

# CONNECTICUT RIVER GATEWAY COMMISSION

## REGULAR MEETING MINUTES

August 27, 2015

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

<b>Chester:</b>	<b>Margaret (Peggy) Wilson, Martha Wallace</b>
<b>Deep River:</b>	<b>Nancy Fischbach, Kate Cotton</b>
<i>East Haddam:</i>	<i>Harvey Thomas, Emmett Lyman (E)</i>
<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, Derek Turner</b>
<b>Lyme:</b>	<b>J. Melvin Woody, Emily Bjornberg</b>
<b>Old Lyme:</b>	<b>Peter Cable, Suzanne Thompson</b>
<b>Old Saybrook:</b>	<i>Madge Fish (E), Belinda Ahern (E)</i>
<b>Regional Rep:</b>	<i>Raul Debrigard</i>
<b>DEEP:</b>	<b>David Blatt</b>
<b>Staff:</b>	J. H. Torrance Downes
<b>Guests:</b>	None

### 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 7:31pm.

### Approval of 7/23/15 Regular Meeting Minutes

Upon a motion by **Bement**, seconded by **Fischbach**, the 7/23/15 minutes were unanimously approved as presented.

### Treasurer's Report

**Wilson** reported on a meeting of the Financial Committee (all in attendance) with Essex Financial. GW portfolio includes 64% in equities which were up 6% at time of meeting. EF sold one mutual fund and bought into two others. EF noted that after a 7 year bull market, some volatility was expected (this was said prior to the volatility that occurred during the week of 8/24/15 – 8/28/15). The portfolio diversity which exists lessens the risk to the Gateway Commission.

**Wilson** presented the bills: \$505.70 JHTD, \$93.71 JHTD mileage, \$33.83 PF, \$728.37 overhead (now calculated at 135%, down from last year's 140%), \$41.27 payroll tax, \$1402.88 reimbursement to RiverCOG.

**Wilson** presented a bill from RiverCOG reimbursing for a Vistaprint bill of \$322.48, cost of printing of Gateway brochures. Also presented was a bill for \$130, costs incurred for review of draft GW standards by Attorney Mark Branse.

Motion to approve by **Bement**, seconded by **Matthews**, approved unanimously.

### Correspondence and Staff Report

274 Joshuatown Road, Stephen Jacobs, Lyme. Ongoing enforcement issue with new residential structure in Lyme. Members will recall that following a site inspection from across the river and a review by the Lyme P&Z, the property owner was ordered to plant vegetation which would buffer the view of the rock retaining wall which was visible from Deep River. Afterward the vegetation was planted, ZEO Bernie Gigliotti and Downes inspected the Joshuatown Road site and confirmed that the property owner had planted the vegetation, actually planting more vegetation that was required. Both Gigliotti and Downes confirmed that they thought the property owner had carried out what was required. Gigliotti later reported as such to the Lyme P&Z, so all

final approvals have been issued by the municipality.

18 Riverside Avenue, S&S Marine, Old Saybrook. Special Exception Application to construct a 1900 sf Building at the Existing S&S Marine location on the Riverfront. GW reviewed the application to construct the building, which included a cupola similar to that existing upon the CT River Museum structure. GW had staff send a supportive letter, including support for the approval of the cupola. Because of numerous issues concerning the property owner and several neighbors, including concern over the cupola, the Old Saybrook Zoning Commission approved the application *without* the cupola. The property owner is reportedly preparing to submit a modification of the approval, having addressed the concerns. Once concern of the Zoning Commission is that, although the site has been vastly improved, the property owner has chosen to accomplish some of the improvements in ways inconsistent with previous commission approvals. The Commission didn't take too kind to such "modifications".

Brochures. Brochures completed and provided to members for distribution.

Bob Scully, Department of Health. Downes held a *long* conversation with Scully on Wednesday, August 26, 2015 regarding the issue of tree clearing and reserve septic systems in the Conservation Zone. The upshot: the Public Health Code and the Technical Standards governing septic systems do *not* require the clearing or preparation (filling) of a "reserve" septic area as part of a development plan. The "reserve" area *does* have to be tested, however, usually done with a back hoe (a hole is dug to a particular depth to test soils and determine depth to bedrock and/or the water table, and water is placed in a hole to test the percolation rate – how quickly the water drains). That procedure does *not* require the removal of all of the trees. A problem might come in when a savvy property owner wants to have trees removed for sight line purposes and has trees taken down in a reserve area for *that* purpose. The question would be, who could be the "watch dog" for such activities? A suggestion is to meet with the ZEOs and sanitarians – mainly the sanitarians - in each of the Gateway towns to raise this issue and hope that they'll watch out for situations where an engineer recommends clearing the reserve area. Another avenue suggested by Scully was to talk to the P&Zs who could be more careful about lots they approve in subdivisions and, possibly suggest that they condition any approvals on some language that would limit clearing and filling of reserve areas. That said, I can't remember the last time we had a subdivision proposal in the Conservation Zone. **BOTTOM LINE:** According to Bob Scully, there is no need to propose legislation or even modify the Technical Standards because there is no requirement to test, clear and prepare "reserve septic systems". Downes will continue to look into this.

