The regulation was described as a tool to preserve large old homes. MOTION: The Commission recommends that professional office use be included (Herbst, Bell). Passed unanimously. Chairman Simm arrived and took over the meeting.

**2c. PZ0924SD & CAM RSK-Kellco, Inc.** – *Re-subdivision application and Coastal Area Management Review for a 4-lot subdivision of a 3.05± acre parcel. Property located at 186 River Road, Pawcatuck. Assessor's Map 7 Block 1 Lot 41. Zones RA-20 & RM-20.* Attorney Ted Ladwig stated that the application was unchanged from the preliminary plan he presented at the May 18, 2009 meeting. MOTION: That a fee in-lieu of open space be accepted for this subdivision (Herbst, Bell). Passed. Lyons, Herbst and Bell voted in favor; Baldwin abstained, as he did not review the application; Chairman Simm did not vote.

MOTION: Move to item 2e (Baldwin, Herbst). Passed unanimously. Herbst departed at 8:33 p.m.

**2e. PZ0926RA Dale & Pamela Tourville** – *Zoning Regulation (ZR) Amendment to amend the definition of Home Occupation, Section 1.2.2 Specific Definitions.* Copies were distributed to the Commission. The Tourvilles presented their application that would limit home occupations to the primary residence and require annual review. They related their problems with an abutter who has a home occupation permit, but has created nuisances and the Tourvilles have not received relief through the Zoning Enforcement Officer (ZEO). Their neighbor operates a business in and around a large outbuilding that was constructed for storage. Town Planner Brynes said that the ZEO might have recently issued a notice of violation. It was noted that the existing regulation does not appear to be enforced. Lyons recommended that the residents check that a new permit had been applied for in a timely way, issued by the ZEO, also in a timely fashion, and if not that they go the Zoning Board of Appeals (ZBA) as the ZBA is on the books to allow residents to object to decisions made by the Planning & Zoning Commission (PZC) and the ZEO. The town

planner indicated that there may be a 15-day time limit in which to act, but Lyons recommended that the applicants go to the ZBA in any case. MOTION: The Conservation Commission supports the regulation amendment (Bell, Lyons). Passed unanimously.

MOTION: Move to item 2d (Bell, Baldwin).

**2d. PZ0925RA Lattizori Development, LLC** – *Zoning Regulation Amendment to add a Highway Transition Design District (HTDD) to create a mixed use zone for retail, commercial, office and residential uses.* Attorney Ladwig distributed a Master Plan for Briarwood Walk at Mystic dated May 21, 2008 which showed an as a right subdivision plan showing 56 homes on 1-acre lots and 15% open space set aside, all on 75+/- acres. A separate Development Direction Plan shows schematically how the Perkins Farm might be developed under the proposed HTDD. Three views of the property were distributed that show it as seen from StoneRidge across Jerry Brown Road as-if developed under the as a right plan and as-if developed under the HTDD plan. Copies of the application with the proposed amendment, dated June 12, 2009 were distributed to the Commission. Attorney Ladwig expects changes in the language, certainly before the PZC hearing set for August 18, 2009. MOTION: Application is tabled until the July 27, 2009 meeting when the new language will be reviewed (Lyons, Bell). Passed unanimously.

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

### **3. Open Space Subcommittee**

**3a.** *Discussion of parcels for preservation in Pawcatuck and other locations.* Baldwin noted that for sale signs were up at Village Farm or Coogan Farm on Greenmanville Avenue. Baldwin distributed a list of open space parcels that appear to not be dedicated property or are missing from the Assessor's records.

### **4. Old Business**

**4a.** *Discussion of HI-60 Zoning Regulations.* Not discussed.

**4b.** *Discussion of Revisions to Neighborhood Development District (NDD) Zoning Regulations.* Not discussed.

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

**4d.** *Discussion of Stonington's 200 Greatest Roadside Trees.* Chairman Simm said that Dewire wishes to get involved in this project. Baldwin will distribute existing tree list.

**4e.** *Discussion of Wequetequock Cove water quality study and water quality testing for streams.* Water quality reports from Westerly and Aquarion were discussed. Lyons requested that 4e Water quality be highlighted for the next meeting so that comparisons be made of the reports of the two water utilities, Aquarion and Westerly.

**4f.** *Discussion of possible regulation changes to bring about short term economic benefits to the Town including floor area ratio and setback requirements in the RC-120 and GBR-130 zoning districts, accessory apartments and vegetable production greenhouses.* Not discussed. Chairman Simm has invited Lynn Young to come discuss this with us, as she is familiar with large vegetable production greenhouses.

**4g.** *Discussion of Alternative Energy Options for the Town: Helical Wind Turbine Study.* Hervie Lamb couldn't stay. Town Planner Brynes will arrange for special meeting, possibly on Thursday July 16, 2009, to discuss items 4g and 4i.

**4h.** *Discussion of Commission FY 2010 Budget.* The Conservation Commission is returning monies to the Town, as Naturescapes was unable to run all of its fieldtrips due to the poor weather this spring. \$1,600 was spent on field trips and \$261.85 and \$366.59 were spent on busses.

2009-2010 Budget Allocations:

Naturescapes - Barn Island and Spellman Park Field Trips	\$1,900
Naturescapes - Equipment such as dip nets	\$200
First Student Buses for Field Trips	\$700
Avalonia Land Conservancy	\$100
CACIWC	\$60
Stonington Land Trust	\$500
Wood-Pawcatuck Watershed Association	\$100
Denison Pequotsepos Nature Center	\$200
The Nature Conservancy	\$100
Land Alliance	\$100
	<u>\$3,960</u>

Lyons said that the Commission should consider funding an intern in its budget. A total of \$4,400 Conservation Commission budget was allocated (\$50 consumable supplies, \$50 postage, \$200 reproduction and printing, \$600 professional assoc. & publications, \$3,500 Barn Island field trips).

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

Lyons requested that an agenda item be included in the future (as in the past) for POCD accomplishments and suggestions.

**5. New Business** - None.

Correspondence received:

CACIWC's *The Habitat*, Spring 2009;  
*Connecticut Wildlife*, May/June 2009  
The Nature Conservancy membership offer  
DEP Notice of Tentative Determination #200802501-MG at 193 Masons Island Road  
Signed coastal permit #200802593-MG at 70-72 Water Street (Stonington Harbor Yacht Club)  
Signed permit #200601276-DL at 3 Cove Hill Road  
Thank you letters and drawings from 3<sup>rd</sup> Grade students at West Broad Street School.  
Natural Resources Council of Connecticut ([www.nrc-ct.org](http://www.nrc-ct.org)) lecture invitation

**6.** *Review of May 18, 2009 draft minutes.* Not discussed. The draft minutes of April 27, 2009 were not discussed either.

**7.** *Adjournment* - Motion to adjourn (Lyons). Approved at 9:54 p.m.

Submitted by Ben Baldwin, Secretary

Approved at a regular meeting on 7/27/2009