

CONNECTICUT RIVER GATEWAY COMMISSION

REGULAR MEETING MINUTES

August 25, 2016

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

Chester:	Margaret (Peggy) Wilson, Vacancy
Deep River:	Nancy Fischbach (E), Kate Cotton
East Haddam:	Harvey Thomas (E), Crary Brownell (new member)
Essex:	Claire Matthews, Jerri MacMillian (E)
Fenwick:	Fran Adams, Borough Warden
Haddam:	Susan Bement, Chip Frey
Lyme:	J. Melvin Woody, Emily Bjornberg (E)
Old Lyme:	Peter Cable, Suzanne Thompson(E)
Old Saybrook:	Madge Fish, Belinda Ahern
Regional Rep:	Raul Debrigard
DEEP:	David Blatt
Staff:	J. H. Torrance Downes
Guests:	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 8:17pm.

Introduction

Woody introduced **Crary Brownell** as the new alternate representative for the Town of East Haddam.

Motion to Amend the Agenda to Add Goodspeed Airport Scenic Easement. Motion by **DeBrigard**, seconded by **Bement**, approved unanimously. Attorney Campbell Hudson summarized a meeting held between representatives of the Town of East Haddam, **Woody** and Downes of Gateway, and himself. Hudson reported that the request of Town representatives to modify scenic easement language so as to allow public access and, possibly, small structures that could enhance public use such as a boardwalk along the river front, a dock for the purpose of small boat access (canoes, kayaks and small power boats), and a small structure for educational purposes. The small structure, it was assumed, would be located within existing hanger structures or located within that general area was considered. Hudson reported that Mellon was pleased with the desire on the part of the town to enhance the public use of the property. Small rest room areas would likely be allowable under a modified easement as well as a small parking lot to serve the public use (not a parking lot that would serve the entire village, theatre and restaurant). The operator of such an educational building would be a non-profit or governmental entity. This would all only occur after the cessation of airport operations.

Hudson said that, assuming that the proposed modifications are acceptable to the Gateway Commission and to the DEEP (which has indicated the willingness to abide by what GW recommends), this could be the final step in transferring the easement to the state.

Debrigard offered comments regarding how the rights being restricted will impact the DEEP. Will they find the property difficult to manage? The only responsibility that the DEEP will have as holder of the easement will be to insure that the uses allowed are what are taking place. **Woody** offered that the DEEP has indicated that they are willing to accept what GW recommends with the understanding that the easement language will be essentially as has been discussed.

Hudson envisions that, instead of deleting any of the existing language, additional language would be included that clarifies that buildings permitted would include those small structures discussed above. Clarification is what Hudson feels is needed.

At the August 18, 2016 meeting, First Selectman Lyman indicated a desire to meet with Mellon at some time soon to talk.

Woody brought up the sewage facility that was raised as a part of the June letter sent to the DEEP and copied to the Gateway Commission. Hudson referred to the large exclusion area that was included on the map submitted along with the June letter. At the 8/18/16 meeting, Jim Ventres provided a map to Hudson which showed an area that could be set aside or identified as that needed for possible sewage treatment plant expansion/maintenance, if needed in the future (no indication was provided to suggest any sewage treatment plant repair or upgrade was imminent). **Brownell** commented on the process of repairing a facility using land adjacent to the existing building so as not to shut down the plant. The issue of the large size of the outline on the June map came up, a larger area than what Ventres indicated might be required to maintain the plant.

Hudson suggested that Gateway accept the modification in concept and let him and the DEEP know of such acceptance. Hudson indicated that the revised language would be included by him and he would carry the process forward with the DEEP. Chairman and staff could be authorized to work out the final details on behalf of the Commission.

Motion by **Matthews**, seconded by **Bement**, to accept in concept the discussed modifications to the scenic easement to allow certain other improvements that will accompany a public use of the property including education. Motion passed unanimously. The June map with the larger exclusion area included with the June letter was displayed on the screen, to which **Brownell** indicated that the area was *not* what was discussed by the Town and gave the wrong impression of what the Town sought. It was acknowledged that this map is what caused the confusion and consternation by Mellon and the Gateway Commission.

Matthews thanked those who suggested that the GW Commission hold a meeting with Town representatives and Hudson to act as a facilitator to resolve this issue.

