

Special Meeting

The 1676th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, June 1, 2021 at the Stonington Board of Education District Office, 40 Field St., Pawcatuck. The meeting was called to order by Commissioner David Rathbun at 7:00pm. Also present for the meeting were Commissioners Gardner Young, Ben Philbrick, and Lynn Conway; Alternates Charles Sheehan and Ryan Deasy; and Town Planner, Keith A. Brynes. Commissioner Fred Deichmann was absent.

Seated for the meeting were David Rathbun, Ben Philbrick, Gardner Young, Lynn Conway and Charles Sheehan.

Minutes:

Mr. Philbrick moved to approve the minutes of the May 18, 2021 meeting, seconded by Mr. Young, all in favor 5-0, motion approved.

Administrative Review:

Greenskies Clean Energy, LLC – Preliminary discussion of conceptual plans for solar energy facilities proposed for 2 locations. Properties located at 54 Jeremy Hill Rd. Assessor's Map 90, Block 1, Lot 1 and Lantern Hill Rd. Assessor's Map 169, Block 1, Lot 4. Facilities will be subject to CT Siting Council review.

Mr. Brynes stated that development plans have not be submitted by Greenskies at this time but the company would like to let the Commission know of their plans in advance of their application to the CT Siting Council. Utility-scale solar farms are subject to the Council's review and not local zoning or wetlands review. Bonnie Potocki of Greenskies gave an overview of the company and their previous projects in Stonington.

Steve Kochis, project engineer, presented the basic site plan for the Jeremy Hill Road site. Access to the site will be through an existing drive off Jeremy Hill Road in North Stonington. The land had already been previously cleared. Mr. Kochis reviewed all of site conditions and adherence to requirements for the Siting Council. The only visibility to the project will be from 97 and 99 Jeremy Hill Road of which the closest is about 250 – 300 feet away. The panels will be on the side of the hill at a higher elevation than the residences. Greenskies is looking at providing screening for the neighbors. The site is surrounded by forest which will provide a significant amount of screening, but they will work to accommodate any neighbor's concerns. Mr. Sheehan asked about whose property the trees are on and cautioned them to be sure the screening is provided on project site. The access road to site will not need any improvements from its current state. Mr. Sheehan recommended that utility lines to the site can but put underground to be in line with subdivision requirements. Mr. Kochis stated that is their preference but the details will have to be approved by Eversource. The panels can manage up to 15% grade so no grading of the hill is required. There will also be stormwater basins on site to manage runoff. The property owners are farmers who hope to have sheep grazing around the solar array as well as other agricultural uses on the property.

The second site is on Lantern Hill Road and will be about 40% of the size of the previous project. The panels will be located to the west, with the farm still operating on the eastern side of the lot. No regrading or clearing is proposed, but they will install stormwater basins to manage runoff. Site access will be through shared drive with the Aquarion water treatment plan. Portions of the site are within the floodplain so the design will have to protect against flood damage from Whitford Brook. A review of the State's Natural Diversity Database shows potential presence of spotted turtles and banded sunfish and protection measures will be developed with DEEP. No vernal pools were located. There will be little visibility of the panels from nearby residences. Mr. Rathbun raised concern over nearby wells and

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aquifer protection. The panels are not within the state of CT aquifer protection area and they do not expect impact. No hazardous chemicals will be used in the panels and no subsurface excavation is needed. Aquarion has been contacted, but has not yet provided comment. They are proposing tracker panels which tilt to follow the sun. The farming on site will continue and they are proposing pollinator plantings around the panels and potentially beekeeping. Mr. Sheehan asked about flood protection measures. They are projecting 1 foot of inundation from a 100-year flood event. Those panels will have a taller pole to accommodate. Mr. Sheehan asked about stormwater run off and detention, and whether the panels are considered impervious surface. Mr. Kochis replied that State guidance is that if solar panels cover over 50% of an area, it should be considered "impervious" for the sake of stormwater calculations. The preference for utility connection is underground, but this will be determined by Eversource.

Old Business:

PZ2108CAM Niles Holdings LLC (N. Thibeault) - Coastal Area Management Site Plan Review application to accompany future zoning permit application for the construction of a single-family residence (SFR) with on-site septic system. Property located at 12 Niles Rd., Mystic. Assessor's Map 181, Block 2, Lot 7C. Zone RM-15.

