

# CONNECTICUT RIVER GATEWAY COMMISSION

## REGULAR MEETING MINUTES

July 28, 2016

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

|                      |  |
|----------------------|--|
| <b>Chester:</b>      | <b>Margaret (Peggy) Wilson, <i>Vacancy</i></b>       |
| <b>Deep River:</b>   | <b>Nancy Fischbach, Kate Cotton</b>                  |
| <i>East Haddam:</i>  | <b>Harvey Thomas, <i>Vacancy</i></b>                 |
| <i>Essex:</i>        | <b>Claire Matthews, Jerri MacMillian</b>             |
| <i>Fenwick:</i>      | <i>Ethel Davies, Borough Warden (E)</i>              |
| <b>Haddam:</b>       | <b>Susan Bement, Chip Frey</b>                       |
| <b>Lyme:</b>         | <b>J. Melvin Woody, <i>Emily Bjornberg</i></b>       |
| <b>Old Lyme:</b>     | <b>Peter Cable, Suzanne Thompson</b>                 |
| <b>Old Saybrook:</b> | <b>Madge Fish, <i>Belinda Ahern (E)</i></b>          |
| <b>Regional Rep:</b> | <b>Raul Debrigard</b>                                |
| <b>DEEP:</b>         | <i>David Blatt (E)</i>                               |
| <b>Staff:</b>        | J. H. Torrance Downes                                |
| <b>Guests:</b>       | Joe Minginiello, Developer; Attorney Campbell Hudson |

### 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 7:30pm.

### Introduction

**Bement** introduced Chip Frey as the new alternate representative for the Town of Haddam. Further, **Woody** read the resignation letter of Emmett Lyman III who resigned to take on the position of First Selectman in East Haddam.

### Approval of 6/23/16 Regular Meeting Minutes

Corrections: reference to 118 River Road site inspection. Corrected to include the town name of Essex. Correction to include affiliations of those involved in the Hillside Project. Correction to indicate that it was the advice of Jim McHutchison not to pursue a 2<sup>nd</sup> appraisal for a property along Injun Hollow Road in Haddam. Correction to indicated that Downes is to send a letter of apology to Essex Zoning Commission for not attending their July meeting to discuss the proposed Gateway standards. Upon a motion by **Bement**, seconded by **MacMillian**, the 6/23/16 minutes were unanimously approved as corrected.

Preliminary Discussion of Possible Multi-Family Development at the Mouth of Chester Creek, Chester. Downes introduced developer Joe Mingienello of Haddam who has expressed interest in proposing a multi-family, over-55 year old, residential development at the mouth of Chester Creek on the Connecticut River. Downes has met with Mr. "Ming" on several occasions and has been to the site of interest. The Commission was shown an aerial photograph of the property of interest and indicated that a zoning map and/or zoning regulation change would be necessary in order for this project to proceed. Members were told that there is no application imminent as plans haven't been developed as of yet. Several questions were raised and comments made. **Wilson** asked if the property in question was the one where dredge spoils have been placed when Chester Creek had been dredged in the past. **Bement** noted that the single access road to this area of Chester has been known to flood.

Motion to Amend the Agenda to Add Goodspeed Airport Scenic Easement. Motion by **Fischbach**, seconded by **Bement**, approved unanimously. Attorney Campbell Hudson spoke on behalf of airport owner Tim Mellon. Easement on the approximately 60 acres of property that would keep the airport "as is". The Gateway Commission and Hudson are in receipt of a letter sent to the CT DEEP from the Town of East Haddam, signed by then First

Selectman Mark Walter, expressing concern over the transfer of the scenic easement. Walter indicated that it might “need” the land in the future. Hudson summarized much of the process over the past eight to ten years including Gateway involvement in support of the transfer. If airport was to shut down, the land would be protected, and that’s Mellon’s intent. A suggestion was discussed that would have GW send a letter to the Town of East Haddam that describes its continued desire to protect the entire property as planned including the hangers, which GW members have considered as part of the “natural and traditional riverway scene” in that part of the river. Downes was asked if he has had discussions with town representatives in the past; he indicated that he had. **Thomas** indicated that he thought the fair thing to do was to try to facilitate a meeting between Hudson, Town representatives and GW representatives in an effort to reconcile the differences, which the Commission supported. Motion made to have Downes send a letter to the Town “as soon as possible” with a copy sent to CTDEEP and Attorney Hudson to facilitate a meeting with all parties in an attempt to resolve the differences. Motion by **Fischbach**, seconded by **Cable**, passed unanimously. The letter (attached) was to urge a meeting prior to Gateway next scheduled meeting on Thursday, August 25, 2016.

