

Town of Stonington Conservation Commission  
Minutes of a Regular Meeting held on January 25, 2010  
Police Station Community Meeting Room, 173 South Broad Street, Pawcatuck, CT

**1. Call to order:** Called to order by Vice Chairman Stuart Cole at 7:10 p.m. Commission members also in attendance were Jennifer Herbst, Ben Baldwin and Walter Grant. Members Tim Bell, Sheila Lyons, Bob Dewire were absent. Chairman Stanton Simm arrived at 7:16 p.m. Town Planner Keith Brynes and members of the public were present. Chairman Simm took over the meeting upon arrival.

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

**2a. PZ0938ZC, SUP, SPA, & CAM Kluepfel Holdings, LLC - Request Zone Change (to IHRD), Special Use Permit (shared parking), Site Plan Application, & Coastal Area Management Review approvals to rehabilitate an existing 22,500 sq. ft. historic mill building for mixed use: commercial/professional on 1st floor, & 12 residential units on the 2nd & 3rd floors. Property located at 60 Willow St., Mystic. Assessor's Map 182 Block 1 Lot 11. Zone MC-80.** Chad Frost of Kent + Frost Landscape Architecture, representing the applicant, described the rehabilitation of the former Allen Spool & Printing Company building, better known as the Twenty-Third Publications building. The proposed site work will differ from the presented plan in that the easement area for access to Noank Shipyard's Seaport Marine property will be two-way along the north side of the parcel and an existing tree near the northwest corner will be retained. Impervious surfaces will be reduced in area. Geothermal HVAC is being investigated; the roof is not oriented properly for solar. A variance was denied to increase the height of the roof "monitor" which will contain mechanicals. Mr. Frost noted that the State's CAM review recommended not changing the property from MC-80, but said that the property had never had a marine-dependent use and has no waterfront. FEMA rules will require filling the basement, estimated to cost \$200,000. Lights will be full shield with 100% cutoff. Dora Hill noted that the property is in the MC-80 zone and not M-1 as reported on the agenda. **MOTION:** Approve the zone change to IHRD (Cole, Herbst). Passed unanimously. Brynes noted that, if passed, this zone would be IHRD-4.

**2b. PZ1001ZC Thomas Haggerty & Gail Shea - Zoning Map Amendment from Residential RC-120 to Residential RR-80 (portion to remain RC-120), for property located at 197 River Road, Pawcatuck, CT. Assessor's Map 7 Block 2 Lot 2. Zone RC-120.** Ms. Shea distributed a handout of maps of the property. Property is on the south side of Hall Cove on Stanton Weir Point on the Pawcatuck River. This is the same application as that applied for in 2008. The property contains a large freshwater marsh which used to be tidal before an abutter dug the canal now part of the Stanton Weir DEP land and blocked flow. DEP has said that they no longer have jurisdiction over this now inland wetland. There are new easements across the property for CL&P service and access to the O'Brien property to the east at the tip of the point. In 1977 the property was zoned RA-2 and was rezoned to RC-120 in 1979, unbeknownst to the owners. The 100-foot non-infringement rule for RC-120 prevents any expansion of the home. The owner would like to add a third bedroom and have respite from the large amounts of traffic that the O'Brien property generates at the north side of the house. The applicants propose changing to zone RR-80, retaining a 25-foot strip of RC-120 along the waterfront. **MOTION:** The Conservation Commission supports the application for the zone change from RC-120 to RR-80 with a portion to remain RC-120 (Grant, Cole). Passed unanimously.

**2c. 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.** The denial of the zone change was discussed. Chairman Simm said that it was the first time he remembered the Conservation Commission, business and resident communities all being in agreement in opposition to an application, but that he found it worrisome that the PZC vote was so close. There were 4 meetings or hearings, but few speakers in favor. Simm said that while the vote was 3 opposed to 2 in favor, there was a sixth member present who was in favor, but did not vote as they were not "seated." The letter of Blunt White, chairman of the EDC, to the first selectman dated 1/8/2010 was read. It analyzed Jim Smith's proposal for a performing arts center at the site by studying SPAC in

Saratoga Springs, NY. Dora Hill mentioned the guest commentary in today's edition of The Day by Melanie Greenhouse that proposes a dairy farm museum for the site. Brynes said that neither the PZC nor Department of Planning has plans to define a 'transition zone' or study the property that the regulation amendment as written for. It was noted that amendments to the POCD are difficult, requiring many hearings and reviews.