Downes reported that he had a phone conversation with health district sanitarian Scott Martinson who said that he's never experienced a situation where a residential property owner built out a reserve area (and removed trees) when they didn't have to. Martinson agreed that the Public Health Code and the Technical Standards governing septic systems in CT do not require the buildout of a reserve area.

USF&WS Conte Preserve CCP/EIS issued for public comment. Downes to review and report to Commission

#### Staff Actions.

11 Littlefield Drive, Old Lyme. Small addition to a small residential structure in close proximity to the Black Hall River north and east of the Shore Road crossing of the river. Proposed addition small and partially blocked from view by other nearby structures and trees.

10 Noyes Road, Old Lyme. Demolition of existing cottage, replacement with FEMA-compliant residential structure in a location separated from the CT River and the Back River by approximately ten existing residential dwellings and numerous trees spread through the properties in that area. The construction is all but totally blocked from view from the rivers.

#### Applications/Petitions to be Reviewed by Commission

- a. Haddam, Rezoning of Properties at 79 and 81 Bridge Street. Industrial to Commercial. Presently occupied by two residential dwellings. **Withdrawn.**
- b. Old Lyme, New Definition for "School". Although there are no existing schools in locations visible from the river, the new definition affects properties in the Gateway Conservation Zone. The definition is proposed because of some land use office confusion over what should and should not be approved under the definition of "school". Motion to approve by **Fischbach**, seconded by **Matthews**, passed unanimously.

#### Committee Reports

- a. Land.

**Woody** reported that he spoke to the chair of the Haddam Land Trust to apologize for the Commission's not getting back to them regarding the Sogge land purchase.

Further discussion concerned the three possible properties that may be available for conservation protection on

Haddam Neck. Discussion of continuation of work with the Middlesex Land Trust given its connection with the USF&WS in the Salmon River area occurred. **Bement** has been talking with Haddam Spirit member and Gateway partner Jim McHutchison who has been in communication with one or more of the current land owners who may be interested in protecting their properties. **Woody** indicated that he will keep Gail Reynolds of the Haddam Land Trust apprised of Gateway efforts in the Haddam Neck area. As discussions move forward, a suggestion was made to include a representative of the HLT so as to keep that channel open. Consensus was that such partnership was a good idea after the Commission formulates their ideas about any of the possible acquisitions.

**Bement** reported on the very recent purchase by the USF&WS of an existing but undeveloped 11-lot subdivision near the Haddam Neck Fair site on Rock Landing Road. The site is approximately 40 acres.

b. Outreach/Community Relations.

**Bjornberg** and Downes reminded that the Commission will be attending the Haddam Neck Fair, which takes place between September 4<sup>th</sup> and September 7<sup>th</sup>. GW will be sharing a tent with another conservation entity as they have for the past several years. **Bjornberg** indicated that she will prepare a schedule sign-up grid to send to members in hopes of having as many of the busy fair times attended by Gateway members as possible.

**Wilson** and **Wallace** reported that they will be attending the Chester Farmer's Market on August 30<sup>th</sup>. Downes reported that **Fish** and **Ahern** have arranged to attend the Old Saybrook Farmer's Market in September. **Bjornberg** reported that she will be taking materials to Ashlawn Farm in Lyme. **Thomas** indicated that he has been in touch with the organizer of the East Haddam market and will be attending that on Wednesday.

Downes pointed out that the Gateway promotional brochures that were printed by Vistaprint are available for dissemination at Town Halls, libraries and any other venues available for information materials. Numerous bundles of the brochures, Mission Booklet and other GW materials were provided.

Promotional Tri-fold Brochures. Downes revised the office-printed brochure including the redesign of the small drawing intended to show how to gain river views by "limbing up" rather than cutting down trees entirely. He recommended having about 1,000 printed by Vistaprint, which produces such materials at a very reasonable cost. After a short discussion about cost, it was agreed that the Commission would approve the final cost/number by email so that the brochures can be printed before the August meeting. Members offered suggestions for revisions including adding a phone number, replacing "Lower CT River Valley Council of Governments" with "Gateway Commission" on the back panel, add a "Facebook" logo, revise language regarding "fee-simple" of land to read "outright purchase".

c. Governance Committee.

**Fischbach** reported that she and Downes met with Attorney Mark Branse. Branse found no areas of concern but provided numerous suggestions for clarification as well as small additions to strengthen the *existing* standards.

