

# CONNECTICUT RIVER GATEWAY COMMISSION

## ANNUAL MEETING MINUTES

October 22, 2015

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

<b>Chester:</b>	<b>Margaret (Peggy) Wilson, Martha Wallace (E)</b>
<b>Deep River:</b>	<b>Nancy Fischbach, Kate Cotton</b>
<i>East Haddam:</i>	<i>Harvey Thomas (E), Emmett Lyman</i>
<i>Essex:</i>	<b>Claire Matthews (Arr. 7:41p), Jerri MacMillian</b>
<i>Fenwick:</i>	<i>Ethel Davies, Borough Warden (E)</i>
<b>Haddam:</b>	<b>Susan Bement</b>
<b>Lyme:</b>	<b>J. Melvin Woody, Emily Bjornberg (E)</b>
<b>Old Lyme:</b>	<b>Peter Cable, Suzanne Thompson</b>
<b>Old Saybrook:</b>	<b>Madge Fish, Belinda Ahern (E)</b>
<b>Regional Rep:</b>	<i>Raul Debrigard (E)</i>
<b>DEEP:</b>	<b>David Blatt</b>
<b>Staff:</b>	J. H. Torrance Downes
<b>Guests:</b>	Andy French, US Fish & Wildlife Service, Kevin Hively, Ninigret Partners, Rick Huntley, Town of Durham; Pam Huntley, Town of Durham

### 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 7:36pm.

### Approval of 10/23/15 Annual Meeting Minutes

Upon a motion by **Bement**, seconded by **MacMillian**, the 9/24/15 minutes were unanimously approved as presented.

### Discussion of Proposed Silvio O. Conte Management Plan

Andy French of the USF&WS was present to discuss the proposal and answer questions of the members of Gateway. French presented a Power Point slide show that spoke to the Plan's impact on Connecticut. An audio recording of the hour and fifteen minute discussion was recorded and is available if requested.

#### Highlights of the discussion included:

USF&WS supports the idea of a local land trust or conservation organization "extracting its equity to invest elsewhere in the community".

French suggested that representatives of the Commission be included in a group such as the "Friends of the Silvio O. Conte Preserve" so that regular updates and information can be received by email.

Suggestion to contact [klutz@tnc.org](mailto:klutz@tnc.org) to ask her to connect Gateway with Conte.

"Google" Connecticut River Pilot"

(Matthews departs at 9:05p)

### Discussion of Economic Study with Kevin Hively of Ninigret Partners

Hively, acknowledging the length of the meeting, presented a summary of his effort to assist RiverCOG with a region-wide economic study entitled "GrowSMART". He presented a Power Point slide show that had previously been presented at a public summit held on September 22, 2015. Hively urged members who are interested to attend a November 19, 2015 summit to be held at Camp Hazen in Chester from 4pm to 6pm. A final Regional Forum will be held on December 16, 2015 at a location to be determined. The study is scheduled for completion on December 31, 2015, so time is of the essence. Hively asked Gateway members to consider contacting him to discuss their thoughts on economics in the RiverCOG region, especially with respect to conservation. Members were also asked to think of any other people who might be good for the study team to talk to with respect to conservation and economic vitality

of the region. His contact information is:

Kevin Hively, Ninigret Partners  
121 South Main Street, 11<sup>th</sup> Floor  
Providence, RI 02903 (401) 225-2305 hively@ninigretpartners.com  
(MacMillian departed at 9:10pm)

#### Treasurer's Report

**Wilson** reported that the finance committee met with representatives of Essex Financial since the last Gateway meeting. EF expressed an expectation of continued recovery. Rafal of EF was "happy" with the cash/equity position /find allocation ratio of Gateway. As a result of recommendations, the finance committee authorized the transfer of \$50,000 from a growth fund to two value funds.

**Wilson** reported that the RiverCOG bill for staff services amounts to \$1108.08. Motion by **Bement**, seconded by **Fischbach** to approve payment of the bill. Motion passed unanimously.