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

### **3. Open Space Parcels**

**3a.** *Discussion of parcels for preservation.* Baldwin spoke about the following events affecting open space in town:

- The T-Mobile application for a cell tower on Pawcatuck Avenue, across the tracks from Spellman Park, is due to be submitted to the CT Siting Council on 1/28/2010. Baldwin wondered about the need for a new tower when there is the existing multitenant tower at the police station.
- An application has been submitted for a 19,000-sq. ft. retail building for Tractor Supply Company at 335 Liberty Street. This site includes the riverfront between White Rock Road (the trolley bridge) and Route 78 (Veterans' Way) and has been proposed to be part of the Pawcatuck River Greenway trail. Simm said that the notable oak, now prominent after the recent clearing of the lot, may be proposed for removal. The Architectural Design Review Board and Inland Wetlands are reviewing the application. Dora Hill noted that this property was zoned GBR-130 before the change to HI-60.
- Pfizer has been conducting remediation work at the Pfizer Farm at 236 Taugwonk Road under the direction of DEP. This involved the removal of soil from the site. An engineer's report has been distributed by the EDC. The question of where the soil is being taken was asked.
- A split at 339 Pequot Trail created a lot for agricultural purposes and thus was not a subdivision, per the PZC. Much of the property will be deeded to the CT Farmland Trust, but the split was controversial as there will be a new residence.
- Brian Kent of Kent + Frost Landscape Architecture says that the newly opened G & S Trolley Trail in Groton should be extended into Stonington. The trail follows the route of the Groton & Stonington Trolley and the section opened in September is a paved multiuse trail connecting Midway to Haley Farm. The proposed Peter S. Thacher trail follows much of the same route.
- Avalonia Land Conservancy has entered into a "memorandum of understanding" with the US Fish and Wildlife Service to manage Sandy Point as part of the Stewart B. McKinney National Wildlife Refuge. The move is controversial as it is unknown how the FWS will limit usage of the bi-state island and conduct enforcement. A meeting on the MOU is to be held at The Como on 2/3/2010 at 7 p.m.
- The Board of Finance will hold a series of meetings looking for community input on the budget. The meeting on 2/10/2010 will focus on solid waste, water pollution control and capital improvements. Baldwin said that the acquisition of open space is generally considered a capital improvement. The 2/17/2010 meeting will focus on human services and general government. They will be held at the Wequetequock firehouse at 7 p.m.

Herbst departed at 9:37 p.m.

### **4. Old Business**

**4a.** *Mystic River Dam Committee.* Cole said that Bell was heading this committee. Baldwin mentioned the 12/8/2009 meeting held at the LaGrua Center about the Avalonia Land Conservancy/Nature Conservancy/DEP plan to add fish ladders at the Wequetequock Pond dam and the Lane Way dam, both on Anguilla Brook. Baldwin also mentioned that this was currently the comment period for DEP's proposed streamflow regulations.

**4b. Discussion of Stonington's 200 Greatest Roadside Trees.** The removal on North Main Street was noted along with the fact that there appears to be much cutting throughout town - including on North Water Street near Lamberts Lane, on the Route 1 median at King Cove Marina and trees have been posted for removal at Wadawanuck Square in Stonington Borough. It was noted that the Stonington Land Trust had offered to contribute \$12,500 toward the cost of replacing trees on North Main Street and that a community group has been organized by Chris Dixon to undertake the effort.

**4c. Discussion of Wequetequock Cove water quality study and water quality testing for streams.** Chairman Simm will check with Gracelyn Guyol of CUSH on the status of water quality studies for Wequetequock Cove.

**4d. Discussion of drinking water quality issues.** Baldwin mentioned the New York Times series on drinking and waste water that found area water systems with contaminants below legal limits, but above health guidelines at all the regional water suppliers (Aquarion, CT Water Company - Latimer Point and Masons Island, SCWA's Lantern Hill Division, and the Arlington Acres and Fair Acres mobile home parks). In addition, the Westerly Water Department was reported to have found contaminants above legal limits.

**4e. Discussion of alternative energy regulations.** Cole and Herbst will meet this coming week to finalize the proposed regulation.

## **5. New Business**

**5a. DEP Application No. DIV-200702824, Diversion of water (Stony Brook and ground waters).** Stuart Cole said that the Sylvia's Pond group had made an agreement with the applicant, Pequot golf course, and that the hearing and site walk had been held on 1/7/2010. He said that they will be withdrawing less water than applied for and that Peter Harvey helped with the group's efforts. It was said that the Conservation Commission should go back to Anguilla Brook now to see what the Elm Ridge Golf Course is withdrawing.

**5b. Land Use Academy & FOIA Workshop** - Baldwin reported that there will be a day-long Land Use Academy held at UConn Storrs on 5/22/2010 and a Freedom of Information Act refresher at Mystic Middle School on 2/8/2010 at 7 p.m.

**5c. PZC Applications** - Thomas Londregan, the town attorney, gave his opinion in a letter stating that the PZC was the only town entity that can make regulation and map amendment applications without incurring a fee. Chairman Simm said that this contradicted an opinion he made in 2005 and he has spoken with the Attorney General's office about the issue.

### **5d. Correspondence:**

- Scott Tucker's Expedition New England DVD was received
- Fall 2009 issue of CACIWCC newsletter, The Habitat
- The CT Association of Wetland Scientists announced their annual meeting for 2/23/2010.

Notices and applications received from DEP:

- 200902679-DL, Water Street (Feddersen) - approval
- 200903158-MG, 30 Orchard Hill Road (Beschler) - notice of application and approval
- 200903212-JW, 195 River Road (O'Brien) - approval
- 200903146-DL, East Grand Street (East Grand Street Homeowner's Ass'n) - notice of application
- 200802098-MG, 218 Cove Road (Pages) - approval
- 200802472-MG, 34 Riverbend Drive (Lahrman) - approval
- 200902678-DL, 104 Latimer Point Road (Toft) - approval

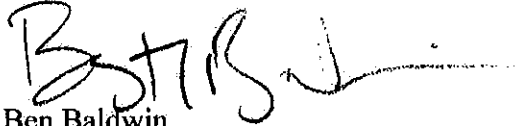
**5e. Herbst away** - Jennifer Herbst will be relocating to the United Kingdom in March for 18± months.

## **6. Review of November 23, 2009 draft minutes.**

MOTION: Approve as distributed (Baldwin, Grant). Passed unanimously. No meeting was held in December.

**7. Adjournment** - Motion to adjourn (Cole). Approved at 10:12 p.m.

Minutes submitted by

A handwritten signature in black ink, appearing to read 'Ben Baldwin', with a long horizontal flourish extending to the right.

Ben Baldwin

Secretary, Town of Stonington Conservation Commission

Approved at regular meeting on 2/22/2010