

CONNECTICUT RIVER GATEWAY COMMISSION

REGULAR MEETING MINUTES

June 27, 2013

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

Chester:	Margaret (Peggy) Wilson, Martha Wallace
Deep River:	Nancy Fischbach, Amy Petrone (E)
East Haddam:	Harvey Thomas (E), Emmett Lyman (E)
Essex:	Claire Matthews, Wally Schieferdecker
Fenwick:	Ethel Davies, Borough Warden (E)
Haddam:	Susan Bement, Derek Turner (E)
Lyme:	J. Melvin Woody (E), Lisa Niccolai
Old Lyme:	Peter Cable (E), Suzanne Thompson (E)
Old Saybrook:	Madge Fish, Belinda Ahern (E)
Former MRPA:	Raul Debrigard (E), Stasia DeMichele (E)
Former CRERPA:	Two vacancies
DEEP:	David Blatt
Staff:	J. H. Torrance Downes
Guests:	Al Wolfgram for the Essex Zoning Commission.

Call to Order

In the absence of Melvin Woody, 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 7:34p.

Approval of 5/23/13 Regular Meeting Minutes

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

Correspondence/Staff Report

1. Old Saybrook, Subdivision Modification. An owner of several subdivision lots in the "Whispering Cove" subdivision, visible from the river in the area of the Ragged Rock tidal marsh south of the railroad bridge, seeks to modify a subdivision approval so as to remove a significant ledge outcropping from the area of several undeveloped lots. A letter was written to the OS Planning Commission requesting that they attempt to minimize the removal to that necessary for reasonable use of the properties. Several points were explained in the letter:

- (a) GW has no authority when it comes to subdivision review, therefore the letter was said to be purely advisory and a request for consideration by both the PC and the Applicant;
- (b) GW *does* have authority for the approval of "*subdivision and planning regulations*" as well as zoning regulations pursuant to Section 25-102g CGS, although those issues were not a part of the modification process;

The letter was also an opportunity to introduce the OSPC to the concepts of GW protection, of which they were probably unaware. **The letter sent to the OSPC is attached below so as to provide some information for newer members regarding the extent of GW authority in different matters.**

2. IRS Correspondence with CT River Land Trust, dated June 18, 2013. Downes and Fischbach reported that Form 990N must be filed with the IRS for Tax Year 2011. Dorothy Papp files the required form each year, including 2012.
3. Land Transactions. Bottom line – both are still "in process".
 - (a) Reversion Clause language provided by DEEP's Allyson Clarke has been sent to Attorney Andres for review.
 - (b) Garthwaite. Surveyor Carlson indicated that he should be able to complete the survey within the next 2 weeks.

Treasurer's Report

- a.) **Wilson** reported on her investigation with Chester insurance agent Ray Archambault into the insurance held by

the GW Commission. Archambault indicated that the GW coverage was excellent for the premiums paid. He sought information to be able to offer his Land Trust clients similar coverage. Although the coverage was reported to be great, Archambault had some questions that he thought should be answered regarding several issues. He asked questions regarding possible coverages that may be lacking. **Wilson** will research further, possibly inviting Mr. Archambault to attend a meeting of the GW Finance Committee. On another note, DEEP Commissioner's Rep David Blatt was asked several questions about the status of the Gateway Commission as a "state agency". He will make inquiries that should help clarify the insurability of the Gateway Commission in several areas of their business.

- b.) **Wilson** discussed the proposed annual budget (attached) noting that the total is somewhat lower in part due to a smaller budgeting for Accountant services due to previous decisions regarding the need for annual audits. Investment fees slightly higher because of the increased value of GW investments. The contributions line item was noted to be \$1000. The budget for the 2012/13 year was \$53,700; the proposed budget for the 2013/14 year is \$51,700. Motion to approve the proposed budget by **Matthews**, seconded by **Bement**, approved unanimously.
- c.) **Wilson** reported that the monthly bill for staffing services amounts to \$1,546.13. Motion to approve the payment by **Bement**, seconded by **Wallace**, passed unanimously.

Following discussion of the budget, **Bement** opined that it didn't seem that Gateway was making much headway in the conservation of property and utilization of the Conservation Fund for such purposes. A discussion ensued regarding some past efforts to provide "seed money" for property purchase requests, the last actual grant being provided for the purchase of the Roger Tory Peterson property in Old Lyme approximately six years ago. The high cost of property was cited as a possible reason for less Gateway-initiated activity. It was pointed out that in years past, former Haddam member Bob Meyers was often in contact with property owners soliciting possible donation of development rights and conservation easements. Members acknowledged that a renewed effort in this area would be advisable at some point in the future.

