

CONNECTICUT RIVER GATEWAY COMMISSION

REGULAR MEETING MINUTES

April 24, 2014

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

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

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 7:31p.

Approval of 3/27/14 Meeting Minutes

Motion to approve by **Fischbach** as amended, seconded by **Wilson**, passed unanimously. **Bement** abstains.

Treasurer's Report

1. Report of Financial Committee. **Wilson** reported on the decision of the Financial Committee to recommend the hiring of Essex Financial Services to the Commission as a whole. Motion by **Wilson**, seconded by **Fischbach**, to hire Essex Financial as the Commission's financial advisor. The motion passed unanimously.

(Wallace and Turner arrive @ 7:36pm)

2. Insurance. Wilson reported that, with both the Garthwaite and Klar parcels being transferred to their new owners, a motion was made by **Wilson**, seconded by **Bement**, to cancel the insurance carried by Gateway to protect against property liabilities. Motion passed unanimously.
3. Staffing Bill. **Wilson** reported that RiverCOG services were billed at \$570.08 with an overhead cost of \$855.12. Total for the monthly bill is \$1425.20. Motion to pay bill **Fischbach**, seconded by **Bement**, passed unanimously.
4. Professional Services Bill. A motion was made by **Fischbach**, seconded by **Bement**, to pay a \$450 bill to Surveyor Don Carlson for services rendered during the process of transferring the property known as "Garthwaite" to the Chester Land Trust. The \$450 check pays Mr. Carlson for half of the total bill of \$900. The Commission and the Chester Land Trust had agreed to split the \$900 surveying bill.

Referrals

Old Saybrook, 9 Watrous Point Road. Special Exception to approve the restoration of the hillside impacted by the

installation of a gabion wall structure. This submission is not required by Gateway standards nor does Gateway have any direct or even indirect authority, but has been sent as a courtesy, given Gateway's involvement in the legal process during the past six or so years. The restoration plan that this proposal follows was approved by the CTDEEP as a part of a DEEP order and the legal settlement in the case. The case rose to the level of the CT Supreme Court [Sams v Department of Environmental Protection Case No. SC 18438 (CT S.Ct., Apr. 30, 2013)]

A letter requesting the postponement of the restoration project was sent by Sams attorneys to DEEP/OLISP Director Brian Thompson (one of Mr. **Blatt's** bosses). The letter indicates that there is a pending determination on a National Historic Register request to identify important battle areas associated with the "Burning of the Ships" in Essex in 1814. The 200 year anniversary of this historic event just passed on April 8, 2014. It is said that there was an area of Ayers Point in Old Saybrook where a battle occurred from shore to river, but whether the Sams property is included is unknown. Sams attorneys are asking for relief of the DEEP deadline for that National Register process to play out. A meeting of the State Historic Preservation Board is scheduled for April 28th. If successful, the application will then be submitted to the National Park Service. The Gateway Commission, however, can certainly render a decision for this application as it is based upon a negotiated State restoration plan.

Neilson reported that the top three levels of gabion structure will be removed, leaving one level intact subsurface and one intact above ground level. The lower levels were allowed to remain to mitigate the erosive effects of boat wakes in this part of the river. The lawn above the wall will be graded back 20 to 30 feet at slopes between 1:1 and 1.5:1. The slope cut-back will result in the loss of six mature trees. The resulting slope will be immediately stabilized with a natural mesh product and "vigorously" planted with native, non-invasive vegetation. An irrigation system will be installed. The gabion removal work will be done from the river side by barge so as minimize damage to coastal resources. DEEP will monitor the work and insure that vegetation that dies is replaced. Downes to request in response letter to OS Zoning Commission for at least 6 trees to be planted between the house and the river to replace those trees to be lost. Such trees will eventually replace the visual buffering of the existing trees.

Correspondence/Staff Report

1. CT River Watershed Council Concert. The concert, sponsored by Gateway at a level of \$1000, will take place at The Kate on Sunday afternoon, April 27th. Ahern and Woody have expressed interest. "Duke it out" at your meeting if there are others who would like any of the four "courtesy" tickets. They'll be at "will call".
2. Governor Dannel Malloy. The Governor sent a letter of thank you for the donation of the 39 acre Klar parcel to the State of Connecticut and its addition to Machimoodus State Park.
3. East Haddam Land Trust, Request for Sponsorship of EH Land Trust Nature Calendar. Gateway approved a donation of \$100 in April of 2013. Gateway's name and logo will be included for the donation. **The Commission voted to donate \$100 consistent with last year's donation. Motion by Fischbach, seconded by Wilson. Passed unanimously.**
4. Legal Bill, Mark Branse. Submitted to the Gateway Commission, the bill represented time spent on researching an issue relating to the Natural Hazard Mitigation Plan updates being prepared by the RiverCOG. The bill will be paid by the RiverCOG as the NHMPs are under that "umbrella" and not that of Gateway.
5. Eric Knapp of Branse, Willis & Knapp has been hired as the Zoning Enforcement Officer in the RiverCOG Town of Clinton. He will be starting there May 1st. Eric was the #2 go-to guy for land use law behind Mark Branse, the Gateway Commission's retained counsel.
6. RiverQuest has been confirmed for Thursday, June 5, 2014. More details to be presented as a part of the Outreach Committee Report. Suffice to say that *a lot* of interest has been expressed already.
7. Essex Board of Trade, Membership (Public Outreach). The Essex Board of Trade has requested that the Gateway Commission and the RiverCOG become members of that organization. Benefits include (1) free listing on the experienceessex.com website, (2) listing in the year's brochure, (3) networking events, (4) advertising at reduced costs when done with other EBOT members, (5) business development and enhancement, (6) Essex businesses and organizations are updated about important issues and events at monthly meetings. Members are encouraged to participate at meetings as well as serve on various committees and the EBOT Board of Directors, (7) attendance at various forums and seminars with guest speakers who provide insight on issues relevant to business owners, (8) sponsorship opportunities for events and forums, (9) volunteer opportunities with the EBOT which will provide

