

# CONNECTICUT RIVER GATEWAY COMMISSION

## REGULAR MEETING MINUTES

February 26, 2015

Present/Absent: [Excused absence (E); Unexcused absence (U)]

<b>Chester:</b>	<b>Margaret (Peggy) Wilson, Martha Wallace</b>
<b>Deep River:</b>	<b>Nancy Fischbach, Sam Shaw</b>
<b>East Haddam:</b>	<b>Harvey Thomas, Emmett Lyman</b>
<b>Essex:</b>	<b>Claire Matthews, Jerri MacMillian</b>
<b>Fenwick:</b>	<b>Ethel Davies, Borough Warden (E)</b>
<b>Haddam:</b>	<b>Susan Bement (E), Derek Turner</b>
<b>Lyme:</b>	<b>J. Melvin Woody, Emily Bjornberg</b>
<b>Old Lyme:</b>	<b>Peter Cable, Suzanne Thompson</b>
<b>Old Saybrook:</b>	<b>Madge Fish, Belinda Ahern (E)</b>
<b>Regional Rep:</b>	<b>Raul Debrigard</b>
<b>DEEP:</b>	<b>David Blatt</b>
<b>Staff:</b>	J. H. Torrance Downes
<b>Guests:</b>	Lisa Wadge, Roger Nemergut, Joe Wren, Jon Morris.

### Call to Order

Chairman **Woody** called the regular meeting of the Connecticut River Gateway Commission to order at RiverCOG offices located at 145 Dennison Road, Essex at 7:30pm.

### Approval of 1/23/15 Regular Meeting Minutes

Upon a motion by **Wilson**, seconded by **Blatt**, the 1/23/15 minutes were approved unanimously.

### Treasurer's Report

**Wilson** presented several bills for payment. For staffing: \$1423.61 (January staffing: \$588.23, JHTD; \$33 PF; \$100.96, Sam Gold; \$1,11.07 overhead with \$59.29 payroll tax). A overhead payment credit was applied in the amount of \$368.94). For the registration/sponsorship of the March CLCC Conference, \$500. For the final legal bill to Branse & Willis for the Sogge purchase, \$202.50. Motion to pay bills by **Matthews**, seconded by **Blatt**, passed unanimously.

**Wilson** reported on the final accounting of the Sogge purchase and reported that the Gateway was due a reimbursement of \$2,731 because GW issued a check in the amount of \$169,000 to provide sufficient funds for unknown closing costs and taxes. The Commission members confirmed that the reimbursement amount appeared to tally with the amount **Wilson** reported should be received.

On a motion by **Matthews**, seconded by **Debrigard**, the Treasurer's Report was accepted.

### Preliminary Discussion, Willow Point Road, Essex

Engineer Joe Wren and property owner Jonathan Morris were present to discuss their ideas for residential construction on the peninsula-property located in North Cove. They were seeking advice from the Commission regarding what type of development would be most consistent with the Gateway mission of protection. As explained, the proposal will involve the expansion of the small seasonal cottage located at the end of the peninsula with its elevation to approximately 7 feet due to the property's location within a FEMA flood zone. The buildings on the street end of the property will be demolished to make way for a garage. Wren provided a preliminary site plan and handed out an artist's rendering of the likely cottage design. The 40 foot depth of the

existing structure will become 60 feet with the addition of 30 feet of structure. The 32 foot north-south dimension will be proposed as 30 feet. Setback variances are required as the 50 foot CT River setback (Essex has not as of this date adopted the 100 foot setback or the 50 foot riparian buffer setback) overlaps any buildable area on the narrow peninsula. Even if the footprint were left the same, there would be a variance required for the vertical encroachment that will occur as the structure will be larger in height. The consensus was that the plan appeared to be acceptable as long as natural vegetation is left intact and the color of the structure was painted a muted color resulting in less visual impact. Morris confirmed that his intent was to use a neutral color for natural shingles. **Thomas** offered a suggestion that native vegetation be added to establish a riparian buffer.