#### Correspondence/Staff Report

Due to length of meeting, the report was abbreviated. Downes reported that the Milone and MacBroom Shoreline Manual has a cost of \$60 (Gateway had previously expressed interest in having a number of copies and expressed willingness to pay costs). Downes was asked to purchase one copy for Gateway files.

**Conte Management Plan.** Andy French of the USF&WS will be attending the GW meeting on October 22, 2015. For last minute "looks" at the plan or the summary, use the links below.

Cut and Paste the links into your browser window:

- Draft CCP-EIS Plan:  
[http://www.fws.gov/refuge/Silvio\\_O\\_Conte/what\\_we\\_do/draftccp.html](http://www.fws.gov/refuge/Silvio_O_Conte/what_we_do/draftccp.html)
- Summary of Draft:  
[http://www.fws.gov/uploadedFiles/Region\\_5/NWRS/North\\_Zone/Silvio\\_O\\_Conte\\_Complex/Silvio\\_O\\_Conte/Summary\\_DraftCCP.pdf](http://www.fws.gov/uploadedFiles/Region_5/NWRS/North_Zone/Silvio_O_Conte_Complex/Silvio_O_Conte/Summary_DraftCCP.pdf)

The GW land committee met Monday and developed a list of questions/concerns to discuss at the meeting. Their assumption is that GW members, after French's discussion, will provide areas of concern that **Wilson** will, in turn, use to write the document to be submitted to USF&WS. Land committee members are hoping that a Commission-wide "word-smithing" session won't be required. The deadline for submitting comments is November 16, 2015.

**Kevin Hively, Ninigret Associates.** Hively has been hired by RiverCOG to work on a regional economic study. Conservation and the region's natural resources are included as part of the underpinning of our economy and, as such, he wants to talk to some conservation partners to find out information that he deems necessary to inform the study. He may just be providing a summary of his involvement with the project and ask if members have any thoughts and whether or not they may have suggestions on others to which he may talk. In a telephone conversation, he was given a background of the history of the Gateway Commission and how the Commission carries out its mission in the lower river valley. The study deadline is December 31, 2015.

**Letter to Member Town P&Z Commissions RE Septic Systems on Steep Slopes.** A letter will be prepared and be sent to each of the eight member town P&Zs regarding the clearing of trees when related to Department of Health rules for the testing for suitable areas for septic disposal. Members will recall that conversations have occurred between Downes and Bob Scully of the CT Department of Health and Downes and a sanitarian employed by the Lower CT River Area Health District (CRAHD) regarding what rules require with respect to the testing *and building* of reserve septic areas. There was some confusion over when a "reserve" septic area needed to be tested and actually built, requiring the placement of substantial fill and the clearing of trees and when it's just shown as "reserve" on a map with no improvements actually occurring in the field. This issue came up in Deep River in the recent past. Through discussions, it was determined that properties established prior to January 1, 2007 are exempt from this requirement and do *not* require the buildout of a reserve septic field by placement of soil fill where inadequate soil cover exists. This possibility is only a significant issue on steeply sloping lots which, by nature, don't have a lot of soil cover.

The letter will caution P&Zs to look out for this issue if and when they are involved in the establishment of new lots on the Conservation Zone. They will need to make sure that the site engineer and application materials provide a demonstration that any lot can accommodate both a code-compliant primary *and* reserve septic area without the need for placement of fill which may require tree removal. If the site engineer cannot do that, the applicant will be asked to redesign the offending lot so that the two code-compliant areas *can* be shown to exist, thereby negating the need to clear trees and build out the reserve area.

Summarizing, the “worst case” scenario would be a post- 1/1/2007 steeply-sloping lot that only has enough soil cover to place a primary septic area. Without sufficient soil outside of the primary area, the health code requires the owner to actually *build* the reserve area by bringing in fill, thereby demonstrating compliance with the code (proving that a reserve system can be built by actually building it!). If that occurred in an area of trees, the trees would need to be removed prior to placement of the fill. That eventuality could be an issue on a hillside lot in the Conservation Zone. As a note, this situation is very rare and hasn’t come up in recent memory. Further, reserve areas are seldom used and essentially only exist on paper.