Discussion of the LTE Case Statement booklet entitled "Inheritance". **Cotton** asked about the booklets that were left at each place. **Woody** described the process that has resulted in the production of the booklet. Copies were provided to each Gateway (LCRLT) member with an indication that extras are available for each member to distribute in their respective towns. Woody described much of the process used to compile the booklet.

Approval of 7/28/16 Regular Meeting Minutes

Corrections: Patrick Gengras last name should be spelled "Gingras". In addition, the meeting held with Gingras included **Fischbach** as well. Upon a motion by **Cable**, seconded by **Wilson**, the 7/28/16 minutes were unanimously approved as corrected. Abstention by **Blatt**.

Treasurer's Report

Wilson noted that GW is now in the new 2016-17 fiscal year and that one bill is presented for payment. A bill for RiverCOG services was submitted with the following breakdown in expenses:

*The new overhead calculation went from 1.4167 to 1.61. First quarter investment fees withdrawn as well. **Woody** asked if such fees are budgeted, to which **Wilson** indicated they were.

Staffing total \$1,261.07 (\$455.81 JHTD, \$15.02 PF, \$790.24 overhead*).

Motion to approve payment of bills by **Bement**, seconded by **Cable**, passed unanimously.

A. **Correspondence/Staff Report**

Goodspeed Airport Scenic Easement/Campbell Hudson. Following the discussion between Campbell Hudson and the GW Commission at its July meeting, Downes was instructed to write a letter to First Selectman Emmett Lyman III requesting that a meeting be set up prior to Gateway's August meeting to discuss Town concerns over the airport scenic easement in the final stages of transfer between Tim Mellon and the CTDEEP. Given the somewhat adversarial relationship between the Town and Tim Mellon, GW offered to act as a facilitator/mediator in this process.

As a result of the request, a meeting was held at 4:30p on Thursday, August 18, 2016 with representatives of the Town of East Haddam (1st Selectman Emmett Lyman III, P&Z Chair Cray Brownell, Wetlands Chair Randy Dill, Economic Development chair Bob Casner, P&Z member/GW Member Harvey Thomas and Land Use Administrator Jim Ventres), representatives of GW (Melvin Woody and JHTD), and Mellon attorney Campbell Hudson in attendance. It was reported that there was some "upset" over the fact that Gateway had never informed the town that it was asked, and was willing, to support the transfer of the easement to the DEEP (Gateway minutes reflect the conversations that were had each time the topic was raised). GW felt it was fair to take a shot at seeing if there was common ground between Mellon's desire to conserve the airport property and the Town's desire to utilize the property in some way as the life of East Haddam Village moves forward. GW had said that, if no common ground could be found, it would recommend to the CTDEEP to finalize the transfer of the easement as offered.

East Haddam reps asked Hudson to ask Mellon if the scenic easement language could be expanded to allow for public access to the riverfront, a possible boardwalk along the river, a possible dock to allow canoe/kayak/small boat access, and a possible small educational building on the site. These uses/improvements would only occur after the airport operations ceased to exist. Although the proposed uses would be acceptable and consistent with a "scenic easement", the building proposals – whether in the existing hangars or as separate buildings – would not have been allowable under current easement language. The request, according to Hudson, seemed to be in line with what Mellon is interested in having there at the site once the airport is discontinued (which is not imminent at this point in time). Hudson took the request back to Mellon and will report on that conversation to the Gateway Commission at the August 25th meeting. If GW supports this modification, CTDEEP has said they will move forward to complete the transfer of the easement once Hudson and DEEP have finalized all necessary document submission.

NEC Future Meeting, Old Lyme, August 12, 2016. Senator Richard Blumenthal spoke to a gathering of people on the NEC Futures/Amtrak high speed rail initiative to let them know that he was requesting FRA Administrator Sarah Feinberg to convene a public meeting in New London County prior to finalizing the Phase 1 process of the project. The timeframe, based upon when the FRA is supposed to finish this initial phase, would be within the next couple of months. RiverCOG Executive Director Sam Gold attended the meeting and spoke. Peter Cable attended and mentioned Gateway's involvement in the process. **UPDATE: Public Meeting scheduled at 4:30p on Wednesday, August 31st to be held at Old Lyme High School auditorium. Information forwarded to GW members.**