## Correspondence and Staff Report

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1. Goodspeed Airport Scenic Easement Update. As previously reported by DEEP's Graham Stevens, the DEEP committee responsible for reviewing State acquisitions met in early February to review the Goodspeed Scenic Easement. No decision has been reported as of February 24, 2015.
2. HB5686, Prohibition of Land Swaps for Conserved Land where Land to Be Received isn't of Greater Ecological Value. A bill has been proposed by Representative Roberta B. Willis of the 64<sup>th</sup> District (Goshen, Salisbury, Torrington, Cornwall and Sharon). **Stated purpose: To prohibit the swapping of land that has been conserved as open space or farmland unless the land to be received in such swap is of greater ecological value and to provide for public notice and comment prior to any legal agreement to undertake such land swap. Commission members asked Downes to prepare testimony to be sent on Friday, February 27<sup>th</sup> that included language regarding reviewing swaps for scenic, historical and cultural assets as well. Motion by Fishbach, seconded by Matthews, passed unanimously.**
3. Haddam Greenspace. Haddam Land Trust Newsletter, January 2015.
4. CLCC Conference, Saturday, March 21st. GW to vote to confirm that they will participate in the CLCC conference at the level of support provided for the past several years, which is \$500. Check cut and provided for signature. To insure that attendees get into the individual workshops that you desire, you need to pre-register before they fill up. The sponsorship provides for three "free" admissions. Staff usually uses one to "man" the Gateway table, leaving two for Commission members. The event is held on the campus of Wesleyan University in Middletown. Conference website is <http://www.ctconservation.org/annualconference>
5. Preliminary Discussion, Willow Street, Essex. Property owner Jon Morris and Engineer Joe Wrenn will be in attendance on February 26<sup>th</sup> to discuss future development on Morris' property which juts into North Cove in Essex. Members will recall that a brief discussion on this property was held during the January meeting.
6. Trust for Public Land. Thank You Letter from Alicia Sullivan, State Director for TPL. Thank you letter for the Gateway Commission's \$5,000 donation to the effort to purchase the 1,000 acre property known as "The Preserve". As of January 23<sup>rd</sup>, Ms. Sullivan reports that just \$250,000 needs to be raised to complete the campaign successfully.
7. CY Navigation Boom. John Hull of Haddam reported in an email dated 2/19/15 that *"... a letter and copies of petition signatures were delivered to Governor Malloy and CTDEEP Commissioner Klee from a group of concerned citizens protesting the blockage of the one-mile long waterway, known as the Haddam Canal, along the CT River. This action, taken by the CT Yankee Atomic Power Company and approved by CT-DEEP has triggered numerous newspaper articles. The Hartford Courant has called it the 'Orange Scar on the River'. Almost 1,500 citizens have signed a petition asking the Governor and CT-DEEP Commissioner to revoke the permit for this unnecessary barrier. The document attached is the cover letter that accompanied copies of the petition signatures. Your help is requested in removing this shameful 'Ugly Orange Barrier' and restoring full access to this beautiful navigable public waterway..."*

Downes reported that Mr. Jeffrey Snitkin had called asking about the timber harvesting regulations. He reported that he is being employed by CY to harvest an area of 100 acres located above the old plant site in the area of Cove Road. Downes is to send him Appendix A to the Gateway standards which are not posted on the GW website (Appendix A was sent to Snitkin on Monday, March 2, 2015).

Margaret Miner of Rivers Alliance responded to email by saying she is looking forward to working with Andrew Fisk of CRWC and Melissa Schlag of Haddam on the issue. GW had sent a letter to Commissioner Klee (attached below) indicating support for a letter previously sent by Fisk of CRWC to Klee requesting resolution of the navigation boom issue.

8. Baker, South Cove Road, Essex. The GW Commission reviewed a proposal to demolish and reconstruct a dwelling at this location on the South Cove waterfront and found it would not oppose the granting of the variances necessary for such reconstruction. The Essex ZBA subsequently approved the requested variances. Afterwards, the abutting neighbor appealed the local approval and the project has been held up in court since that time. Staff reported that a deal was proposed by the

appellant neighbor stating that they'd withdraw the appeal if the property owner would remove several trees. The tree removal was overseen and "approved" by GW staff (without the 2004 standards, there's nothing preventing the tree removal). Although the offer was made by the property owner, the appellant neighbors have still not withdrawn the appeal. As a result, the property owner has decided to redesign the reconstruction so as not to require any variances. This would mean that the new construction would meet Gateway standards (the pre-2004 standards) and render as moot the local ZBA approval from which the appeal was taken. The new plan has not been submitted yet; the Essex Land Use Department will let GW staff know when the submission takes place.

