

# CONNECTICUT RIVER GATEWAY COMMISSION

## REGULAR MEETING MINUTES

February 27, 2014

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

<i>Chester:</i>	<b>Margaret (Peggy) Wilson, Martha Wallace</b>
<b>Deep River:</b>	<b>Nancy Fischbach, Amy Petrone</b>
<b>East Haddam:</b>	<b>Harvey Thomas, Emmett Lyman (E)</b>
<b>Essex:</b>	<b>Claire Matthew (Arr. 7:40p)</b>
<i>Fenwick:</i>	<i>Ethel Davies, Borough Warden (E)</i>
<b>Haddam:</b>	<b>Susan Bement, Derek Turner</b>
<b>Lyme:</b>	<b>J. Melvin Woody (Arr. 7:35p), Lisa Niccolai (E)</b>
<b>Old Lyme:</b>	<b>Peter Cable, Suzanne Thompson</b>
<b>Old Saybrook:</b>	<b>Madge Fish, Belinda Ahern (E)</b>
<b>Former MRPA:</b>	<b>Raul Debrigard</b>
Former CRERPA:	Vacancy
<i>DEEP:</i>	<b>David Blatt</b>
<b>Staff:</b>	J. H. Torrance Downes.
<b>Guests:</b>	Attorney Mark Branse, Haddam Town Planner Liz Glidden

### Call to Order

Vice Chairman **Fischbach** called the regular meeting of the Connecticut River Gateway Commission to order at RiverCOG offices located at 145 Dennison Road, Essex at 7:33p.

### Approval of 1/23/14 Meeting Minutes

Motion to approve by **Wilson**, seconded by **Cable**, passed unanimously. **Blatt** abstained.

Introduction, Attorney Mark Branse. Attorney Branse introduced himself and provided some of his background. He noted that the Gateway Standards will need some modification based upon a recent appellate court decision regarding the ability of local zoning authorities to grant waivers in their regulations, as opposed to allowing deviations from regulations by variance. Branse indicated that he will be making a recommendation regarding this issue in the near future.

### Treasurer's Report

1. Funds Transfer. **Wilson** reported on the transfer of funds from Merrill Lynch to Essex Financial, stating that the transfer is mostly accomplished. As of 1/31/14, the Allianz funds total of \$853,958.83 has been transferred to Essex Financial, not including \$44,242.72 that had been transferred earlier. Currently, investments are in two funds, except for \$12,362.41 which is in a money market fund. \$55,421.01 is in a checking account. All considered, those funds total \$926,225.74. The total value of all funds is currently at \$1,824,427.54. About \$300 is still with Merrill Lynch and is being swept and sent to EFS.
2. Financial Advisor. The financial subcommittee interviewed one of the four candidates. Two more will be interviewed on Friday, February 28, 2014 with a final candidate being interviewed on Thursday, March 5, 2014.
3. Staff Billing. **Wilson** reported that JHTD was billed at \$414.16 with \$621.90 billed in overhead, totaling \$1,036.06. \$100 paid to Sect'y of State on behalf of the CT River Land Trust. Motion to pay bill, **Bement**, seconded by **Matthews**, passed unanimously.

### Correspondence/Staff Report

1. Sams, Otter Cove, Old Saybrook. DEEP/OLISP has approved the Restoration Plan that was submitted by the Sams as a part of the settlement of the law suit. Members will recall that the law suit resulted from the unpermitted construction of a gabion-style wall along the CT River shoreline of their property to stop erosion. Although the structure was determined to cross from municipal jurisdiction into state jurisdiction, no permits were sought either from the Town of Old Saybrook (required Coastal Site Plan Review) or the State of CT (required Structures and Dredging Permit). Now, the Sams must make application to the OS Zoning Commission to receive municipal approvals that go along with the state approval just received. The wall was constructed ten years ago. It's taken that long to go through the CT courts, including a visit to the CT Supreme Court. **Blatt** provided Downes a copy of the Restoration Plan.
2. Letter of Support, Acquisition of "The Preserve". As part of the fundraising effort for the acquisition of the Preserve, the Trust for Public Land will be filing for a DEEP Open Space Grant on behalf of the Essex Land Trust. Jim Denham, President of Essex Land Trust, asked that Gateway write a letter of support. One of the critical inputs for this process are letters of support from community officials and organizations. Such letters must be sent by March 14, at the latest. A draft for consideration by the Commission is attached at the end of this report. Denham reviewed the draft and was quite pleased. The Commission voted to send the draft letter of support after **Woody** revises as he sees fit. In addition, a suggestion was made that GW financially support the preservation effort, acknowledging that GW was given the funds to preserve the lower river and that this donation would be putting that funding to work. After much discussion as to the appropriateness of GW using its funds in this manner, a motion was made by Fischbach, seconded by Matthews, that GW pledge \$5000 to the preservation effort of the Trust for Public Land for The Preserve as the 1,000 parcel of "coastal forest" exists in two Gateway towns (Old Saybrook and Essex) and is ecologically connected to the lower river estuary. The motion passed unanimously with **Woody, Cable** and **Fish** abstaining from voting.

