

CONNECTICUT RIVER GATEWAY COMMISSION

REGULAR MEETING MINUTES

April 25, 2013

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

Chester:	<i>Margaret (Peggy) Wilson (E), Martha Wallace (E)</i>
Deep River:	<i>Nancy Fischbach (E), Amy Petrone (E)</i>
East Haddam:	Harvey Thomas, Emmett Lyman (E)
Essex:	Claire Matthews, Wally Schieferdecker
<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:	Raul Debrigard (arr. 7:42p), Stasia DeMichele (E)
Former CRERPA:	Two vacancies
<i>DEEP:</i>	David Blatt
Staff:	J. H. Torrance Downes
Guests:	Jim Ventres, East Haddam Land Use Administrator.

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 3/28/13 Regular Meeting Minutes

Upon a motion by **Bement**, seconded by **Matthews**, the minutes were approved unanimously.

Correspondence/Staff Report

1. East Haddam, Klar Property. Following a visit to his office from DEEP Commissioner's Representative David Blatt, communication between Land Acquisitions supervisor Graham Stevens and JHTD led to the indication that the DEEP is indeed interested in the acquisition of the 36 acre "Klar" property located in East Haddam and within the boundaries of the Machimoodus State Park. At the same time, Andrew French of the USF&WS expressed interest in the property in that it is located within their acquisition area. Stevens is now on an extended medical leave of some sort.....
UPDATE: On April 17, 2013, a call was received from Allison Clarke of the Land Acquisition Division at DEEP regarding the Klar property. Discussion included what needed to occur on their end to commence the work to transfer the property. She said she has contacted their surveyor and has contacted Jim Ventres about boundary line information. She feels that there are no conflicts with the boundary line identification and adjacent landowner (south along the Moodus River as the east, north and west boundaries separate Klar from state-owned Machimoodus). Allison was told that the Gateway Commission will be interested in a "reversion clause" that would prevent any likelihood of what happened in Tylerville. She said she had recently worked on a property transfer with such a clause. She indicated that *all* transfers being discussed are heavy with benefactor concern over what happened in Tylerville. Who invented the phrase "don't want to say I told you so, but I told you so...".
2. 2013 CT Land Conservation Conference, March 13, 2013. Thank you letter from Amy Paterson for support of the 2013 conference held at Wesleyan University.
3. CYCP Update, Jim McHutchison. See "Items of Interest", April 25, 2013
4. CLEARscapes, Winter, 2013. Newsletter of the Center for Land Use Education and Research, UCONN
5. CLEAR Progress Report, 2007 to 2012. Majority of report covers key impacts of their research, geospatial tools and training, and land use outreach education programs.
6. East Haddam Land Trust, Business and Organization Donors for EHLT Nature Calendar. Contribution of \$25 or more.

On or before April 30, 2013. For future month/page opening, \$250 donation.

7. Watch Rock, Old Lyme – Public Outreach. Downes received questions from Ms. Chris Claykol of the Old Lyme Conservation Land Trust about Watch Rock, an early easement acquisition by the Gateway Commission in 1989. She was told that, like most conservation easements, it was passed to the State of CT. To assist her, Downes reviewed minutes from the period involved (late 1987 into 1989) to provide enough information for her to *re*-contact the Land Acquisition Division to ask further questions. In a phone call she made to them, the person she spoke to knew nothing about Watch Rock (aka Loctite Corporation, a previous owner).
8. Final Decision, Sams vs. Commissioner of DEEP, Old Saybrook. The CT Supreme Court handed down their decision in the Sams “shoreline erosion control structure” case. For those not intimately involved in this case that started in 2004, a “gabion”-style seawall was built along the shoreline of the CT River without benefit of either state or local permits, which the Sams claimed they didn’t need for several reasons. The case was reviewed by the CT Supreme Court in September of 2012. The decision says that the Department acted properly in all of its actions and notices, including the issuance of a Removal Order. Unless the CT Supreme Court accepts the case to re-review, it would seem that the Sams will have to comply with the Removal Order which will include the necessity for the submission of restoration plans to repair damage done to the hillside riparian buffer in that location. As a note, an important footnote to the decision indicated that the Court didn’t accept the argument that the wall should stay because more environmental damage will be done by removing the wall than by retaining it. The Court said that if that were the case, more illegal structures would be built with the idea that the Court would allow the structure to stay rather than risk additional environmental damage.
9. Fenwick, 4th Annual Photography Contest, sponsored by the Lynde Point Land Trust and the Borough. Contest open to all amateur photographers with “ties to Fenwick”. Photos must be submitted by August 5th.
10. Beach Clean-up, Lynde Point, Borough of Fenwick, May 25th. Annual beach clean-up along the shores of the Borough.
11. Brewers Marina, Deep River. Suzanne Haig of the Deep River Land Trust has expressed interest in having the Commission send a letter commending the Brewers Marina in Deep River for all of the vegetation planting that they have done around the new storage structure on their property. A letter has been drafted for review.
12. Downes reported that he had spoken at a symposium on Gateway issues scheduled by the Essex Republican Town Committee. Discussed was the history of Gateway’s existence, the Commission’s acquisition program and development management standards. Questions were answered afterwards.

