

CONNECTICUT RIVER GATEWAY COMMISSION

REGULAR MEETING MINUTES

September 25, 2014

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

Chester:	<i>Margaret (Peggy) Wilson (E), Martha Wallace</i>
Deep River:	Nancy Fischbach, Sam Shaw
<i>East Haddam:</i>	<i>Harvey Thomas (E), Emmett Lyman(E)</i>
<i>Essex:</i>	<i>Claire Matthew (E), Vacany</i>
<i>Fenwick:</i>	<i>Ethel Davies, Borough Warden (E)</i>
Haddam:	Susan Bement, Derek Turner
Lyme:	J. Melvin Woody, Lisa Niccolai
Old Lyme:	<i>Peter Cable(E), Suzanne Thompson</i>
Old Saybrook:	Madge Fish, Belinda Ahern (E)
Regional Rep:	Raul Debrigard
DEEP:	David Blatt
Staff:	J. H. Torrance Downes
Guests:	Engineer Matthew White, Haddam residents Nick Tomassone, Neil Perron

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 7:51p following the annual meeting of the CT River Land Trust.

Approval of 8/28/14 Meeting Minutes

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

Treasurer's Report

Downes presented the Treasurer's Report and reviewed expenses for the past month and present bills as follows: For staffing, the bill totaled \$1900.77 with a miscellaneous expenditure of \$261 for a second Gateway table covering, used for summer fairs and other outreach endeavors. Also shown in the report was a \$5000 disbursement, a donation to Trust for Public Land for the purchase of The Preserve. That expenditure was approved several months back. Motion by **Bement**, seconded by **Wallace**, to approve Treasurer's report and the payment of bills. Passed unanimously.

The cancellation form for the Chubb "Special Risk" insurance was presented for signature. Chairman Woody signed the form on behalf of the Gateway Commission as approved during the August, 2014 meeting.

Correspondence and Staff Report

1. Letter, John and Kate Hull. "Official request" by Haddam property owners to have Gateway reconsider it's non-involvement in the Connecticut Yankee navigation boom issue and take whatever steps "are necessary" to resolve the issue. They've read the recent articles and have likely spoken to Alan Aronow, although that's not known for sure. In a recent telephone conversation with Mr. Aronow, Downes informed him that he needed to make a direct request of the Gateway Commission in order to have it consider taking any steps to have the booms removed. The Hulls close by asking that the Commission to inform them as to how such a review can be instituted and what forms they would need to complete in order for the review to commence.

Question to Blatt: Is DEEP responding to complaints? Responds that it would be the DEEP Boating Division who issue the permit who would be involved. Members decided that, if DEEP holds a hearing of any kind or offers to accept comments, Gateway would respond at that time. Regarding Gateway's involvement, Blatt expressed that Gateway would not respond if

there was a question about the color a marina owner painted his or her docks. That issue is not the purview of the Commission under their statutory authority. The only way to have a court hearing on the issued permit would be to request a “declaratory hearing” from the Commissioner of Energy and Environmental Protection, which Blatt was not advocating. Consensus was to have Downes respond to the Hulls telling them at such time that there is an official process, Gateway will offer comments.