members with positive visibility. The membership fee for non-profits is \$25.00. Members currently include The Essex Economic Development Commission, Essex Park & Rec, ETD 9-Town Transit, five area real estate agencies (all sell along River Road and in Conservation Zone), Joseph Bergin Architect (designs include at least one home in the Conservation Zone), several marinas, CT River Museum. **Thomas raised concerns regarding whether or not all similar organizations should be joined so as not to have any perception of "favoritism". Others felt that being a part of an organization that includes entities with which Gateway would like to have a positive relationship, a goal of the policies of the Public Outreach Committee. After some discussion, the Commission agreed to join the Essex Board of Trade for the \$25 fee. Motion by Fischbach, seconded by Fish. Thomas opposed. All others in favor.**

8. Earth Day at the Old Lyme High School. Suzanne **Thompson** set up a table for the Gateway Commission at the event held on Tuesday evening, April 22, 2014. **Thompson reported that the evening was successful. Organizations from East Lyme attended and were educated as to the existence of the Gateway protective mission. Most who stopped by the table were not familiar with the Gateway Commission and their mission. Thompson expressed the need for a "clean" copy of the Grant article. Thompson indicated that Paul Spitzer – who as a high school student did the early work on ospreys in the Lower CT River – attended. Members suggested that Spitzer should be contacted for attendance on the boat trip. Thomas, on behalf of the Commission, thanked Thompson for representing Gateway at the event.**

Commission Referrals

Regulations. Old Saybrook. Road Standards. Although normally not a subject of review for Gateway, these "planning" regulations are statutorily required to be reviewed pursuant to Section 25-102g CGS. Downes comments that the regulations do not impact the "*natural and traditional riverway scene*" and are included in the Old Saybrook Subdivision Regulations. Motion to approve by Fishbach, seconded by Wilson to have Downes send a letter approving pursuant to Section 25-102g CGS as there is no detrimental impact to the Gateway mission of protection.

Staff Actions

Downes reported that the Special Exception application for the second story addition and pool at 330 Watrous Point Road (McKay, formerly Worthen) has been submitted for review. He will prepare the review letter and reiterate the comments that Gateway provided for the earlier variance review application. The public hearing by the Old Saybrook Zoning Commission commences on Monday, May 19, 2014.

Garthwaite, Klar

Downes reported that the deeds for both Klar and Garthwaite have been filed in the respective Town Halls, finishing off the donation process. Given the "thank you" letter sent from the Governor's office for the Klar donation, Downes filled out a request for the Governor's attendance on the June 5th boat trip.

Committee Reports

a. Outreach.

Standards. **Wilson, Wallace** and Downes reported on the visit to the Chester Planning & Zoning Commission on Wednesday, April 10, 2014. They reported that the discussion was favorably received. Questions were asked about the adoption process, e.g. Gateway public hearing to adopt the standards, then subsequent adoption by the eight member towns. A question was raised with regard to some language being "missing" from the standards, this based upon a recollection of what Linda Krause supposedly said back at the time of adoption. Downes has told the Chester P&Z that he wasn't able to find any such "error" and that in ten years, there have been no issues over which there was a disagreement in interpretation given the language that *was* adopted. In towns where there are separate Planning and Zoning Commissions, Gateway members asked that when the visits are conducted, have the Zoning Commission invite members of the Planning Commission to attend as well.

Boat Trip. Downes reported that boat trip invitations have been sent to P&Z, ZBA, staff members, local members of the General Assembly, the Commission of DEEP, the head of DEEP Land Acquisitions and the Governor. Invitations still must be sent to the BOS in each town. Downes was asked to contact Paul Spitzer of Old Lyme to invite him along on the trip. It was recommended that the new Director of the CT River Museum be invited along

as well in that the museum and Gateway missions overlap.

Ellsworth Grant Article. Woody reported that he has requested and should shortly receive the film about the CT River produced by Ellsworth Grant and narrated by Katharine Hepburn. The intent will be to copy the documentary onto DVDs and have them available to play at outreach events.

CT River Museum. It was recommended that Gateway communicate with the new director of the museum to form partnerships where possible, given the overlapping missions.

b. Land.

It was clarified that the Land Acquisition Committee has recommended the purchase of the 49 acre parcel known as "Sogge". The email letter from Stephen Flanagan & Associates of Lyme was presented to the Commission members. The letter explained the difference between simpler appraisals and more complex, detail appraisals. Members agreed to have an appraisal performed by Flanagan at the "simpler" level costing \$1800 or thereabouts. Motion by **Wilson**, seconded by **Fischbach** to approve \$1800 summary type of appraisal. Passed unanimously. **Bement** abstained.

Downes will contact Gail Reynolds and Bill Cowen of the Haddam Land Trust and Amy Blaymore Paterson of CLCC. Downes was also requested to ask Flanagan about the summary-type appraisal and how costly it would be to upgrade it to the more extensive appraisal after the fact. Would the cost increase dramatically because of having to go back and reestablish some of the facts in the summary appraisal or would the quoted cost of about \$3500 apply even if the appraisal is done in two phases separated by some increment of time? Downes was also asked to indicate that Gateway may have interest in selling a house lot to recoup some costs.

b. Governance. No report.

c. Membership. No report.

New Business. None.

Old Business. None.

Adjournment

Upon motion by **Bement**, seconded by **Fischbach**, and passed unanimously, the meeting adjourned at 8:48 pm.