The discussion also resulted in the decision to develop guidelines for future financial support of preservation efforts in the lower CT River valley.

### Commission Referrals

Haddam Zoning Regulations. With the assistance of Attorney Mark Branse and Haddam Town Planner Liz Glidden, the Gateway Commission came to a consensus regarding the approval of proposed regulations. A letter is to be sent to the Haddam Planning & Zoning Commission which indicates that the petition is "approved" pursuant to Sections 25-102a – 102sCGS if the proposed marijuana use was approved in all residential zones *but excluded* from residential zone properties existing in the Gateway Conservation Zone. The marijuana producer use and a proposed microbrewery use (with production up to 15,000 barrels per year) were "approved" with the stipulation that, in the commercial and industrial districts within the Conservation Zone, such uses undergo a Special Permit review with the Gateway standards found in Haddam Zoning Regulations Section 10.6D applied to the review process. The approval letter is attached at the end of these minutes. The Gateway Commission expressed appreciation to Town Planner Glidden and the Haddam P&Z for their willingness to modify the petition in order to accommodate Gateway concerns. Motion to approve the letter by **Fischbach**, seconded by **Blatt** and passing unanimously.

### Staff Actions

None.

### Property Transfers, Garthwaite and Klar

Downes reported that deeds for both Klar and Garthwaite are signed by the Chairman as authorized with Secretary Fish executing the required Resolution testifying to **Woody's** chairmanship. Regarding the question of when the properties are under the control of their respective conservation organizations, Branse confirmed that when the deeds have been filed on the town records, liability insurance can be canceled. Downes will track filing with the respective Town Clerks.

Downes confirmed that the bill for the Carlson survey had been sent to Steve Cline of the Chester Land Trust. Their half of the \$900 fee had not been sent as of the time of the meeting.

**Blatt** advised the Commission that Analyst Beth Brothers of Land Acquisition at DEEP has retired quietly.

Regarding protection of open space, the Commission discussed Senate Bill 70. Members raised the question whether or not there is a need for a GW letter of support and whether it can be accepted after the hearing already held. Branse offered that, in the legislative process – unlike a municipal process – letters can be sent outside of the hearings and will be distributed to committee members. Motion by **Fischbach**, seconded by **Thomas**, that GW send a letter of support to all State representatives and senators of towns in the Gateway Conservation Zone. Passed unanimously.

#### Gateway Standards

**Fischbach** provided an update on status to Commission members.

#### Committee Reports

Outreach. A short discussion was held on whether or not to raise the sponsorship level to the CLCC Wesleyan Conference from \$500 to \$1000. Members felt comfortable sponsoring at the \$500 level as decided previously.

Governance. **Fischbach** briefly discussed the status of the draft contract between Gateway and the RiverCOG. Downes indicated that the contract issue was raised at the February 26, 2014 COG meeting. The COG Personnel Committee will review and make a recommendation.

Membership. **Fischbach** read a letter of resignation sent to **Woody** by Stasia **DeMichele**. Regarding the question of how many regional members are necessary for GW, it was reported that Linda Krause suggested that one member representing the former Midstate region and one member representing the former CRERPA region would likely be sufficient. Since the remaining regional member – Raul **Debrigard** – is from the west side of the river, it was suggested that the other regional member be from the east side of the river. The new regional member should be from one of the three member towns on that side of the river – East Haddam, Lyme or Old Lyme.

New Business. **Debrigard** commented about the importance of the “green hills” of the lower river valley. He commented that there are several properties that may be possible protection goals in the area of Haddam Neck. Members specifically discussed the Sogge property in Haddam Neck. **Woody** indicated that he will talk to Jackie Nowell, Agent at Coldwell Banker. The effort was deferred to the Land Acquisition Committee who will meet and determine a course of action.

Old Business. None.

#### Adjournment

Upon motion by **Fischbach**, seconded by **Bement**, and passed unanimously, the meeting adjourned at 9:05pm.