On another front, **Blatt** reported that there is renewed interest and effort on the part of the DEEP Land Acquisition Group to seriously consider the acceptance of the Goodspeed Airport scenic easement offered by Tim Mellon. Gateway has supported the state acceptance of the easement in the past and continues to support the acceptance so as to protect one of the most visible riverfront properties in the upper reaches of the Conservation Zone.

Referrals for Commission Discussion

Essex. Zoning Regulations regarding Building Height. Al Wolfgram, chairman of the Essex Zoning Commission, was present to explain the reason for the proposed change. The maximum height limit in most Essex zoning districts, including all of those in the GW Conservation Zone, is 30 feet as measure "above grade". The proposed change with correct a contradiction in the regulations where one section allows heights in the Conservation Zone to be 35 feet while all of the underlying districts limit height to 30 feet. The 35 foot maximum is proposed for deletion where it impacts the Conservation Zone. In addition, the definition of how to measure height was changed to be from "existing natural grade" as opposed to from "grade". As such, the 30 foot height maximum is proposed for strengthening to an even greater degree. Motion to "approve" the proposal by **Wilson**, seconded by **Blatt**, passed unanimously.

Staff Actions.

1. Special Exception Application, Lyme, CT, George "Sonny" Whelen. Reconstruction of a pool house at 59 Joshua Lane. JHTD met onsite with representatives of the property owner as well as Bernie Gigliotti, Lyme ZEO. Riverfront property with significant visibility upriver. Large trees buffer the current view and will be left intact. No variances required. Although the reconstructed building will be greater in height, it (1) meets height requirements, (2) the footprint of the large patio surrounding the pool house will be significantly reduced, and (3) a significant amount of ground cover plantings will be placed on the hillside adjacent to the river to further add to the "softening" of the development appearance and add to an already significant riverfront vegetated buffer.

The property owner is designing the work with significant sensitivity for the environmental issues that could arise as such a riverfront property.

2. Variance Application, Old Saybrook, Maltons. At a location on the west side of Saybrook Point (unseen from the river or North Cove), the property owners sought a variance of lot size requirements to split a property so as to be able to have a second developable lot. JHTD sent a letter of “no opposition” from the standpoint of Gateway’s protective mission. The appeal, however, was denied by the Old Saybrook Zoning Board of Appeals because the appellant was unable to present a legally-defensible hardship that would justify why the minimum lot size requirement should not be applied to this property. One residence already exists on the property. A variance request like this is often looked upon a “maximizing value” rather than a situation that, because of property constraints, deserves relief from applicable zoning regulations.

Discussion of Gateway Standards

Fischbach proposes that some recent modifications noted by members be included in the proposed Gateway standards modification document. The amended document will be circulated to members clearly summarizing the changes so that the entire document can be reviewed and understood more easily. The amended document will be reviewed for approval at the July, 2013 meeting.

Bement requested that Downes check with RiverCOG Ex. Director Linda Krause on an omission that originally occurred when the 2004 standards were adopted at that time. If something was omitted that was intended for inclusion, it should be considered for inclusion now prior to GW adoption of this iteration of the standards.

Committee Reports

Rules. Fischbach noted that there was an inconsistency in the By-laws that were approved at GW’s May meeting. In one section the By-laws state there are three signators for the Commission – Chairman, Vice Chairman and Treasurer. In another section, a fourth signatory is cited – the Secretary. A motion is made to add the Secretary as a fourth signatory by **Matthews**, seconded by **Wallace**. Motion passes unanimously.

Outreach. Discussion occurred on the rescheduling of the 2013 GW boat trip. **Fischbach** reported that she contacted the Yuknats of Riverquest to determine what dates might be open in July and August. Her effort was made so that another month didn’t pass without some forward movement on the effort. Discussion included how to get DEEP Commissioner Dan Esty to come along. One suggestions was to offer several dates to Esty for his choice. Another suggestion made was to contact Esty’s Chief of Staff Rob Klee.

Using a Riverquest calendar provided by **Fischbach**, she and **Wallace** determined that a course of action would be to:

- (1) Pick three dates that can be accommodated by Riverquest,
- (2) Contact COS Rob Klee,
- (3) Send out invitations.

Members thought that the suggestion of direct phone contact with the chairs of the various local boards and commissions was advisable. Members were asked if they wanted to be responsible for calling the three or four chairs in their towns. Downes said he’d collect the names and phone numbers of the chairs and the Commission members would make a decision about the contact task at another time.

Old Business. None.

New Business. None.

Adjournment

Upon motion by **Wilson**, seconded by **Matthews**, and passed unanimously, the meeting adjourned at 8:22pm.