

Town of Stonington Conservation Commission
Minutes of a Regular Meeting held on July 25, 2011
Police Station Meeting Room, 173 South Broad Street, Pawcatuck, CT

1. Call to order: Vice Chairman Stuart Cole called the meeting was to order at 7:10 pm. In attendance were Ben Baldwin, Tim Bell, Sheila Lyons and Town Planner Keith Brynes. Stanton Simm arrived at 7:12 pm. Absent were Jim Friedlander, Walter Grant, alternate Bob Dewire. Presenters were Sally Harold of the Nature Conservancy, Steve Gephard of CT DEEP Inland Fisheries, and Rick Newton of Avalonia Land Conservancy. Members of the public Carlene Donnarummo and Bill Lyman were present.

MOTION: Move to New Business item 5a. Sally Harold of the Nature Conservancy, re: Fish Passage at Wequetequock Dam (Bell, Baldwin). Passed unanimously.

5a. Sally Harold of the Nature Conservancy, re: Fish Passage at Wequetequock Dam. Sally Harold described the overall project that is pending approval from CT DEEP and US Army Corps of Engineers which would use stone from the deconstruction of the Rutan Dam at Lane Way in the construction of fish weirs or ladders along the south side of the river running between Wequetequock Cove and Pond. This will provide access to Anguilla Brook. Avalonia will coordinate the project locally. The weir will be owned by the property owners, who welcome the project, and will be operated by DEEP. Steve Gephard distributed a 9-page conceptual design for the fishway and described the series of 11 or 12 stone and concrete weirs that would raise fish 6 inches at a time, rising a total of 5.85 feet over a distance of 76 feet. He said that the design would be sensitive to ecologic and historic resources present. They will not pin to Saddle Rock and will stay away from the 17th C mill dam. They do not intend to draw down the pond, but will replace of loose rubble wall at its edge, damaged in the March 2010 storm, with stone and concrete. This will aid runs of Alewife, American Eel (*Anguilla rostrata*) and perhaps sea-run Brown Trout. Alewives probably do not get past at present, but historically spawn in Atlantic white cedar and red maple swamps. Eels get past, but traversing the rise if difficult for them in their Glass Eel stage in February and March. They are also present in their yellow Pencil Eel stage in summer. Sally Harold said that the permitting process might delay work to next summer. Stanton Simm said that the mill dam was built by supplementing the natural dam of Saddle Rock in about 1653 or 1661. Gephard said he would come back to speak about the Whitford Brook/Hyde Pond dam with a group of interested parties that the Conservation Commission's Mystic Dam Committee will organize. He said that there is not a huge safety risk, but his concern is that a dam failure might make the existing fishway unusable. He said that the Vargas Pond fishway is working well, but that Copps Brook is not suitable for this work due to water company fluctuations in flow.

MOTION: Move to item 2c. Review of Proposed Conservation Easement for PZ0349SD Derek S. Tyrseck (Lyons, Bell). Passed unanimously.

2. Review of Town Developments and Proposals

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. Lyons had met with Brynes to discuss the status of the subdivision. Brynes distributed a memo on his review of the proposed conservation easement as well as the easement language. He noted that a new law allows approved site plans to run 9 years instead of expiring after 5 years, but the law is not retroactive and does not apply to future approvals. It was noted that the conservation easement should be held by a non-profit entity such as a land trust or the DPNC and not government. Rick Newton noted that the Land Trust Alliance standards require or suggest establishment of an endowment fund when member land trusts receive an easement. **MOTION:** That the easement be offered to a land trust or other appropriate conservation-oriented entity (Cole, Bell). Stuart Cole will send Brynes a template of conservation easement language.

MOTION: Move to item 2a (Baldwin, Cole). Passed unanimously.

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).

Chairman Simm said that he requested a delay by the PZC as the Attorney General's office has yet to respond on the question of whether the Conservation Commission can make an application. Brynes noted that it could be heard on September 20th as Cherenzia's application (PZ1112SD & SUP Richard C. Panciera Remainder Trust II) will be heard on September 6th.

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. Brynes noted that the hearing will be August 16th at Pawcatuck Middle School. Lyons wondered if the existing Pine Point small wind energy system would comply with the proposed regulation. She said that while the school had asked for permission up to 12 feet it appeared to her that it may be 10 feet above the roof line and thus comply with the proposed regulation. Baldwin noted that he had not found the application text at the last meeting, but that it had been supplied by staff in the bin.

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

3. Open Space Parcels

3a. Discussion of parcels for preservation. Chairman Simm said that the Stonington Land Trust has a contract to acquire 18 acres on North Anguilla Road between the Pawcatuck Little League and the SLT's Anguilla Brook Preserve from the Grande family. It was noted that the Crowley 2 acquisition of 16 acres between Wequetequock Cove and Palmer Neck Road was celebrated at the LaGrua Center today. Speakers included First Selectman Ed Haberek, Commissioner Daniel Esty of CT DEEP, Jay T. Mar of the USDA Natural Resources Conservation Service, Duncan Schweitzer of Avalonia Land Conservancy and Chairman Simm.

4. Old Business

4a. Mystic River Dam Committee. Already discussed.

4b. Discussion of Stonington's 200 Greatest Roadside Trees. Chairman Simm said that he would suggest to the Stonington Land Trust that a portion of the \$12,500 contribution for new trees on North Main and other roads be used for care of existing trees. He said that the North Main Street tree committee appears to be inactive at present. Simm said that the Conservation Commission had planted trees on private property in the past. Three saltwater-tolerant maples, a copper beech and another tree at the Mobil station were planted along East Main Street where there is no room within the right-of-way. Baldwin said that he thought that replacement trees should be planted within the North Main Street right-of-way.

4c. Discussion of Progress on Plan of Conservation and Development's Open Space Plan. Chairman Simm asked that members bring a list of potential changes to the next meeting after reviewing the POCD and Open Space Plan. He suggested that one change be that open space set asides not be used for utilities. He believes that the recent excavation of the detention basin on Whitehall Avenue, Route 27, just north of Jerry Browne Road, could have been avoided.

4d. Discussion of Open Space and Conservation Easement Transfers for Ongoing Subdivisions. Not discussed.

5. New Business

5a. The blasting and excavation for the Precious Memories Preschool at the Coogan Farm on Greenmanville Avenue, Route 27, was discussed. It was noted that no preschool would be constructed off Liberty Street near West Vine School despite the zone change of the property that will now allow development of up to 4 residences on the property.

5b. Correspondence.

- Notice of the reissuance of the CT General Permit from US Army Corps of Engineers.

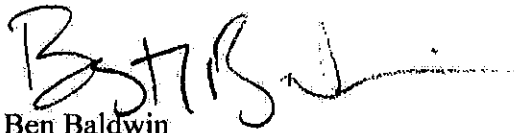
- Notice of tentative determination for CT DEEP Permit #201103014-MG for a dock to Thavenet, 97 River Road.
- CT DEEP Permit #201101961-MG for a dock to Berte, 104 Cove Road.
- July/August *Connecticut Wildlife* magazine.
- Summer 2011 issue of *The Habitat*.

6. Review of June 27, 2011 draft minutes

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

7. Adjournment. Baldwin made a motion to adjourn at 9:45 pm.

Minutes submitted by



Ben Baldwin
Secretary, Town of Stonington Conservation Commission

Approved at a regular meeting on 8/22/2011.