#### Treasurer’s Report

**Wilson** described a meeting held between the GW Finance Committee (**Wilson, Fischbach, Matthews, Thomas**) and Patrick Gingras of Essex Financial the week of July 18, 2016. The value of GW investments is “up” for the year even net of withdraws. Holdings continue to be well-diversified with 64% in equity issues. Committee members requested Gingras to make cash available for expenses of potential Haddam Neck land purchase.

A bill for RiverCOG services was submitted with the following breakdown in expenses:

Staffing total \$2,023.26 (\$798 JHTD, \$59.20 PF, \$1186.06 overhead).

Reimbursement of \$45.96 to **Bement** for June, 2016 boat trip expenses.

Motion to approve payment of bills by **Fischbach**, seconded by **Fish**, passed unanimously.

#### A. Correspondence/Staff Report

Goodspeed Airport Scenic Easement/Campbell Hudson. During the annual GW boat trip, then-First Selectman Mark Walter handed Chairman Woody a letter – addressed to the DEEP and Graham Stevens - expressing concern over the imminent transfer of the Goodspeed Airport Scenic Easement from Tim Mellon to the DEEP. Gateway had on numerous occasions support the transfer and asked DEEP to accept it. The transfer process was near its end. With the submission of the letter of concern from the Town, the DEEP is now asking the Gateway Commission what their opinion is. Should the process stop based on East Haddam concerns, or should the transfer finalize.

Hudson, concerned over the letter and its request, will ask the Gateway Commission to continue to support the transfer and communicate its desire to see the transfer through to the DEEP. This item may take an amendment to the Gateway agenda as it wasn’t included when the agenda was sent out. The East Haddam letter has been sent separately.

#### Site Inspections:

Chester, Dock Road at Chester Creek. Discussion with a developer concerning his desire to construct a 100-unit over- 55 residential development, or in the event of unwilling local officials, “low income housing”. A zoning regulation change is required, which in turn requires Gateway “approval” or the regulation won’t become effective. Joe Ming (Minginello), the developer in this case, will attend Thursday’s meeting to get a feel for the operation of the Gateway Commission. He said he doesn’t intend to speak, but you never know.

Old Lyme, 7 McCurdy Road. Expansion of existing residential structure (minor) that is not visible from the Duck River. Wrote a letter to ZEO stating that it was my opinion that a Zoning Commission exemption from the standards and the required special exception was warranted.

Haddam, Burr Road. Discussion (7/26/16) with same developer as in Chester. A 40-unit residential development in the Conservation Zone, but in a less visible location. Downes met Mr. Ming at the site on Tuesday, July 26<sup>th</sup> to discuss what is a very preliminary concept (no plans on paper). Mr. Ming has options on both the Chester and Haddam properties.

Chester. Chester Point Marina. Following variance approval in July (Gateway reviewed at July meeting), the appellant will submit a Special Exception application for a marina storage building for September review. Downes will review and refer to comments written in the July Gateway letter sent after the variance review.

#### Member News

Chip Frey of Haddam appointed to Gateway as alternate through June 30, 2017.

Emmett Lyman III is now the First Selectman of the Town of East Haddam and will resign from the Gateway Commission as the East Haddam alternate. His letter of resignation is presented.

CT Preservation News, July/August, 2016. For those with interest in historic preservation.

CRWC, Thank you letter for \$1,000 donation for "Source to Sea" project.

#### Regulation Referral

East Haddam proposal to revise zoning regulations to include a hotel use in the Village District. Currently, Inns and Bed & Breakfasts are allowed, but those uses require an owner to be in residence. The new use will not have such a requirement. Gateway standards regarding building height apply. Motion by **Fischbach**, seconded by **Bement**, to approve the change, confirming that any such hotel would have to meet existing structure requirements. Passed unanimously.

#### Land Committee

**Wilson** reported that MxLT executive director David Brown is hopeful that USF&WS will "soon" close on its purchase of the Brainerd Quarry property from the MxLT, allowing Gateway to be reimbursed the \$166,000 that went into the purchase from the Gateway Commission.

