

CONNECTICUT RIVER GATEWAY COMMISSION

REGULAR MEETING MINUTES

August 28, 2014

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

<i>Chester:</i>	Margaret (Peggy) Wilson, Martha Wallace (E)
<i>Deep River:</i>	Nancy Fischbach, Sam Shaw
East Haddam:	<i>Harvey Thomas (E), Emmett Lyman</i>
Essex:	Claire Matthew
<i>Fenwick:</i>	<i>Ethel Davies, Borough Warden (E)</i>
Haddam:	Susan Bement, Derek Turner
Lyme:	J. Melvin Woody, Lisa Niccolai
Old Lyme:	Peter Cable, Suzanne Thompson(E)
Old Saybrook:	Madge Fish, Belinda Ahern (E)
Former MRPA:	Raul Debrigard (Arr. 7:37p)
Former CRERPA:	Vacancy
<i>DEEP:</i>	David Blatt
Staff:	J. H. Torrance Downes
Guests:	Attorney Ed Cassella, Engineer Matthew White, Architect Gary Kurpaska

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 7:31p.

Approval of 7/24/14 Meeting Minutes

Motion to approve minutes as amended by **Fischbach**, seconded by **Bement**, passed unanimously.

Review of Variance Application, 17 Whispering Cove, Old Saybrook

Application for the demolition and reconstruction of a single family dwelling presented by Ed Cassella and Matt White. Commission was shown aerial photographs and site photographs, the latter taken 8/28/14. Presenters discussed that no riverfront trees were to be removed, only those on the interior of the lot where the new house would be constructed approximately 25 feet inland from the existing structure. White discussed the location of ledge outcroppings and how those outcroppings partially dictated the proposed structure location. **Blatt** asked, since demolition of the existing structure results in a development “clean-slate”, why a design that complies with the regulations, particularly GW standards, can’t be accomplished. Commission members discussed concern over the visual mass at the site as seen from the river. Commission members also discussed the integrity of the Gateway standards and making every effort to comply with those standards when an alternative exists, which there appears to be in this case. **Shaw** discussed a possible alternative that included the moving of the proposed structure toward the southwest with the reorientation of the proposed garage, which would (1) lessen the structure encroachment into the Gateway setbacks and reduce the amount of “visual bulk” presented to the river. A motion was put forth by **Fischbach**, seconded by **Blatt**, stating that GW identifies the above alternative as one which would result in greater compliance with the Gateway mission of protection for development in that location and therefore opposes the granting of the variances as proposed. The motion passed unanimously with **Fish** abstaining.

Treasurer's Report

Wilson presented the new Treasurer's Report format and reviewed expenses for the past month and present bills as follows: For staffing, the bill totaled \$1221.00 (JHTD 12 hours/455.40; Paula Fernald 1 hour/33.00; Overhead 732.60). For the purchase of a Gateway logo-ed tablecloth, \$261. **Fischbach** moved, **Bement** seconded, to approve Treasurer's report and the payment of bills. Passed unanimously.

Wilson led a discussion of the renewal of Gateway's existing "Special Risk" insurance policy held by Chubb. The insurance was acquired through past membership in the Land Trust Alliance. It was explained that the policy covers "volunteers of the policy holder" and therefore doesn't cover the Gateway members themselves, although they, too, are volunteers. The policy was one that was acquired to cover possible injuries that could occur on Gateway-owned properties by volunteers who were conducting site walks or inspections. Now that GW owns no property, the coverage doesn't seem needed. **Cable** reported that, according to his town representatives, he is covered by the Town of Old Lyme as a town appointee to the Gateway Commission. Motion made by **Wilson**, seconded by **Bement** to cancel the policy.