Downes provided three copies of the proposed letter of agreement between the RiverCOG and the Gateway Commission. The agreement proposes the continuation of the 42 year partnership that has existed between the two organizations (and predecessor agencies CRERPA and Midstate RPA), allows for a 90-day notice period for termination of the agreement, indicates that RiverCOG will continue to carry appropriate insurance and recognizes and continues the service of being the repository of Gateway files and documents. **Woody** signed the documents on behalf of the Commission (unsigned copy attached).

Old Business.

**Members requested that Conflict of Interest forms be emailed to members to complete and provide at the September meeting of the Commission.**

**Woody** explained the most recent thinking on the possible transfer of the LCRLT 501(c)(3) to the Lower CT River Valley and Coastal Land Trust Exchange. Further discussion and possible action may take place at the September annual meeting of the LCRLT to be scheduled for Thursday, September 24, 2015

#### New Business.

The Commission discussed a recent concern regarding whether or not the CT Public Health Code required the buildout of reserve septic systems in Conservation Zone areas where tree cover might be removed to make way for the portion of a septic system that is seldom used. Downes reported that he had a long telephone discussion with Senior Septic Engineer Bob Scully of the CTDOH, who said that neither the public health code or the technical standards governing septic systems require buildout of a reserve system. Downes also reported on a discussion with health district sanitarian Scott Martinson, who concurred with Scully's interpretation of the code and standards. Martinson said in his long years of experience, he's never seen a residential property owner voluntarily buildout a reserve septic system area. As for the concern that property owners might exploit this scenario to remove trees on river hillsides to gain views of the river, Martinson didn't feel it was a real concern, based upon his experiences in the lower CT River valley.

The Commission discussed the possibility of developing a GW standard which prohibited the buildout of a reserve system until it is needed. Such a standard would not be included in the proposed GW standards but be included in a 2016 update that is anticipated to be primarily "housekeeping".

**Thomson** reported that the Old Lyme Land Trust Kayak Regatta will occur on September 20, 2015 between 1 and 3pm and start at the Black Hall Marina on Route 156/Shore Road.

A report was offered regarding an 18 acre parcel of land on Agne Spring Road that may possibly be available in the future. The property was referred to as the "Seldon property". The Land Committee agreed that they would meet to start work on determining if this property, if made available, would meet criteria for Gateway acquisition.

#### Adjournment

Upon motion by **Wilson**, seconded by **Bement**, and passed unanimously, the meeting adjourned at 8:55 pm.



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Essex, CT 06426  
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[www.rivercog.org](http://www.rivercog.org)

Chester, Clinton, Cromwell,  
Deep River, Durham, East Haddam,  
East Hampton, Essex, Haddam,  
Killingworth, Lyme, Middlefield,  
Middletown, Old Lyme,  
Old Saybrook, Portland, Westbrook

August 26, 2015

Dr. Melvin Woody, Chairman  
Connecticut River Gateway Commission  
145 Dennison Road  
Essex, CT 06426

**SUBJECT: Reconfirmation of the Relationship of RiverCOG with the Connecticut River Gateway Commission**

Dear Dr. Woody:

The Lower Connecticut River Valley Council of Governments (RiverCOG) has been asked by the Connecticut River Gateway Commission to reconfirm the relationship between the two entities that has existed for the past forty-two years. It is understood that this request has been made because of the merging of the former Connecticut River Estuary (CRERPA) and Midstate (MRPA) Regional Planning Agencies into the new Council of Governments.

As a background, since the formation of the Gateway Commission by the Connecticut General Assembly in 1973, the Gateway Commission has been associated with CRERPA and MRPA. Those ties existed in part because Mr. Stanley Greimann, the first Executive Director of CRERPA, was also a major influence in the formation and operation of the Gateway Commission throughout his tenure at CRERPA. Through the ensuing forty-two years, the closely allied programs of the two organizations benefited from this relationship. After the merger of CRERPA and MRPA to form RiverCOG, the association with the Gateway Commission has continued and remained beneficial.

As a result, by a vote of the board on July 29, 2015, RiverCOG hereby commits to continuing the mutually beneficial relationship with the Connecticut River Gateway Commission in the same manner as has been the case for the history of the two organizations, with no changes proposed. RiverCOG will continue to host the Gateway Commission and support it in its endeavors with appropriate staffing and maintenance of Commission records and files. The RiverCOG will also maintain the professional liability insurance which it currently has in place. In the event of changing circumstances, it is hereby agreed that both RiverCOG and the Gateway Commission reserve the right to terminate this relationship at any time, provided at least ninety (90) days of prior notice of such termination is provided in writing by either party, or less than ninety (90) days in the case where such termination can be executed sooner to the satisfaction of both parties.

The RiverCOG expresses its appreciation for all of the conservation efforts of the Connecticut River Gateway Commission in the Lower Connecticut River Valley and expects this long partnership to continue far into the future to the benefit of both organizations and the residents of the lower Connecticut River Valley.

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Catherine Iino, RiverCOG  
DATE

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5 Dr. Melvin Woody, Gateway Commission  
DATE