2. Donald Boule, Injun Hollow Road, Haddam. Mr. Boule’s property is the residential lot on Injun Hollow Road that was “cut” out of the original Sogge lot. Mr. Boule has been permitted by Mr. Sogge to use fallen trees for fire wood and to access his residential lot using a driveway that crosses the Sogge land (no easement for that purpose apparently exists). The driveway accesses Boule’s lot from the rear after passing alongside the lot from Injun Hollow Road. In a letter dated September 22nd, he is requesting that the Gateway Commission continue allowing the use of fallen trees for firewood and to continue allowing him the use of the driveway for access to his lot. He expressed the willingness to hold Gateway harmless for any accidents, etc. **Consensus was that it was premature to discuss Mr. Boule’s requests; any decision will ultimately be the Middlesex Land Trust and that further down the road.**
3. Hartford Courant, Sunday CT. “Orange Scar on River”. September 7, 2014 article about the navigation booms at the CY site.
4. Garthwaite Ceremony. The Chester Land Trust will be holding a ceremony recognizing the Gateway Commission for its donation of the Gathwaite property. The ceremony will be part of the Annual Meeting of the Chester Land Trust to be held on Sunday October 19th at 2pm. The meeting is being held at the Chester Land Trust Carini Preserve located on Water St (RTE 148) adjacent to the Chester village center. President Dick Harrell would like the names and contact information of Gateway representatives who would like to go to the ceremony on behalf of the Commission. All GW members are welcome to attend.
5. Source-to-Sea Clean-up, CRWC. The date for weekend of cleaning is here – this weekend. September 26th and 27th. A last announcement was sent via email to you on Monday with links to join other clean-up groups. GW donated \$1,000 to the effort.
6. The Preserve. The previously-approved donation check of \$5,000 was presented for signature. It is expected that the purchase of “The Preserve” property will occur at the end of the 2014 calendar year.
7. Gateway’s “Special Risk” Insurance, issued by Chubb, is being cancelled October 4, 2014.
8. Conflict of Interest Forms. For those of the members who haven’t filled out a Conflict of Interest form of late, they will be provided at the meeting.
9. CRLT Membership Application Forms. For those who haven’t become members of the CT River Land Trust, membership application forms will be provided at the meeting.
10. Sams. Earlier today Downes was at the Sams property on River’s Edge Road to perform a site inspection along with representatives of the Sams, the Town of Old Saybrook and the State of Connecticut. The deadline for completion of the restoration – September 30, 2014 – is fast approaching. **Photographs taken Thursday, September 25th were shown to the Commission. A general discussion of the history of the matter was briefly discussed.**
11. Hartford Courant Article. Malloy walks “The Preserve”. Update on fundraising. Malloy announced \$5 million in state funds to extend and connect urban trails, identified successes, plans and goals for cleaner, cheaper more reliable energy and described “micro-grids” as a way to mitigate power outages during natural disasters. In April, Malloy announced that stat would commit \$3.3 million to the purchase of “The Preserve”. Saybrook voted in July to appropriate \$3 million. Saybrook and State will jointly own 930 acres in OS and WB. Essex and Essex Land Trust will own about 70 acres in Essex. During 9/14/14 walk, TPL reps indicated that they are still in need of \$1.1 million by the December closing date.

Review of Variance Application for property located at 171 Injun Hollow Road, Haddam Neck

The variance application proposed relief from a zoning regulation which requires that a 150 foot by 150 foot square must fit on a proposed lot without extending into, among other features and areas, any building setback for the proposed lot. In this case, the square extends 20 feet into the 20 foot sideline setback on the northwest sideline. Neil Perron, representing his mother who lives adjacent to the proposed lot, spoke in opposition to the issuance of the letter of “no opposition”. It was Perron’s father who subdivided the parcel a number of years ago. His intent, Perron said, was to ensure that the area remained as undeveloped as possible. Neil thought that the construction of a dwelling in this location was inconsistent with the original intent of his father. He indicated that any applicant for development should be required to meet all Gateway standards. **Fischbach** explained that lot configuration regulations are not “Gateway standards” per se, like the Gateway structure setback and riparian buffer. A brief discussion regarding how Gateway deliberated on a recent application where variances of the Gateway setbacks were discussed. Motion by **Fischbach**, seconded by **Blatt**, to send a letter of “no opposition” to the Haddam Zoning

Board of Appeals requesting that the ZBA condition any approval on a requirement that the property owner minimize tree removal to the greatest extent possible, especially on the river side of any proposed development. The motion passed unanimously with **Bement** abstaining.

