

# CONNECTICUT RIVER GATEWAY COMMISSION

## REGULAR MEETING MINUTES

March 28, 2013

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

<b>Chester:</b>	<b>Margaret (Peggy) Wilson, Martha Wallace</b>
<b>Deep River:</b>	<i>Nancy Fischbach (E), Amy Petrone</i>
<b>East Haddam:</b>	<i>Harvey Thomas (E), Emmett Lyman (E)</i>
<b>Essex:</b>	<b>Claire Matthews, Wally Schieferdecker</b>
<b>Fenwick:</b>	<i>Ethel Davies, Borough Warden (E)</i>
<b>Haddam:</b>	<b>Susan Bement, Derek Turner</b>
<b>Lyme:</b>	<b>J. Melvin Woody, Lisa Niccolai (E)</b>
<b>Old Lyme:</b>	<b>Peter Cable, Suzanne Thompson</b>
<b>Old Saybrook:</b>	<i>Madge Fish (E), Belinda Ahern</i>
<b>Former MRPA:</b>	<b>Raul Debrigard, Stasia DeMichele (E)</b>
<b>Former CRERPA:</b>	Two vacancies
<b>DEEP:</b>	<b>David Blatt</b>
<b>Staff:</b>	<b>J. H. Torrance Downes</b>
<b>Guests:</b>	None present.

### 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 7:35p.

### Approval of 2/28/13 Regular Meeting Minutes

Correction: In Item 1 of Correspondence/Staff Report, "email" should be "emailed". With correction, motion to approve minutes by **Cable**, seconded by **Matthews**, approved unanimously.

### Correspondence/Staff Report

1. East Haddam. The EHP&Z is interested in adopting a height maximum of 40 feet in place of the 35 foot maximum that is currently the Gateway minimum standard. As explained by Land Use Administrator Jim Ventres, the P&Z would like GW to "...consider a change of the height limitation from 35 feet to 40 feet..." because the P&Z "...believes that many of the existing historic colonial and federal houses would not meet the height requirements we have in place today if the structures were built without walkout basements. Just as much as we want to keep the scenic wooded view of the CT River Valley, we also want to retain the historic character of the neighborhood with the new structures built." The current maximum, it is said, has sometimes led to the construction of long "ranches" creating more impervious footprint and pitched roofs that are out of character when compared to the historic 1700 or 1800 vintage structures. **Jim Ventres will attend the April meeting of GW to discuss this topic.**
2. Repeal of Section 8 of Special Act 11-16, the "Conveyance Bill".  
GAE Heard Testimony on Land Swap Repeal Today (from the Haddam Bulletin)  
*The state legislative Government Administration & Elections Committee (GAE) held a long public hearing today, Monday, March 25. Among the many proposed bills discussed was a section within this year's conveyance bill to permanently repeal the Haddam Land Swap, a controversial amendment that was passed during the 2011 legislative session.*

*According to the GAE clerk, more than 29 people sent testimony in favor of the repeal. In addition, present at the Capitol to give live testimony to the committee were Margaret Miner of Rivers Alliance, Melissa Schlag, co-chair of Citizens for Protection of Public Lands (CPPL) and Steve Rocco, a partner with Riverhouse Properties, LLC, the original*

beneficiaries of the controversial deal.

After waiting eight hours to testify, both Miner and Schlag spoke in favor of the repeal. "The repeal of this act restores lost faith in the system of conserving public land," Schlag testified. "Section 10 of HB6672 will finally put this bad policy and negativity behind us."

The only opposing voice to the repeal was Steve Rocco's. "I do not want to see this arbitrarily repealed by this one line in this bill," Rocco said. "This is unfinished business....." ".....The partners of the Riverhouse have not come to a conclusion about whether or not to go back to the DEEP or pursue a challenge of the appraisals legally, or other methods available," Rocco continued.

Explaining to the committee members why he was against the repeal a year after the deal fell through, Rocco said he and his partners needed more time to decide if they wanted to proceed or not. "We would like to have the ability to come to a conclusion ourselves, after all we went through to get to this point," Rocco added.

Senator Meyer, vice chair of the GAE committee and chair of the Environment Committee, was very blunt in his response. "**Mr. Rocco, in my eight years as a legislator I have never seen a transaction that stunk as much as this one.....,**" "**.....[T]hat vote and transaction was something dishonorable for the State of Connecticut,**" Meyer continued, "**This repeal is consistent with the fact that we will never ever bring up this transaction again.**"

If approved in its entirety by the GAE committee, the conveyance bill will then be scheduled to go to the House and Senate for a final vote before the session ends on June 5.

**NOTE: The letter sent on behalf of Gateway on Thursday, March 21, 2013 is attached at the end of this report.**

#### Treasurer's Report

**Wilson** presented a bill for \$1,067.40 for staffing of Gateway. In addition, four checks in the amount of \$45 each were presented for signature. The four checks will reimburse **Fish, Ahern, Cable and Matthews** for attendance of the CT Bar Association's legal seminar held on Saturday, March 16, 2013. Finally, a check in the amount of \$232.92 was presented to reimburse Downes for expenses incurred in the administration of Gateway activities. Those expenses included entry fees for the 2012 Hamburg and Chester Fairs and costs associated with business cards and promotional materials for the Commission. Motion to approve expenditures by **Bement**, seconded by **Wallace** approved unanimously.

**Wilson** reminded the Commission that the \$600 expense under "Accounting Services" was the fee paid to Auditor Joe Wollack for consultation regarding audits.

