

Town of Stonington Conservation Commission
Minutes of a Regular Meeting held on June 27, 2011
Police Station Meeting Room, 173 South Broad Street, Pawcatuck, CT

1. Call to order: The meeting was called to order at 7:10 pm by Vice Chairman Stuart Cole. In attendance were Walter Grant, Tim Bell, Sheila Lyons and Jim Friedlander. Ben Baldwin arrived at 7:15 pm. Absent were Stanton Simm, alternate Bob Dewire and Town Planner Keith Brynes. Members of the public were present.

2. Review of Town Developments and Proposals

Items 2a and 2b were deferred.

2c. Review of Proposed Conservation Easement for PZ0349SD Derek S. Tyrseck - *Approved two-lot subdivision. Property located at 266 Cove Road, Stonington. Assessor's Map 132, Block 2, Lot 3. Zone RC-120.* The subdivision plan dated July 24, 2003 was approved by the Planning and Zoning Commission's PZC on 12/2/2003 and signed by PZC Chairman Sneddon on 5/6/2004. A 3.43-acre conservation easement was proposed for the frontage (1.23 acres uplands, 2.20 acres inland wetlands) as access is by a shared driveway passing through the rear of the property; the right to run utilities across the easement area was proposed. The rear of the property runs along Cops Brook. The approval status of the subdivision appeared uncertain to the Conservation Commission. We had no information as to whether an extension had been requested as 5 years have elapsed since its initial approval. We had no information as to whether the stipulations had been fulfilled. A note from Planner Brynes said that the subdivision was approved and asked if the Land Trust would be interested in holding the easement instead of the Town. A letter dated 12/3/2003 from Jason Vincent, Director of Planning, to Peter Gardner, the surveyor, described the approval stipulations and next steps, but does not mention the conservation easement document or its review. Cole read the applicant's proposed conservation easement language. Lyons questioned who wrote the language incorporated in this and other recent easements. It provides for the First Selectman's signature, and by the end of the month, June 2011, but we have no record of the PZC's actions on this application. In the easement, the Conservation Commission is given power to police and monitor, which may be above its authority granted by law. We did not have records that went back to 2003 so we needed information on what our actions and comments were in that year. Baldwin noted that it was unfortunate that the subdivision was apparently approved excluding other or remaining land of the property owner as these substandard pieces have sometimes been approved for development after the fact. MOTION: That Lyons has authority to meet with Planner Brynes with our questions (Lyons, Bell). Passed unanimously. MOTION: To add and move to a New Business item, the Cherenzia proposal on Mary Hall and Greenhaven Roads (Lyons, Bell). Passed unanimously.

5a. PZ1112SD & SUP Richard C. Panciera Remainder Trust II – *Eight-lot Resubdivision and Special Use Permit applications for the development of 68 attached-housing units and 7 single-family residences. Property located at Mary Hall & Greenhaven Roads, Pawcatuck, CT. Assessor's Map 7, Block 1, Lot 44. Zones RA-20, RM-20, & RR-80.* The Conservation Commission commented on the application at its 5/2/2011 meeting. Peg Moran of Mary Hall Road spoke about her concerns about the proposed multifamily development. She said that significant ledge has been proposed for removal, ±3.5 acres in three areas as close as 200 feet from Mary Hall Road is shown in the Ledge Removal Plan. The change in elevation appears to be as much as from 62 to 26 feet and the change in pitch will redirect water flow. She noted that the Department of Planning had suggested that the applicant might need a gravel permit, but Cherenzia objected. The effect of blasting and rock processing is a concern as wells are not part of a pre-blasting inspection. Moran said that she and neighbors had established a blog focusing on the proposed development at www.lovethehloop.blogspot.com.

Cole departed at 8:10 pm. MOTION: Move to item 2b (Bell, Lyons). Passed unanimously.

2b. PZ1121RA Julia Roberts - *Zoning Regulations Text Amendment for Small Wind Energy Systems. Add to Section 1.2 Definitions and add new Section 7.22 Renewable Energy Systems, 7.22.1 Small Wind Energy Systems.* Roberts spoke about the application and asked if a member of the Commission were willing to participate in a television interview and asked that members attend the PZC hearing later in the summer. Hervie Lamb of the former Mystic Solar was suggested as a possible interviewee. The

Conservation Commission had no further comment on the application. A copy of the application was not found for review during the meeting, but had been provided by Planning staff.

2a. PZ1115RA TOS Conservation Commission - Zoning Regulations Text Amendment to Section 3.1.4 Residential GBR-130, RC-120 Zones Buffer Requirements & Section 5.1.1 Residential Zone Bulk Requirements. Changes to 100-foot non-infringement area & side yard setback (GBR-130 only). The application was not reviewed.