Review of Variance Application, 17 Whispering Cove, Old Saybrook

PE Matt White of Angus McDonald & Associates returned to present a modified site plan to the Gateway Commission. The structure location has been moved 30 feet to the south and west of the proposed location presented during the August meeting. At the same time the garage angle was increased from 45 degrees to 60 degrees, increasing the amount of lateral movement of the proposed structure location out of the 100 foot structure and riparian buffer setbacks. The overall height of the garage is being reduced as well. Although the proposed structure is still located within the setbacks, the majority of the structure is now proposed to be in a conforming location. In response to the question of tree removal, White indicated that no trees were to be removed from the 100 foot riparian buffer area. He briefly reviewed the trees that would have to come down because of the construction.

Upon a motion by **Fischbach**, seconded by **Bement**, the Commission will send a letter of “no opposition” as owner has effectively minimized intrusion into the Gateway setbacks thereby addressing Gateway concerns expressed as a part of their review during the 8/28/14 meeting. **Fischbach** expressed thanks on behalf of the Commission for the willingness of the applicant to accommodate Gateway concerns. The motion was passed unanimously with **Fish** abstaining from vote.

Commission Referrals Handled by Staff. None.

Committee Reports

a. Outreach.

Fischbach summarized the recent visit by GW representatives to the Deep River Planning & Zoning Commission (**Fischbach**, **Shaw** and Downes). The meeting went well with some expressing that Deep River may continue to review Gateway applications in the same Special Permit manner in which they have for the time since the 2004 standards were adopted.

Downes indicated that he would send a letter to the Essex Zoning Commission to inform them of the progress of the visits to the GW member towns as they may be interested that the process is moving forward.

Representatives have thus far visited with the Towns of Chester, East Haddam and Deep River. A visit with the Haddam P&Z is scheduled for October 2, 2014.

Woody reminded members that on October 18, 2014, the Eight Mile Riverfest would be occurring in East Haddam. Downes reported that Outreach chair **Thomas** would be “manning” a Gateway table at that event.

Woody mentioned that he would be attending as well.

b. Land.

Upon a motion by **Wallace**, seconded by **Fish**, the Commission entered executive session at 8:50pm to discuss purchase of the Sogge property, Haddam Neck, inviting J.H. Torrance Downes to join it. (**Bement** left the meeting at 8:50p). Upon a vote by **Wallace**, seconded by **Fischbach**, the Commission came out of the executive session at 9:07p.

The record reflects that the Gateway offer of \$166,000 was accepted by the seller. The Commission voted unanimously to accept the offer with a closing date occurring on or before the February 1, 2015 date requested by the seller. Finalization of the details of the transaction will be developed during upcoming months.

The following motions were made following the Executive Session:

1. Motion by **Fischbach**, seconded by **Wallace**, to approve up to \$10,000 of additional funds to cover the costs and fees of acquiring the Sogge property (title search, title insurance, survey, etc.). Motion also included a

request that the Land Committee consider alternatives such as:

- a) Gateway providing a “grant” to the Middlesex Land Trust for their purchase of the property rather than Gateway purchasing and then transferring the property to the MLT, thereby incurring more costs.
- b) Gateway AND MLT act as buyers with the Gateway Commission to “quit claim” the property to MLT. The quit claim process is less expensive and quicker than a warranty deed process.

Estimates for some of the closing costs were offered in a previously sent email by MLT Executive Director David Brown as follows: \$350, title search; \$1000, title insurance; \$200 in filing fees (double filing); \$5000 for an A-2 survey. Issues including the retention of the PA490 designation and possible tax liabilities were discussed as well.

Finally, an agreement between the GW Commission and the Middlesex Land Trust was generally discussed including issues such as what amount of funds will come to the Gateway Commission if the property is eventually acquired by the US Fish & Wildlife Service.

New Business. None reported.

Old Business.

Adjournment

Upon motion by **Fischbach**, seconded by **Thompson**, and passed unanimously, the meeting adjourned at 9:35 pm.