Correspondence and Staff Report

1. Source to Sea Clean-up Reminder: September 26th and 27th. <http://www.ctriver.org/projects/source-to-sea-cleanup/join-a-group/> Web page for information on joining a group, required waiver forms and other things pertaining to the Clean-up.
2. Herman Blanke, of Old Lyme, visited with Downes to discuss a non-profit effort in which he is involved. The project concerns the development of an educational facility associated with Roger Tory Peterson. The CT Audubon is leading the effort. Discussed were issues of the Gateway mission and where it might align with those of this group. Blanke, who has lived in Old Lyme for a little over a year, was looking for suggestions of whom he may talk to for guidance and possible funding opportunities. It was suggested that he write a letter to GW explaining their interest in talking to the Gateway Commission. Downes indicated that he could ask Chairman Woody if Blanke should be invited to speak. This discussion (and possible request for financial support of some kind) may come up in the near future.
3. Sams Restoration Plan/Commencement of Work, Old Saybrook. After almost 10 years of court proceedings (including an appeal heard by the CT Supreme Court) and delays, the restoration of the riverfront bluff at 9 Rivers Edge Road in Old Saybrook has begun. A site meeting was held on Wednesday, August 13th to finalize the overall plan to restore the riverfront bluff, which includes partial removal of the "gabion wall". The DEEP approved a modification to the original restoration plan on August 7th. The project has a DEEP-imposed deadline of September 30, 2014. The primary question raised at the August 13th site meeting (which included representatives of the DEEP, the Town of Old Saybrook and Gateway [Melvin Woody]) was the acceptability of the proposed method of upland access, since that access potentially involved the removal of a significant number of trees. Because of concerns raised by Downes on behalf of the Gateway Commission (and the delays such a choice might cause due to his requiring that the property come before the GW Commission at your August 28th meeting), access was moved to a location that required substantially less tree removal.
4. Lyme/Hamburg Cove, Question of First Scenic Easement Given to GW in 1975. Question was raised by ZEO Bernie Gigliotti regarding the construction of a small addition on a riverfront structure that is governed by the *first scenic easement* acquired by Gateway in 1975 from Kenneth and Diana Milne. Easement language appears to require that the existing structure is not to be enlarged in any way beyond what existed at the time of the granting of the easement. Although the proposal appears to meet the zoning regulations, ZEO Gigliotti – after discussion with Downes (who conferred with Blatt and OS ZEO Chris Costa) – recommended that the property owner be required to contact the easement holder to seek a determination regarding the compliance of the proposed addition with the easement language. Following transfer from GW, the easement holder is the State of CT. Graham Stevens of the DEEP Land Acquisition group was given a "heads-up" that a request for a determination on the compliance of the addition with the easement may be forthcoming. Although the addition won't have *any* impact on the river scene, upholding the intent of the 40 year old easement is at issue.
5. GW Membership. Letters requesting appointment of new members were sent to Dick Smith in Deep River and Norm Needleman in Essex. Samuel Shaw, who was approached by Dick Smith as a potential Gateway member for the Town of Deep River, will be attending the August 28th meeting in order to introduce himself. Mr. Shaw was a member of the City Planning Department in the City of Bridgeport for 15 years as well as a planning consultant.
6. East Haddam P&Z Height Discussion. To be discussed under Outreach Report.

On Tuesday, August 7, 2014, **Thomas, Lyman** and Downes visited with the East Haddam P&Z to discuss the proposed Gateway standards. One part of the discussion involved continued conversation on the topic of whether or not Gateway could develop a new height standard that would allow property owners, under some circumstances, to have structure heights in excess of 35 feet in order to be able to retain “traditional” architectural features. Specifically, where a structure is proposed on a hillside that is designed to have “classic” colonial architectural components, the height limit sometimes results in the flattening of the roof in order to comply with the height maximum. The lowered roof peak, it is contended, reduces the roof pitch below what is considered classic – a somewhat “flattened” roof that doesn’t look right.

Questions were asked of the P&Z including how many times has this problem been presented to the P&Z or to Land Administrator Jim Ventres. The answer provided was very few. Ventres mentioned that Town Planner Liz Glidden in Haddam may have more examples of this issue. In a subsequent telephone conversation, Glidden indicated that they have few examples of this need there as well. As a result, it was suggested to the East Haddam P&Z that, with so few specific issues arising, this problem seems better handled by variance application than the establishment of a new standard.

The question posed is, if an architect were able to come before Gateway and specifically show the architectural detail and how a few additional feet of height would maintain the “classic” colonial architecture, might Gateway – under site-specific conditions – be willing to make a finding of “no opposition” with the understanding that specific conditions would be required by the ZBA such as building a landscape berm or backfilling in order to have the structure *appear* to be 35 feet? An understanding of “partnership” between GW and the East Haddam ZBA would have to exist where conditions, as required by GW, would be applied by the ZBA. That said, most GW members may recall that a variance application for a hillside structure on Creek Row in East Haddam in 2013 was “opposed” by GW, but subsequently approved by the ZBA despite receipt of the GW findings. GW briefly discussed the possibility of appealing the ZBA decision as allowed for in GW statutes but decided not to. That project, unfortunately, has only been partially built after the removal of a significant number of trees because of personal issues of the property owner. Not the best example of GW/ZBA cooperation.