Motion made by **Ahern**, seconded by **Debrigard**, to accept the Treasurer's Report for March, 2013. Motion passed unanimously.

#### Referrals for Commission Action

1. None.

#### Staff Actions

Variance Application; Essex, 9 Curiosity Lane. Proposal to build a 582sf detached one story garage. Location of property is to the west of River Road in the vicinity of Falls River Cove. Distance from the river, distance from the cove, the tree cover and the fact that the garage is hidden by structures rendered it unobtrusive. Letter cited "no opposition" sent within an hour of receiving the referral.

#### Discussion of the Adoption of the 2004 Gateway Standards by the Town of Essex

Discussion tabled until April, 2013 meeting as no meetings were held in the intervening period between GW meetings in February and March. A brief discussion occurred regarding language concerning legally existing

nonconformities and the ability for a resident to reestablish such nonconformities as provided for in the Essex Zoning Regulations. A previous concern had been whether or not the 2004 Gateway standards would prevent those with legally-existing nonconformities from reestablishing structure or uses in the event of casualties. A brief discussion of what a “casualty” is also took place. **Matthews** reiterated the subcommittee’s decision to develop language in the 2004 standards that would clarify the ability of residents to reestablish legally-existing nonconformities despite requirements of Gateway standards.

#### Committee Reports

Rules & Procedures. Discussion of the draft Rules and Procedures document was tabled until the April, 2013 meeting when more members of the Rules subcommittee could be present.

Outreach. On behalf of committee chairman Harvey Thomas, Downes reported that the reservation for the June, 2013 boat trip on the RiverQuest was confirmed with Captain and Mindy Yuknat. On another matter, **Debrigard** commented on his recommendation that Commission oversight of the Gateway website should be included under the duties of the Outreach committee.

#### Old Business

The Commission briefly discussed ownership of the “Klar” property in East Haddam. General discussion occurred regarding the difficulty Gateway is having getting any kind of confirmation from the DEEP regarding whether or not the Department may be interested in receiving the Klar property, which has a location which appears integral to the Machimoodus State Park. **Debrigard** raised the possibility that perhaps the USF&WS may be interested in the property as a part of their Salmon River effort. It was decided by consensus that Downes should contact Ms. Beth Brothers of the DEEP Land Acquisition group via letter to directly offer the Klar property to the Department as a donation. If there is no response within 60 days, the Gateway Commission will seek to donate the 36+ acre property to another organization.

Downes informed the Commission that no progress has been made in discussions with DEEP on the donation of the scenic easement at the Goodspeed airport. Ms. Brothers had previously informed Downes via email that the board for the Recreation and National Heritage Trust Program had not met to discuss whether or not there is interest in the easement. A report of the outcome will be available once the board meets.

Downes informed the Commission that testimony had been offered regarding an exemption for seawalls within the CT Coastal Management Act that is proposed in Senate Bill No. 459. The concern, it was explained, is that when a seawall is proposed outside of the jurisdiction of the DEEP – e.g. landward of the new “coastal jurisdiction line” and in a location where state permits and state reviews will not occur – only the local zoning authority is currently authorized to review the consistency of such structures with the Connecticut Coastal Management Act. If an exemption for Coastal Site Plan Review for local zoning authorities is available if SB 459 is passed as proposed, there may be instances where such structures – one of only two residential development categories that requires a *mandatory* coastal site plan review – may not be reviewed for coastal impacts by *any* entity, state or local. Downes reminded the Commission that the structure built along the Connecticut River in the Otter Cove section of Old Saybrook is such a “sea wall”. Litigation over that structure remains before the Connecticut Supreme Court as of the time of the Gateway meeting. Gateway is not a party to that litigation.

#### New Business:

None.

#### Adjournment

Upon motion by **Bement**, seconded by **Matthews**, and passed unanimously, the meeting adjourned at 8:35p.



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Chester  
Deep River  
East Haddam  
Essex  
Haddam  
Lyme  
Old Lyme  
Old Saybrook

March 21, 2013

Senator Anthony J. Musto, Co-Chairman (S-22)  
Representative Edward Jutila, Co-Chairman (037)  
Government Administrations and Elections Committee  
Room 2200, Legislative Office Building  
Hartford, CT 06106

**SUBJECT: Support for Inclusion of Section 10 within Raised House Bill No. 6672 Concerning the Repeal of Section 8 of Special Act 11-16**

Dear Chairmen Musto and Jutila:

On behalf of the Connecticut River Gateway Commission, it is requested that this letter of testimony be included in the record of the hearing on March 25, 2013 for raised House Bill No. 6672, the "Conveyance Bill". The Gateway Commission, a legislatively-empowered regional organization authorized under Sections 25-102a through 25-102s of the Connecticut General Statutes, is responsible for the protection of the "*natural and traditional riverway scene*" in the lower Connecticut River. The Gateway Commission states for the record that it is *strongly in favor of the inclusion of Section 10 in raised House Bill No. 6672*. Section 10 of HB No. 6672, if passed, will repeal Section 8 of Special Act 11-16, a section concerning the conveyance of 17.40 acres of land in the Tylerville section of Haddam near the Connecticut River.

Thank you for your consideration of this testimony.

For the Commission,

J. H. Torrance Downes  
Senior Planner  
Lower CT River Valley Council of Governments

Copies via email to:  
Members of the CT River Gateway Commission