Gateway's offer was accepted for the 4.66 acre parcel owned by the Halvorsons. A \$500 deposit and \$2500 down payment was paid with the closing to occur by August 31, 2016. As with the Brainerd Quarry property, Gateway will provide the funds and transfer the property to the Middlesex Land Trust, who will take title. Gateway will pay some closing costs while legal work will again be provided "pro bono" by MxLT attorney Bill Howard. At a meeting scheduled for Monday, August 8, 2016, the Land Committee will decide what the next course of action will be. (**Matthews** left at 8:56p)

**Bement** saw Mrs. Hilt by happenstance and suggested a second appraisal and maybe Gateway would split the cost. (**Thompson** and **MacMillian** left at 9p)

#### Governance Committee

**Fischbach** and Downes to attend August 15, 2016 Essex Zoning Commission meeting.

#### Outreach Committee

No report.

#### Old Business

None.

#### New Business

None.

#### Adjournment

Upon motion by **Bement**, seconded by **Frey**, the meeting adjourned at 9:05p.

July 29, 2016

Mr. Emmett Lyman III, First Selectman  
Town of East Haddam  
P.O. Box K  
7 Main Street  
East Haddam, CT 06423

**SUBJECT: Goodspeed Airport Scenic Easement**

Dear Mr. Lyman:

This letter confirms a conversation between you and I on Friday, July 29, 2016. I informed you that the Gateway Commission, at their meeting on Thursday, July 28, 2016, has expressed a willingness to convene and facilitate a meeting between representatives of the Town of East Haddam, the Gateway Commission and Mr. Tim Mellon to determine if there is a willingness to negotiate a modification to the Goodspeed Airport Scenic Easement that is currently under review by the State of Connecticut. That easement was in the final stages of transfer from Mr. Mellon to the State of Connecticut – with the full support of the Gateway Commission – when a June 21, 2016 letter from the Town of East Haddam to the State of Connecticut was received by the Gateway Commission.

In the June 21, 2016 letter, which was signed by then-First Selectman Mark Walters, the Town expressed concern that, if the scenic easement were to be transferred from Mr. Mellon to the State of Connecticut as it currently exists, it may foreclose the ability of the Town to expand its sewage treatment plant which exists adjacent to the airport property. It is noted that there are currently no plans for such an expansion. The Town provided a map with a line delineating a large area that it would like to see excluded from the easement.

First, the Gateway Commission expressed considerable dismay over being put in the position in which the Town has put them, this after over eight years of negotiations with Mr. Mellon and the State of Connecticut. At no time during that period did the Town indicate any concerns over this scenic easement. Numerous discussions have occurred between the Gateway Commission and Mr. Mellon and/or his representatives that are thoroughly reflected in the minutes of the Gateway Commission. Although Gateway's first inclination was to ask DEEP to complete the transfer, they felt that they owed it to their member Town to make an attempt to facilitate a solution.

To that end, Gateway would ask the Town to schedule a time in the next two weeks where representatives of the three parties could meet in an attempt to solve this problem. Gateway will be asking the Town to reduce the size of the proposed exclusion to represent a more specific area that will accommodate the possible expansion of the sewage treatment plant. The current area for exclusion – which includes the airport hangers and a good portion of the riverfront – is seen to be far in excess of what might actually be necessary. If that can be done, Gateway will ask Mr. Mellon to consider this modification and hope that he is willing to accommodate this request.

If this solution is to succeed, the Town needs to be realistic about a proposed exclusion area to serve a plant expansion, and there has to be willingness on the part of Mr. Mellon – who has been extremely patient through the numerous ups and downs of this extended process – to allow this modification. A good faith effort is what is needed and, to be honest, expected.

Please get back to me with possible dates where a meeting can take place, preferably during the week of August 8, 2016.

The Gateway Commission has said that if a good faith effort can't be made within this abbreviated time frame, they will decide to instruct the State of Connecticut to move forward with the easement transfer *as is* at their next meeting on August 25, 2016. Representatives of the State of Connecticut have indicated that, upon notification by the Gateway Commission to proceed, it will finalize the transfer.

We look forward to your response.

For the Commission,

A handwritten signature in black ink, appearing to read 'J. H. Torrance Downes', with a long horizontal flourish extending to the right.

J. H. Torrance Downes  
Deputy Director, RiverCOG

Copies via email to:

Mr. Campbell Hudson, Attorney for Mr. Mellon  
Mr. Crary Brownell, Chairman, East Haddam Planning & Zoning Commission  
Mr. Harvey Thomas, East Haddam Representative to the Gateway Commission  
Mr. Graham Stevens, State of Connecticut, DEEP  
Mr. James Ventres, Land Use Administrator, East Haddam  
Dr. Melvin Woody, Chairman, Gateway Commission  
Mr. Sam Gold, Executive Director, RiverCOG  
Mr. Bob Casner, East Haddam Economic Development Commission