Request to Host DOT Route 9 Scenic Road Public Meeting. RiverCOG ExDir Sam Gold was requested by DOT to hold a public meeting on an application submitted by RiverCOG to designate Route 9 as a scenic road as a part of the application process. The designation would afford scenic protections to the corridor and make certain grant funding available (Margot Burns submitted this application on behalf of RiverCOG over three years ago). Numerous roads in the region have such designations including large portions of Route 154 and Route 148. In an effort to have some people attend and possibly comment on the application, it was thought that either the Land Trust Exchange or Gateway could hold the public meeting (30 minutes?) prior to a regular meeting to take care of this public meeting requirement. Although Route 9 is not within the Conservation Zone (except a section which is *on* the border in lower Old Saybrook), Gold thought that with GW's understanding of viewsheds, perhaps members might like to comment. As a note, Margot Burns feels the LTE is in a better position to act as the meeting "host". Note that GW has double-meetings in September and October (Lower CT River Land Trust Annual Meeting/GW Regular Meeting in September. **GW Annual and Regular Meetings in October**). **GW members felt that the LTE would be a better host of such a meeting.**

131 Shore Road, Old Lyme Site Visit/Variance Application Report. Downes attended a site meeting at 131 Shore Road in Old Lyme, a property adjacent to the wetlands of the Black Hall River. The proposal is to demolish an existing one-story dwelling located in close proximity to the wetlands boundary and reconstruct a two and a half story dwelling with an in-ground pool approximately 25 to 30 feet back from the location of the existing dwelling. The configuration of the lot requires that the structure, although moved back from the wetlands boundary, be located within the 100 foot structure setback required in Gateway standards. The proposed pool, and a four foot stone wall which supports fill within which the pool will be placed,

will be located within the 50 foot riparian buffer/50 foot tidal wetland setback. As a condition of the non-opposition, the letter requested that the ZBA require vegetation planting along the base of the four foot wall and at the base of the dwelling structure itself. Although likely not to occur, the letter also requested that the ZBA condition an approval on the minimization of mature tree removal. Also requested was that the property owner paint the structure a darker, muted color. The primary reason for non-opposition was that, although located adjacent to the Black Hall River, the property is located a significant distance from the CT River. As a result, once completed, the structure will not create a significant increase to the visual bulk presently seen at the property. In addition, a shed will be removed which is located at the wetland boundary along the boundary of the wetlands on the south side of the property.

Chester Point Marina, Chester. Application for which a variance was applied (and reviewed by Gateway) went on the Chester P&Z for a special exception. Proposal is to build an at-grade boat storage and repair building with a variance of flood requirements. Letter written by Downes indicated consistency with the Gateway mission which also included comments forwarded in the June, 2016 variance review letter.

Member Information: It was reported at the August 18th meeting that P&Z chair Cray Brownell was appointed as the alternate member representing East Haddam to the GW Commission. **As a note, Chester appointed Architect Errol Horner as the alternate to replace Martha Wallace.**

Regulation Referral

Old Lyme proposal by Charles Bove to repeal Section 14.5.2(c) regarding separation of liquor stores. The regulation requires a 1,500 foot separation distance between such stores. The petitioner reports that new laws regarding liquor stores is that a town is limited to four such establishments, making the separation distance unnecessary. The proposed regulation would impact the Halls Road commercial district which is located within the Conservation Zone. In that Halls Road cannot be seen from the CT River (but a portion would be visible from the Lieutenant River) and that the issue is more one of use than the structures within which they are housed, members of the Commission decided to “approve” the petition as required by Section 25-102g CGS. Motion by **Cable**, seconded by **Wilson**, to approve the change, confirming that any such hotel would have to meet existing structure requirements. Passed unanimously as no adverse impacts to the “natural and traditional riverway scene” will result.

Land Committee

Wilson reported that the land committee met on August 8, 2016 with **Wilson, Woody, Cable**, Jim McHutchison (Haddam Neck Spirit), David Brown (MxLT). Wilson prepared minutes and sent to the land committee. Richard P. Garmody Fund has pledged a \$50,000 matching grant that can be matched in cash or in-kind. Deadline for matching grant is December 1, 2016, but that may be “movable”. GW funds can also be considered as a part of the match. McHutchison said that Haddam Neck fund raising will begin after Labor Day after the Haddam Neck Fair. Members agreed that GW should have a presence at the Haddam Neck Fair. A check was provided to David Brown of MxLT with the same assignment arrangement as the Sogge purchase. He said that MxLT had \$2,500 “in hand”. The check will cover the purchase and residual for closing. Legal work is being performed pro bono by Attorney Bill Howard. Although it is not likely that USF&WS will purchase like they are doing with Brainerd Quarry. Brown indicated that the purchase of the Brainerd Quarry property will happen within the next 3 to 6 months. Closing is scheduled for August 31, 2016. The assignment of the contract to MxLT has yet to be concluded but must be done before closing.