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

3. Open Space Parcels

3a. Discussion of parcels for preservation. Rick Newton of Avalonia spoke about the DPNC-lead initiative to acquire the Coogan Farm, Aquarium-owned parcels on Maritime Drive, and possibly preserve Denison Society-owned lands. The Coogan Farm and Aquarium parcels are presently on the market. He said that the Trust for Public Land (TPL) had recently made a presentation on bonding for open space to the Board of Selectman as it was hoped that the town would contribute toward the acquisition. Lyons noted that these are tough economic times in which to be asking for the town to borrow, with residents forced to repay down the line. Newton noted that interest rates are low and the Coogan Farm is zoned for homes on 15,000-sq. ft. lots which might generate schoolchildren. Baldwin noted that prices might be lower now and that the Conservation Commission had worked with TPL on proposing bonding to the Board of Finance in past years, but the idea did not go forward there was no specific project to bond for at that time. It was noted that residents had spoken in favor of open space acquisition at some personal additional cost at the meeting leading up to the last Plan of Conservation and Development.

4. Old Business

4a. Mystic River Dam Committee. Bell reported low water at Whitford Brook/Hyde Pond. Rick Newton said that the Avalonia-lead work on Anguilla Brook was awaiting permits and that the window for doing the deconstruction this year was becoming very limited. They plan on using some stone from the deconstructed dam at the Rutan property for construction of the fishway on the "founder's" mill dam downstream.

4b. Discussion of Stonington's 200 Greatest Roadside Trees. Baldwin said that submissions are still most welcome for the list.

4c. Discussion of Progress on Plan of Conservation and Development's Open Space Plan. Lyons said the POCD Implementation Committee appears defunct and that Director of Planning Bill Haase wants to get underway on a low-cost update for 2014. She said that the common practice is to update the Open Space Plan before the POCD and that Haase intends to incorporate the Open Space Plan, adopted 7/17/2007, as part of the 2014 POCD. Baldwin noted that work on the last Open Space Plan had begun concurrently with the 2004 POCD. Lyons said that she would ask Planner Brynes about the process.

4d. Discussion of Open Space and Conservation Easement Transfers for Ongoing Subdivisions. Baldwin said that this tracking needs to be part of the overall process, that the Tyrseck subdivision might be an attempt to clear up some of these issues and that the Conservation Commission was waiting to hear back from Planner Brynes.

4e. Discussion of Retention of Approved Building Envelopes on Existing Properties. Not discussed.

4f. Discussion of Encumbrance of Funds for FY 2010-2011 Budget. Not discussed.

5. New Business

5a. The Conservation Commission welcomed new member Jim Friedlander.

5b. Correspondence.

- Letters of thanks and photographs from third graders at West Broad Street School re: the Naturescapes field trip to Spellman Pond on June 8, 2011. Teacher Debbie Miceli wrote and suggested displaying the letters in Town Hall.
- Letter from Carol Szymanski, Environmental Analyst II, Bureau of Water Protection and Land Reuse, CT DEP Office of Long Island Sound Programs to the PZC re: Application #PZ1115RA zoning amendment to eliminate non-infringement area from inland wetlands in GBR-130 and RC-120 districts and reduce side yard requirement from 75 feet to 25 feet in GBR-130 district;

Conservation Commission, applicant. MOTION: Defer comment on letter until Simm is present as he has been involved with this issue (Lyons, Bell). Passed unanimously.

- *Conservation Options for Connecticut Farmland* by the American Farmland Trust from the Connecticut Farmland Trust (available at: http://www.farmlandinfo.org/documents/38186/CT_Conservation_Options.pdf)
- CT DEP Permit #201006197-MG to CT DOT for Route 1 over Quana Duck Cove for bridge replacement
- CT DEP Permit #201006201-MG to CT DOT for Route 1 over Stony Brook for bridge replacement
- CT DEP Notice of Tentative Determination to Modify a National Pollutant Discharge Elimination System permit for Mystic Aquarium to discharge as much as 1,822,000 gallons per day of wastewaters.
- Letter from FEMA dated 5/23/2011 inviting attendance at a meeting on June 8, 2011 re: the forthcoming Preliminary Digital Flood Insurance Rate Maps (DFIRMs).
- Letter from Keith Brynes to Stonington Conservation Commission dated May 12, 2011 re: **PZ1115RA TOS Conservation Commission - Zoning Regulations Text Amendment to Section 3.1.4 Residential GBR-130, RC-120 Zones Buffer Requirements & Section 5.1.1 Residential Zone Bulk Requirements. Changes to 100-foot non-infringement area & side yard setback (GBR-130 only)**. A public hearing was scheduled for 6/21/2011.

6. Review of May 23, 2011 draft minutes

MOTION: That the minutes be accepted as amended (Bell, Lyons). Passed unanimously.

7. Adjournment. Friedlander made a motion to adjourn at 11:00 pm.

Minutes submitted by



Ben Baldwin
Secretary, Town of Stonington Conservation Commission

Approved by the Commission on 7/25/2011.