February 27, 2014

Mr. Jamin Laurenza, Chairman  
Haddam Planning & Zoning Commission  
30 Field Park Drive  
Haddam, CT 06438

**SUBJECT: Zoning Regulation Petition concerning Marijuana Producers,  
Microbreweries and Site Plan and Special Permit Reviews  
Petitioner: Haddam Planning & Zoning Commission**

Dear Mr. Laurenza:

At their February 27, 2014 meeting, the Gateway Commission reviewed and discussed the Zoning Regulation modifications proposed for adoption by the Haddam Planning & Zoning Commission. As the P&Z is aware, the Gateway Commission, pursuant to Section 25-102g (b) of the Connecticut General Statutes, has the responsibility to review the proposed zoning regulations for consistency with the mission of the Gateway Commission and do one of three things: (1) "approve" the modifications, (2) "disapprove" the modifications or (3) schedule a public hearing so that other Gateway member towns can provide public comment regarding the impact of the regulation changes on their town. The petition includes numerous revisions to regulations, some of which must be approved by the Gateway Commission and others that are not subject to the process included in Section 25-102g(b) CGS. The regulations that are of most concern are those proposing medical marijuana producers and microbreweries. The following findings and revision requests are offered to the Commission for their consideration at the public hearing which is scheduled for continuation on Thursday, March 6, 2014:

#### Findings

Based upon the concern that approval of certain sections of the proposed regulations *as submitted* may result in development that is inconsistent with the protective mission of the Gateway Commission as stated in Sections 25-102a through 102s CGS, the regulations concerning marijuana producers and microbreweries cannot be approved as required under Section 25-102g(b) of the statutes. Based upon discussion with Town Planner Liz Glidden and the P&Z Attorney Mark Branse, it is understood that modifications are being offered that would alleviate concerns of the Gateway Commission and render the proposed regulations consistent it's mission. With these modifications, the Gateway Commission finds it appropriate to *approve* the regulations pursuant to the following revisions:

1. Medical Marijuana Producers. The submitted regulations would allow this use in all residential districts as well as the Commercial C-1 District, the Industrial I-1 District and the Industrial I-2 District in Haddam. Structures proposed under this category can be up to a maximum of 10,000 square feet in "size" in the residential districts with no maximum in the non-residential districts, presumably meaning building "footprint". All of these districts include properties located within the Gateway Conservation Zone. As the buildings associated with this use may likely be large enough to create adverse impacts to the preservation of the natural and traditional riverway scene, the Gateway Commission would approve the regulations with the following revisions:
  - a. Regulations permitting medical marijuana producers can be approved by the Gateway Commission in all residential districts as long as the use is excluded from any residentially-zoned properties that are located within the Gateway Conservation Zone.
  - b. Within the Commercial C-1, Industrial I-1 and Industrial I-2 Districts, all of which exist within the Conservation Zone, the Gateway Commission can approve regulations which propose to establish the marijuana producer use through a Special Permit process and, in addition, which are reviewed subject to the Gateway protective standards included in Section 10.6.d of the Haddam Zoning Regulations.
2. Microbreweries. As proposed, microbrewery uses are limited to facilities that produce up to 15,000 barrels of beer per year. Discussion with Mr. Curt Cameron, owner of The Thomas Hooker Microbrewery of Bloomfield, CT, indicated that, in most cases, such facilities would usually include the structure where the actual production takes place, offices supporting the facility, a public area where "public events" are commonly held, and a warehousing facility for product. At a production level of 15,000 barrels a year, such facilities could be between 12,000 and 15,000 square feet in area. As such, there is a concern over impacts of such large buildings existing within the Gateway Conservation Zone. The Gateway Commission can

approve the regulations with the following revisions:

- a. Regulations permitting microbreweries within the Commercial C-1, Industrial I-1 and Industrial I-2 Districts, including properties located within the Gateway Conservation Zone, can be approved by the Gateway Commission if such uses are subject to a Special Permit review and, in addition, reviewed pursuant to the Gateway protective standards included in Section 10.6.d of the Haddam Zoning Regulations.
3. Informal Preliminary Review, Site Plans; Informal Preliminary Reviews, Special Permits. These regulations, although potentially affecting properties located within the Gateway Conservation Zone, can be approved as their adoption won't adversely impact the Gateway protective mission. Such informal review, if also conducted in cooperation with the Gateway Commission, may result in *positive* impacts on development which scenic protection issues may arise.

Summary

If the foregoing revisions are included in the proposed zoning regulation petition, the Gateway Commission finds that adoption of the proposed regulations is consistent with their protective mission and can be considered as "approved". If the revisions are not included or are modified in any way, the P&Z will need to resubmit the petition to Gateway following adoption for review consistent with the provisions of Section 25-102g(b) of the Connecticut General Statutes.

Thank you for submitting the proposed amendments and for the willingness of the P&Z to revise the regulations in a way consistent with the mission to protect the scenic quality of the lower Connecticut River. If the Commission has any questions regarding these findings or the proposed new language, please feel free to contact me at (860) 581-8554.

For the Commission,



J. H. Torrance Downes  
Senior Planner, RiverCOG