

Town of Stonington Conservation Commission
Minutes of a Regular Meeting held on February 22, 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 Ben Baldwin, Tim Bell and Walter Grant. Members Sheila Lyons, Jennifer Herbst, Bob Dewire were absent. Chairman Stanton Simm arrived at 7:22 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. PZ1003RA Town of Stonington (PZC) - Zoning Regulations Text Amendments to Article I (1.2 Definitions), Article II (2.4 Required Permits; 2.6 Non-Conforming Use & Bulk; 2.11 Gasoline Sale Places; 2.13 Performance Standards), Article III (3.1.2.4, 3.2.2.4, 3.3.2.4 & 3.4.2.3 Accessory Apartments; 3.2.4 & 3.3.4 Buffer Requirements; 3.1.3.3, 3.2.3.26, 3.3.3.6 & 3.4.3.3 Communications Towers), Article V (5.1.1, 5.1.2 & 5.2.1 Bulk & Use Tables), Article VI (6.1 Special Use Permits; 6.3 Conceptual Review for Projects over 30 Units; 6.6.9 Marinas – Yacht Clubs), Article VII (7.8 Residential Use Growth Management; 7.10.5.2 Off-Street Loading Berths; 7.10.6 Off-street Parking Lot Design Requirements; 7.17 Telecommunications Antennas & Towers), Article VIII (8.2.2.6 Zoning Permits; 8.3 Site Plan Submissions – Review and Approval; 8.4.2 Type 2 Site Plans; 8.4.3 Master Plans; 8.8.1 Impact Statement; 8.8.3 Zoning Text Amendments; 8.9 Public Hearings; 8.10 Zoning Board of Appeals), Article IX (9.4.5 Reapplication), Article X (10.1 US Route 1 Temporary Moratorium), Appendix (Acronyms). Town Planner Brynes distributed copies of the 43-page proposed zoning amendments dated 2/16/2010 which had previously been distributed via email. The PZC hearing is scheduled for 4/20/2010. He described the changes. Items discussed included growth management, waivers, the vagueness of “commitment of irretrievable resources” (8.8.1.4.), and the definition of comprehensive plan (8.8.3.2). The Town Planner will address the issues brought up by the Commission before the hearing.

2b. PZ1005ZC Town of Stonington (DEP) - This application provides for the expansion of the Town’s “Level A” Aquifer Protection Area as mandated by the CT Department of Environmental Protection. While State Law requires that this area be shown on the Town’s Zoning Map, it is not technically a Zoning District established pursuant to Section 8-2 of the CT General Statutes. Town Planner Brynes distributed copies of the zoning map amendment application dated 2/12/2009 which included a map of 58 affected properties and the DEP’s Aquifer Protection Area Program Fact Sheet. All had previously been distributed via email, but a list of abutting owners was missing. The reason for the map amendment was given: “In December of 2009 the CT Department of Environmental Protection approved revised “Level A” Aquifer Protection Area Maps for the Aquarion Water Company’s Lantern Hill Well Field and the Ledyard WPCA’s Loftus Well Field. Therefore, as required by Section 22a-354i-2 of the Connecticut General Statutes the Town of Stonington must now update its zoning map to reflect these newly expanded districts.” The PZC is Stonington’s aquifer protection agency. Baldwin noted that the APA around the well on the Circus Lot on Noyes Avenue and the APA extending into Pawcatuck from the White Rock wells are not included. MOTION: The Conservation Commission recommends the map amendment and recommends adding the two well head protection areas as aquifer protection areas within Pawcatuck, as shown on the Drinking Water Resources map of the Open Space Plan (Baldwin, Bell). Passed unanimously.

2c. Any pending applications and new preliminary proposals. None.

3. Open Space Parcels

3a. Discussion of parcels for preservation. The following items were discussed:

- The T-Mobile application was received for a cell tower on Pawcatuck Avenue, across the tracks from Spellman Park. A hearing will be held by the CT Siting Council on 4/13/2010; the time and location are unknown.

- **Sandy Point** meeting held on 2/3/2010 at The Como about USFWS management of the island. Cole said that there was a lot of concern shown about the possibly of the island being shut. Baldwin said that a member of FWS had told him that the agency would be interested in providing access for educational purposes and that, so far, boats and berths had not been settled on.
- Baldwin attended the IWWC site walk for Tractor Supply Company at **335 Liberty Street** on 1/20/2010. The application includes a lot line adjustment so that the store will not be on a waterfront parcel, but its storm water detention basin will be on an adjacent lot retained by the current owner. The notable oak has been proposed for removal. The building site will be located below street grade. A waterfront greenway trail might be possible in this location between the White Rock and Route 78 bridges, but waterfront access cannot be required as part of this application.
- The conservation easement at the **Sommers Subdivision** from 1989 was not recorded as had been required. It had been written by the applicant's attorney, reviewed by the town, but its recording was overlooked. Mr. Sommers or his children began objecting to the restriction over all wetlands instead of 15% after the subdivision was approved. Town Planner Brynes has researched the history of the subdivision. Chairman Simm suggested the current owner, Mr. Patel, record the restriction and that he might receive a tax deduction. The area in question borders an Avalonia preserve.
- It was noted that the Stonington Land Trust was investigating preservation of the **Hoxie Farm** property on the Pawcatuck River.

4. Old Business

4a. Mystic River Dam Committee. Bell said that there would be a walk with Chuck Thompson & DEP. Baldwin said that he had discovered that DEP had issued water diversion permit for the Hyde Pond fishway in Groton as #DIV-1990-02 on 7/11/1990 to Riverhead Estates, L.P., the developer of the Hyde Pond Court subdivision. Bell said that the fishway was no longer used, but sits by the dam.

4b. Discussion of Stonington's 200 Greatest Roadside Trees. Bell reported that about 3 dozen trees had been cut on North Main Street, some which had appeared sound. Baldwin reported that he had met with Glenn Dreyer who had given him detailed information about Stonington's 15+/- notable trees, most of which are listed as being located at Elm Grove Cemetery or Stone Acres. Bell nominated a large hickory on the north side of Pellegrino Road, just west of Flanders Road.

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. Chairman Simm had spoken with Bill Warzecha from the CT-DEP Remediation Division about cyanide contamination of groundwater and monitoring at the Pfizer Farm on Taugwonk Road. It appears that DEP doesn't notify town hall of contamination issues, but the regional health authority, which in Stonington's case is an individual doctor. It was noted that groundwater contamination such as this is the reason that DEP recommends that industrial-zoned land be in sewer areas of town. It was noted that the Hubbell site on Lords Hill Road was also the site of a contamination plume.

4e. Discussion of alternative energy regulations. Not discussed.

5. New Business

5a. Town Planner Brynes said he would be participating in a Nature Conservancy presentation on planning for sea level rise.

5b. Correspondence:

- Application to the CT Siting Council by T-Mobile Northeast, LLC for a certificate of environmental compatibility and public need for the telecommunications facility at 166 Pawcatuck Avenue, dated 1/29/2010. Received from Jesse Langer, Cohen & Wolf, plus a separate correcting page.
- *CT Wildlife* magazine, Jan/Feb 2010
- Fee in lieu of open space report – total due: \$508,001 and total collected: \$267,078.43

Notices and applications received from DEP:

- 200903146-DL, East Grand Street (East Grand Street Homeowner's Ass'n) - permit
- 200900376-MG, 31 Beach Road - permit

6. *Review of January 25, 2010 draft minutes.*

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

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

Draft minutes submitted by



Ben Baldwin

Secretary, Town of Stonington Conservation Commission

Approved by the Commission on 3/22/2010