Members likely realize that the existing definition of maximum height using “*existing natural grade*” as the lower measuring point came into being because of the construction of structures over 35 feet where backfilling was regularly used to reduce the measured height from over 35 feet to meet the height requirement. Site-specific GW variance reviews where specific architectural information is presented would prevent the use of retaining walls to accomplish the backfilling, thereby eliminating the issue of the appearance of a 35 foot structure atop a hardened retaining wall. Gateway would have control over *how* the excess height is visually mitigated if not opposed. Further, GW would be able to control in what instances this technique might be used and at which sites the structure must comply with the existing height definition. Under these circumstances, it would be important for such applicants to confer with Gateway staff in order to understand what information would need to be presented to GW to maximize any possibility of achieving a letter of “no opposition”.

Commission Referrals

Following review of the Frisbee variance application, no other referrals presented for Commission action.

Commission Referrals Handled by Staff

1. Old Saybrook, 179 Ayers Point Road. Construction of a 576 square foot (footprint) barn to the rear of a residential structure. Barn is located in complying location approximately 236 feet away from the marshes of the CT River. The existing residential structure is located 160 feet back from the marsh on the inland side of Ayers Point Road. Limited clearing and grading will occur to place the 24 foot by 24 foot concrete slab on which the barn will be constructed. The barn will be unseen from the river and with only limited visibility afforded from the Ayers Point marsh. Courtesy review letter written and sent on August 14, 2014.
2. Haddam, 180 Camp Bethel Road. Additions to a single family residential structure located on the west bluff of the river located above Andrew’s Marina and the Goodspeed Station’s Country Store. The visual bulk being added isn’t hugely significant. In addition, there’s a significant amount of tree cover on the hillside on the riverside of the bluff, enough that the structure couldn’t be seen from the Goodspeed Bridge or the bridge abutment during an 8/18/14 site inspection. Some visibility will, however, occur during the winter months. Letter requests that the ZBA condition an approval with discussion of tree removal and minimization of same. Letter written and sent on August 19, 2014.

Committee Reports

a. Outreach.

Downes summarized the beginning of the fair season. **Cable** described that there didn't seem to be as much foot traffic as in 2013. The placement of the GW table next to a political candidate may have discouraged people from wandering up to the GW table. Downes described the circumstances surrounding the GW's non-participation in the Chester Fair (no ability to provide a "Certificate of Insurance" to the fair organizers), and the anticipated visit to the Haddam Neck Fair. The materials to be handed out were reviewed with members.

With regard to the trifold brochures produced at RiverCOG, a motion was made to have 1,000 printed professionally to use at fairs and other events, for distribution at town halls and libraries and other locations. Motion by **Fischbach**, seconded by **Bement**, passed unanimously.

Wilson suggested that GW should consider occupying the "town" table at the Chester Farmer's Market and any other similar venue/event that may exist. Several hours with lots of people rather than an entire weekend for fairs. Such markets occur in Old Saybrook, Chester, Haddam and other locations.

Bement left the meeting at 8:45p.

b. Land.

Motion by **Cable**, seconded by **Wilson**, to enter Executive Session. The Commission asked Downes to join in the session to discuss the possible acquisition of the 50 acre property known as "Sogge" located in Haddam Neck. Motion passed unanimously. Executive Session entered at 8:49pm and was exited at 9:25pm.

The following motions were made following the Executive Session:

1. Motion to offer \$150,400 cash with a closing date no later than February 1, 2015 with no mortgage contingency and subject to a title search/clear title and an A-2 survey. The motion included the authorization to allow **Wilson**, in consultation with the Land Committee, to continue negotiations to the maximum purchase price previously set by the Commission. Motion by **Wilson**, seconded by **Fish**, passed unanimously.
2. Upon the recommendation of the Gateway Land Committee, motion made to enter into a partnership agreement with the Middlesex Land Trust regarding the acquisition and management of the Sogge property in Haddam Neck. Motion by **Blatt**, seconded by **Cable**, passed unanimously.
3. Motion to authorize **Wilson**, with the consultation and approval of the GW Land Committee, to sign initial and any subsequent offers for the purchase of the Sogge property. Motion by **Woody**, seconded by **Lyman**, passed unanimously.
4. Motion to authorize the payment of a good faith deposit of up to 10% of the agreed upon purchase price of the Sogge property. Motion by **Niccolai**, seconded by **Fischbach**. Passed unanimously.

New Business.

None reported.

Old Business.

Downes provided copies of a Haddam Bulletin article written by Alan Aronow of Haddam. The article focuses on the placement of a string of navigation bouys at the mouth of the access channel at the site of the former CT Yankee atomic power plant. **Debrigard** reported that Haddam First Selectman Melissa Schlag advised him that she was planning to ask the DEEP Boating Division to rescind the permit authorizing the placement of the bouys.

Adjournment

Upon motion by **Fischbach**, seconded by **Wilson**, and passed unanimously, the meeting adjourned at 8:15 pm.