Discussion of Gateway Standards

Jim Ventres, Land Use Administrator for the Town of East Haddam was present to make a request for modification of height standards on behalf of the East Haddam Planning & Zoning Commission. Concern has been raised by the P&Z that, because of the method of measurement of structure height in the Conservation Zone (35 foot maximum height from *existing natural grade* to the peak of a roof) on hillside areas where walkout basements are common, “typical” colonial design structures cannot be built without “flattening” the roof pitch. In such cases, flatter roof pitches is inconsistent with the design of such structures, producing an undesirable appearance. Ventres presented several diagrams of how such measurements are made and how a standard colonial structure with standard story heights could produce *total* heights between 35 and 40 feet. Discussion included the necessity to include any new standard, if approved, in the Gateway minimum standards. Further discussion centered on whether or not language could be devised that modified the height measurement to allow for an average calculation of the roof height so as to avoid using an average “grade” elevation that is more typical outside of the Gateway Conservation Zone. The question involved whether or not a provision for standard peak roofs could be established that would reduce the possibility of allowing structures throughout the Conservation Zone to exceed the 35 foot height maximum that has been in place since 1973.

Members of the Gateway Commission asked Ventres and Downes to develop some examples to see if such a method could be used without possible manipulation that would end up in structures exceeding the 35 foot height maximum and the appearance of a larger structure on a hillside.

Treasurer’s Report

Woody presented a staffing bill to the Commission in the amount of \$1,294.13 for the month of March, 2013.

Motion to approve expenditures by **Bement**, seconded by **Thomas** approved unanimously.

Referrals for Commission Action

1. Deep River. Various regulations. Most pertinent to the Gateway Commission is new language which *excludes* communications towers from the Gateway Conservation Zone. ZEO Cathie Jefferson indicated that the P&Z wanted to have as strong a statement in the regulations as possible, even if the Town doesn't have regulatory authority. Positive impact on Gateway mission.
2. Fenwick, Various Regulations. Proposed adoption of zoning regulations that include modified definitions for lot coverage and front, rear and side yard requirements so as to prohibit mechanical units from coverage requirements. Further, clarification is proposed which clarify that setbacks and coverage do *not* apply to structures below the ground. No impacts to Gateway mission.

Motion to approve regulation amendments by **Debrigard**, seconded by **Blatt**. Approved unanimously.