### Staff Actions

Old Lyme, 13 River Bank Road. Variance requested to allow for approximately 290 square feet of additions – small "in-fill" areas. No opposition letter sent.

Old Saybrook, 12 Cove Street on Saybrook Point. Demolition and construction of a new residential dwelling. Structure will be approximately the size of the dwelling to the east of the site. A height variance is required based upon the significant drop off from street level. The new location will be moved west away from the adjacent dwelling but will be set back an additional amount from the road in order to make room for a code-compliant septic system. Through an agreement with the attorney for the appellant, the property owner will paint the structure a dark color and plant visually buffering vegetation on the cove side of the structure. That agreement was noted in a letter sent to the Old Saybrook ZBA with a request to condition any approval with that understanding.

Variance Applications to be Reviewed and Approved by the Gateway Commission: None.

Regulation Changes to be Reviewed and Approved by the Gateway Commission

1. Haddam, 3 and 4 Brook Court. Roger Nemergut and Lisa Wadge presented the petition for the rezoning of two industrial lots, making them commercial. Downes reported that the two lots, located just off Saybrook Road (Route 154) and just north of Bridge Street cannot be seen from the Connecticut River due to interceding topography. Upon a motion by **Fischbach**, seconded by **Cable**, the Commission "approved" the rezoning pursuant to Section 25-102g CGS.

### Committee Reports

#### a. Land.

**Wilson** reviewed several financial aspects of the purchase under the Treasurer's Report discussion. **Debrigard** noted that there may be another opportunity for acquisition along the Haddam Neck ridgeline. **Wilson** and **Woody** mentioned that the press release for the purchase is being prepared and will be ready for circulation soon. **Bjornberg** will disseminate through her communications contacts.

The Commission noted with appreciation all of the effort put forth by the land committee and, particularly, **Peggy Wilson**, for guiding the process for the acquisition of the Sogge property.

#### b. Outreach.

Downes reported he received correspondence from DEEP's Tom Tyler regarding the possible use of Gillette Castle for an educational workshop, this in place of the annual boat trip. Tyler reported that events are not held in the castle itself anymore, but there may be an opportunity to use the Welcome Center. The Welcome Center room, however, is relatively small, perhaps holding only 20 to 25 people. Members agreed that use of the castle was likely not the path to follow. Downes also reported that as a back-up, he had reserved the first and third Thursdays in June for the annual boat trip. Members chose the first Thursday as the date for scheduling the boat trip – June 4, 2015. Suggestions were made regarding the trip itself. Members wondered if the boat could meet trip attendees as far south as Old Saybrook in order to provide a longer one-way trip back upriver to the Haddam dock of Riverquest. The CT River Museum was specifically noted as a possible disembarking location. Downes was asked to look into that possibility. Discussion of the possibility of a guest speaker arose as well. Members noted that the 2014 boat trip was a great trip in part because of the presence of a speaker who spoke about the wildlife along the river, particularly of the avian type.

c. Governance.

**Fischbach** summarized the possible revisions of the proposed standards that have been brought up by the P&Zs that have been visited in the past year. Those notes included possible language on the number of dwelling units in “multi-family” housing (multi-family defined as two units or three?) and the discussion of how to allow municipalities to define “developed areas” (on a case-by-case basis as determined by respective staff). **Fischbach** also noted discussions of solar and wind energy facilities, with concern being raised regarding the reflective characteristics of solar panels and the fact that some are affixed to roofs and not “structure” per se. Brief comments were made about wind turbines as well. Members agreed that they are supportive – and the Commission should be supportive – of sustainable methods of energy production. The Commission, they agreed, had to be supportive of local efforts to push solar alternatives.

New Business.

None.

Old Business.

**None.**

Adjournment

Upon motion by **Matthews**, seconded by **Fish**, and passed unanimously, the meeting adjourned at 8:50 pm.