Motion to pay a half up to \$1000 for a second appraisal for the Organek/Carow property. Question from **Debrigard** whether the \$1000 could be considered as part of the “in-kind”. **Wilson** reported likely not. Motion by **Bement**, seconded by **Debrigard**. Passed unanimously.

Motion to allow **Woody** and/or **Wilson** to act on behalf of the Commission for the documents necessary for the closing (assignment).

McHutchison and Brown will talk again to the Organek/Carow property owners (3.1 acres) about how the property owner is willing to make the transfer. An offer was again made to pay for half of an appraisal up to \$1000. They will also talk to Cena, the owner of the 3.5 acre property just south on Injun Hollow Road.

Commission members again noted that **Bement** could discuss issues with Mr. or Mrs. Hilt if she sees them in the neighborhood. Brown is “aiming for” an early November completion of the acquisitions, hoping to not go beyond the election. Members felt that such a time frame may be a little optimistic. **Woody** opined that, perhaps, the fundraising could be finished by November. **Debrigard** suggested that GW might want to hold on announcements regarding the acquisition. **Wilson** indicated that, if there’s a need for the land committee to meet, it will. **Cable**, on behalf of the Commission, thanked **Wilson** for keeping the progress of the acquisitions moved forward.

Governance Committee

Downes reported on behalf of Fischbach who attended the August 15, 2016 Essex Zoning Commission meeting. The meeting had a long agenda; she was unable to speak. Fischbach spoke to chairman Larry Shipman and member Al Wolfgram who recognized her presence and indicated that GW will have a chance to address the standards at the Essex Zoning Commission’s September meeting.

Outreach Committee

Cable expressed concerns over several recent issues. First, the editorial in the Courant had no reference to the Gateway mission, although **Woody** wrote comments that were published. Second, **Cable** indicated that he wasn’t contacted regarding the NEC Futures meeting that occurred on Friday, August 12, 2016 (Downes had indicated that he was asked to attend a RiverCOG related meeting in Ridgefield that day while Gold attended the NEC Futures meeting in Old Lyme) . **Woody** indicated that he thought that Sam Gold would represent Gateway interests sufficiently, to which **Cable** indicated that, although that may be the case, Downes is the Gateway representative. **Cable** indicated that he contacted First Selectman Reemsnyder and inquired why “Gateway” wasn’t invited (**Cable** has participated in these discussions in the past). The point, **Cable** said, is that the Outreach Committee should have a discussion regarding just what “outreach” should include. In these two cases, Gateway wasn’t part of the list of those to contact. An example was provided regarding the aggressive public outreach campaign of a CLCC vs. the passive communication of some smaller organizations. That decision needs to be discussed by the Outreach Committee. **Cable** suggested that this was something beyond staff decision and should be a policy-based discussion. **Woody** indicated that he would speak to Outreach Committee chair **Bjornberg**. **Matthews** made the recommendation to request the Outreach Committee to take up this discussion. **Cotton** raised the point that she, **Chip Frey** and, **Errol Horner**, will not have had any Committee assignments and that, perhaps, such assignments could be revisited. **Debrigard** asked, does **Fischbach** go over Committee assignments once a year? If so, that process will result in new members being assigned. **Cable** indicated that he will advance the question to the Outreach Committee. **Woody** indicated that **Bjornberg** has a lot of knowledge regarding how to advance outreach.

Old Business

Wilson asked if Conflict of Interest forms will be sent out for this fiscal year. Downes indicated that he’d forward the form via email.

New Business

Downes rose the issue of a controversial dock proposed for North Cove in Essex (Applicant Frank Sciame). **Blatt** reported that the large dock is proposed to be a “shared dock” that would have numerous property owners berth their boats there rather than allowing numerous personal docks. A hearing is to be held, although details were not available at this time. Downes indicated that **Matthews** had asked about it, reporting that he had reached out to several participants but hadn’t heard anything back. He’ll continue to seek answers.

Adjournment

Upon motion by **Wilson** the meeting adjourned at 8:58p.