Staff Actions

1. Chester (CT River), Parkers Point Road (aka the "Otfinoski" property), Jeffrey Moore. Downes received a special permit application proposing the construction of a 4,837sf residential structure located approximately 100 feet from the river. No variances were requested nor are needed. Some members of the Commission may recall that this was the property owner to whom Gateway reached out with information regarding the mission of the Gateway. Through that effort, the property owner went about designing the structure in a manner sensitive to the property and river. It is the opinion of Downes that the design and the process used to complete that design is a great example of representatives of the property and Gateway to work together for a good outcome. Members asked that the referral letter include a request to have Engineer Bob Doane include the location of all significant trees on the riverside of the proposed structure shown on the site plan so as to highlight which three trees are to be removed and with the rest being retained.
2. Lyme (Hamburg Cove), 226 Hamburg Road, Helen Davis and Ben Rosenthal. Proposed extension of a single-story one-car garage bay from an existing single-story one-car garage. The two garages will have a single, matched roof line that measures approximately 16 feet from grade. Although the existing structure and proposed garage will be visible from the very innermost portion of Hamburg Cove, the additions is minimal in size and will not create any significant bulk from the limited amount of the Cove where the property *can* be seen. No visual impact.
3. Essex (South Cove), 147 Middlesex Turnpike, Michael Picard. Coastal Site Plan Review. Proposal to construct a "carriage house" on a front lot to the west of 141 Middlesex Turnpike where Gateway had previously reviewed a residential knockdown and reconstruction requiring variances. The site of the carriage house had been cleared of trees previously. Downes reviewed the CSPR as a courtesy to the Zoning Commission and asked that Commission to require the installation of a row of silt fence backed by staked hay bales between the proposed driveway and an adjacent tidal wetlands.

Committee Reports

Outreach. On behalf of committee, Downes reported that an invitation letter for the annual boat trip has been drafted with the inclusion of new town representatives. The letter will be sent out during the week of April 29, 2013 and include the names of officials representing Gateway areas. An invitation will be sent to US Rep Joe Courtney as well as appropriate State officials, including DEEP Commissioner Dan Esty. An email requesting reservation of the June 13th date was sent to Esty's secretary.

In that the letter includes as statement that Gateway members will be in touch to follow up, **Thomas** asked that each member received a copy for their records.

Rules & Procedures. A brief discussion of the draft Rules and Procedures document occurred including whether or not a provision for term limits was necessary. Members decided to table further discussion until the May, 2013 meeting so that absent members could participate.

Land. Downes informed members that Surveyor Don Carlson had been contacted about his progress on the surveying of the common boundary line between the Chester Point Marina and the Gateway property known as "Garthwaite", which is to be donated to the Chester Land Trust. Members were told that Carlson had inspected his survey control points, but because of snow he was behind in his surveying projects. He said he felt he could get to the survey at the end of April or the beginning of May. Chris Allison of the Chester Land Trust had been informed of this update.

Old Business

Debrigard informed members of the Commission that he had attended a recent meeting concerning what to do about the portion of the CT Yankee property where Venture Smith lived. Meeting discussions surrounded whether or not access to the historic site could be established despite the many obstacles to such access at the highly protected former atomic energy plant site. Andrew French of the USF&WS, in attendance at the referenced meeting, was updated as to the Gateway Commission's effort to transfer the Klar property in East Haddam to the State of Connecticut.

New Business:

Regarding the Gateway boat trip, a reminder was made to invite all appropriate state and federal officials, including new Senator Linares and US Rep. Joe Courtney.

Regarding the donation opportunity to have the Commission's logo and contact information included in the East Haddam Land Trust's annual nature calendar, the Commission voted to make a donation of \$100. Motion by **Bement**, seconded by **Thompson**, approved unanimously.

Debrigard spoke about the intent of the Lower CT River Valley Council of Governments to prepare a regional Plan of Conservation & Development. He suggested that the Gateway Commission coordinate with RiverCOG and the Regional Planning Commission that will serve as the planning subcommittee of RiverCOG to include a section on the Gateway Commission. Since **Debrigard** has been appointed to the RPC as a representative for the Town of Haddam, members indicated that he could be the contact for that effort. Motion to have **Debrigard** serve that purpose by **Debrigard**, seconded by **Fish** and approved unanimously.

Debrigard also commented on the somewhat controversial effort to include a nature trail along portions of the Valley Railroad ROW. Brief discussion occurred regarding the ownership of the Valley Railroad ROW by the Department of Energy and Environmental Protection and the interest of some to have it be available at some future point for freight rail service between the shoreline and Middletown. Valley Railroad leases the ROW for the purpose of running the Essex Steam Train.

Adjournment

Upon motion by **Bement**, seconded by **Thomas**, and passed unanimously, the meeting adjourned at 9:16p.