**Walt Zilahy, Haddam, CT.** Since your last meeting, Haddam resident Walt Zilahy passed away suddenly following contracting an infection during a vacation to Peru. Walt took the chairmanship of the Haddam P&Z following the challenging “Tylerville Swap” episode and provided leadership that included support of the Gateway mission following a time when “the town” and Gateway didn’t see eye to eye on numerous fronts. Everyone considered Walt a smart, sensitive, reasonable man who gave much to his town as a volunteer. He was a friend to Gateway and their efforts in Haddam.

### Reserve Septic System Buildout

Downes followed up on the issue of buildout of septic systems on rocky hillsides in circumstances that could result in unwanted tree removal in the Conservation Zone. The concern is over parcels where it can’t be demonstrated that there is sufficient soil to build a “reserve” septic area. In such cases, the health code requires that the reserve area is actually built through placement of fill, even if trees must be removed to accomplish this (reserve areas are seldom used in the lifetime of a residential property making its buildout even more unnecessary). A letter will be sent to the eight planning authorities in the GW region to caution them about such circumstances and asking that when a subdivision is proposed, that they stay vigilant for situations that might create this tree removal dilemma.

### Staff Actions

Old Lyme, 65 Shore Road. Demolition of existing, reconstruction of new single family dwelling in a location separated from the Connecticut River by a significant distance and on a property surrounded on three sides by treed properties owned in conservation by The Nature Conservancy. The “visual bulk” of the new structure is less than what exists at present. As a result, a letter of “no opposition” was sent by staff to the Old Lyme Zoning Board of Appeals. The required variances were approved by the ZBA.

### Commission Reviews

Old Saybrook, 88 Ferry Road, Proposal to Rezone a Residential Property from Residence A to Marine Commercial. The site, currently developed with a single-family dwelling and outbuilding, is less than an acre and is located immediately adjacent to another residential parcel that marks the end of the marine commercial district that exists on Ferry Point. The rezoning of the lot would simply add one more lot to the marine commercial district in an interior location away from the river. The lot itself is located down a hill away from the river and is therefore not visible in any significant way. It exists above the Ragged Rock Marina in an interior location that is not significantly visible from the river in that direction either. Based upon these considerations, the Commission voted to approve the rezoning of the parcel. Motion to approve by **Fischbach**, seconded by **Thompson**, approved unanimously with **Fish** abstaining from the vote.

### Land Committee

a) Conte Plan. Members discussed the comments that Gateway will provide by November 16, 2015 for the Conte Management Plan. The members liked the suggestion of Andy French, who said it is reasonable to offer support for one alternative while requesting that certain aspects of the other alternatives be added for more effective management of the preserve. Members suggested that support might be offered for Alternative “C” (the preferred USF&WS alternative) supplemented with the added land acquisition authority proposed under

Alternative "D".

Motion by **Fischbach**, seconded by **Thompson**, to authorize the land committee, on behalf of the Commission, to prepare and submit a letter of comments based upon the discussions held and the presentation by Andy French. Motion passed unanimously.

**Bement** offered to look up "Friends of Conte" and report at the December 3, 2015 meeting.

b) Haddam Neck Acquisition

Members discussed 20 acres of potential acquisition land in the Haddam Neck area. The Land Committee indicated that the subject was discussed at their meeting held on October 19<sup>th</sup> where they decided that members should view the property once leaves have fallen prior to moving forward with a concerted effort to explore acquisition. **Bement** indicated that the properties can be seen from Haddam Meadows State Park by looking across "to the right of the church spire". Members indicated that it was appropriate for **Fischbach** to explore the acquisition costs with a potential donor of such funds.

Old Business.

None.

New Business.

None.

Adjournment

Upon motion by **Bement**, seconded by **Cable**, the meeting adjourned at 9:45 pm.