Norm Thibeault, project engineer, presented the application. The applicant is proposing to construct a single-family home on the last lot of this subdivision on Niles Rd. The application reviewed by the Town Engineer, DEEP and the Department of Planning and all comments have been addressed. The applicant has met all district bulk requirements. The site is serviced by public water but not public sewer and has received septic approval from Ledge Light. The home is built to FEMA standards in the AE Zone and meets height requirements. The septic will be at the front of the lot and will place it further from the coast. The applicant had originally proposed to fill an area along the coast and add boulders to match the contour of the neighboring homes, subject to DEEP approval. They have since decided to remove this feature from the plans. Mr. Thibeault reviewed stormwater management measures. Mr. Sheehan asked about the effect of the wave action. The house is not located in the FEMA LIMWA area which is subject to wave action. The proposed underground propane tank will have to be anchored but will be above the groundwater. Mr. Brynes stated that all review comments have been resolved.

Mr. Philbrick moved to approve the application with one stipulation, seconded by Ms. Conway, all in favor 5-0, motion approved.

Stipulation:

1. Prior to the issuance of any Zoning Permits, final plans shall be signed by the Commission and recorded.

Public Hearing:

PZ2105RA Town of Stonington (PZC) - Regulation Amendment to modify the Zoning Regulations to provide additional opportunities for small solar energy systems as an accessory use. *Continued from 5/18/21.*

Mr. Brynes discussed the Commission's comments from the previous meeting and the updated language being proposed in the staff report. The size of ground mounted arrays has been substantially reduced to no more than 2,000SF in area and no more than 10% of the area of a lot. Mr. Brynes reviewed comments received and the specific decisions to be made.

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Ms. Conway asked whether there is a need to regulate height. Mr. Brynes responded that there is a height limit of 15 feet for ground mounted arrays.

Mr. Rathbun called for public comment.

Public Comment Against:

Carlene Donnarummo stated that even with the modifications she is still concerned about small lots having a 2,000SF array on their property and feels that lots under 20,000SF should not be allowed to install a ground mounted system. She also feels they should not be allowed in any building setback.

Public Comment in Favor:

June Strunk spoke about the siting process for solar and recommended allowing enough energy for use, but did encourage them to have not allow the array in building setbacks.

General Comment:

Rick Newton spoke about a free program called SolSmart that provides support for towns that are creating solar regulations. CT Public Utilities Regulatory Authority (PURA) regulations are expected to change next year to allow residents to just sell their solar energy back to the utility company and not use it, as well as overbuild energy capacity for potential growth and charging of electric vehicles. These changes will complicate the regulation of "accessory" power generation. Mr. Newton also recommended exploring whether zoning should be amended to promote geo-thermal energy.

Ms. Conway moved to close the public hearing, seconded by Mr. Young, all in favor 5-0, motion approved.

Mr. Philbrick moved to approve the Regulation Amendment as amended for tonight's meeting, seconded by Mr. Young. Mr. Philbrick asked about the setback requirements for ground mounted arrays, Mr. Brynes clarified it proposed as 10 feet for side and rear setbacks regardless of zone. Mr. Brynes stated that proposed setbacks were based on guidance documents but that the amendment could be modified to require meeting normal setback requirements. Ms. Conway stated she would like to see setback requirements as well as prohibitions on smaller lots. Mr. Philbrick withdrew his motion.

Mr. Philbrick moved to approve the Regulation Amendment with the modification that Section 7.22.2.4.1 is amended to prohibit arrays in building setbacks, seconded by Mr. Sheehan, the vote was taken 4-1, motion approved.

Roll Call: Sheehan – approve, Young – approve, Rathbun – approve, Philbrick – approve, Conway – deny.

Mr. Philbrick moved to approve conformance with Plan of Conservation and Development and Comprehensive Plan, seconded by Mr. Young, the vote was taken 4-1, motion approved.

Roll Call: Sheehan – approve, Young – approve, Rathbun – approve, Philbrick – approve Conway – deny. Effective date is 6/21/21.

Mr. Sheehan moved to adjourn, seconded by Ms. Conway, all in favor 5-0, the meeting adjourned at 8:15pm.



Ben Philbrick, Secretary