Protecting the Character of the Lower Connecticut River

The Mission of the Connecticut River Gateway Commission

June, 2011
The Connecticut River Gateway Commission was established by the Connecticut General Assembly in 1973 to protect the visual and ecological values of the lower Connecticut River. Through the effective management of development in the Gateway Conservation Zone, Gateway representatives have participated in protecting the “natural and traditional riverway scene.”

As a result of the great desirability of the region to people from all over the world, vigilance will be needed in order to continue to protect the lower river.

For more information on the Commission and its history, visit its website at www.ctrivergateway.org
Why the Connecticut River Valley Is So Important

The Connecticut River, New England’s largest and most celebrated river, winds its way south 410 miles from Vermont and New Hampshire to Long Island Sound. The river’s scenic, historic and ecological value make it unique. Its watershed encompasses over seven million acres and is home to countless species, including an estimated eight million humans. The Connecticut River is the largest single contributor of fresh water to the estuary of Long Island Sound.

The River and its estuary have been recognized for outstanding scenic and biological resources:

- The United States Fish and Wildlife Service created its first refuge based on a river system (the Silvio O. Conte Fish & Wildlife Refuge) in the Connecticut River

- The Federal Government designated the Connecticut River as an “American Heritage River”, one of only fourteen in the country

- The Nature Conservancy declared the estuary a “Last Great Place,” one of only forty in the northern hemisphere

- The Ramsar Convention designated the Connecticut River estuary and tidal wetlands complex as a “Wetlands of International Importance” putting it on par with globally
The lower Connecticut River valley would not be as desirable a place to live and play if it were not as beautiful, protected and celebrated as it is. The Gateway Commission is a part of the community that strives to balance the competing needs and desires of the river valley’s many residents and visitors.

The Lower Estuary of the Connecticut River
The Gateway Conservation Zone extends inland from the east and west shores of the river in order to manage development and protect the visual and traditional character of the lower river.
1. History of the Gateway Commission and the Gateway Conservation Zone

In 1965, a Congressional proposal sought to establish a National Recreation Area on the Connecticut River, from source to sea. It was conceived to “preserve natural beauty and provide outdoor recreation for public urban centers,” and included, among other things, the vision of creating new, large flood control reservoirs to enhance recreation along the river. Public opposition to this concept was loud and defiant, citing concerns about unmanageable traffic, inadequate sanitation capabilities and policing burdens to towns, in addition to already existing high levels of recreational activity on the river. All four affected states rejected the proposal. However, one element survived: the protection of the portion of the valley that had been designated the “Gateway Unit” in Connecticut, including the riverfront portions of the eight lower river towns.
In 1973, the Connecticut General Assembly passed legislation authorizing the establishment of a state-local compact for the protection of the lower river and the establishment of the Gateway Conservation Zone.

The plan subtracted the federal partner and the recreational component, and instead created a local commission whose purpose is “to protect the scenic, historic and environmental resources of the lower river.” This vision included the protection of land within the conservation zone through acquisition of easements and development rights and locally enacted zoning ordinances that would “shield the area from incompatible uses.” The towns within the Conservation Zone overwhelmingly accepted this idea and voted to be a part of the compact. The Gateway Commission held its first meeting on July 17, 1974.
II. The Gateway and Its Mission

The Gateway Commission is organized pursuant to Chapter 477a, Sections 25-102a through 25-102m of the Connecticut General Statutes. The Connecticut General Assembly found that the lower Connecticut River and the adjacent towns possess “unique scenic, ecological, scientific and historic value contributing to public enjoyment, inspiration and scientific study.” The statutes charge the Commission with preventing “deterioration of the natural and traditional river way scene for the enjoyment of present and future generations of Connecticut citizens.”

The Commission is comprised of two representatives from each of the eight member towns (Chester, Deep River, East Haddam, Essex, Haddam, Lyme, Old Lyme, and Old Saybrook), two members from each of the two regional planning agencies that serve the eight member towns (CRERPA and Midstate), and a representative of the Commissioner of Environmental Protection. Except for the DEP representative, all other members are volunteers appointed for two-year, renewable terms by the Board of Selectmen of their member town. Citizens interested in serving on the Gateway Commission should contact their local First Selectman to find out about possible vacancies.

The Commission meets once a month and its meetings are open to the public. The Commission is required to report its activities and finances to the Connecticut General Assembly annually.

The statutes also establish the boundaries of the Gateway Conservation Zone which are determined by visibility from the river. The Conservation Zone extends from ridge top to ridge top
The view of the Connecticut River from a bench at the Chester Ferry Landing

The statutes also allow the Gateway Commission to work with the Connecticut Department of Environmental Protection to recommend and approve land acquisition projects within the Conservation Zone. The Gateway Commission has played a role in successfully protecting over 1,000 acres in the lower river valley through land acquisition grants to local, state and national conservation organizations and through its own direct acquisition of scenic easements, development rights and, in some cases, fee simple land. The Gateway Commission has spent over $1,000,000 of its own funds in this acquisition effort.
III. The Gateway and Its Member Towns

As a land use board enabled by State Statutes, the Gateway Commission serves to support its member towns’ efforts to preserve and protect the appearance and ecology of the riverfront in each municipality. The Gateway Commission was borne from the desire for just that kind of support and technical expertise. To underscore the importance of the balance that must exist, the State Statutes establishing the Gateway Commission require that the Commission shall prevent the deterioration of the natural and traditional river way scene “provided such action shall not discourage constructive development and uses of such property....”

Achieving this sometimes delicate balance demands a collaborative relationship between the Commission, local land use commissions and their town planners and ZEOs. Even though all member towns share the same natural feature - a river...
valley - their goals and needs vary. The Gateway Commission strives to recognize these differences and work with member towns so that each member town can not only meet its own goals and objectives, but also protect and preserve the beauty and ecology of the river we share.

IV. Threats to the Gateway Conservation Zone

Despite the attention of multiple federal, state and local agencies, non-profit organizations and private citizens, the lower river continues to face significant threats to its scenic and environmental integrity. Chief among these is over development within the watershed, leading to:

- Visual encroachment from development
- Recreational overuse
- Invasive, non-native plant and animal species
- Water quality impacts

A. Threats Posed by Development

The threats posed by development include:

- Structures that do not blend with their surroundings
- Structures of a size that are out of scale with their surroundings
- Architectural design that clashes with context within which it exists
- Inappropriate and unnecessary tree cutting in order to afford private landowners views of the river valley
- Water pollution resulting from storm water run off
To counter these threats and manage development, the General Assembly gave the Gateway Commission an important tool: the ability to adopt zoning standards, including those that would impact “design” of development, a rare authority in Connecticut land use management. Each member town must adopt those standards, which primarily concern the bulk appearance and height of structures as seen from the river and neighboring towns, into its Zoning Regulations. Through this municipal partnership in zoning, the Gateway’s standards have become the land use law governing development within the Gateway Conservation Zone.

So important is the Gateway’s authority that the General Assembly required that no zoning, subdivision or “planning” regulations could become effective in the Gateway Conservation Zone without the approval of the Gateway Commission.

Further, in the eight member towns, any request for variances of regulations for land located within the Conservation Zone must come before the Gateway Commission for review for consistency with the Gateway mission. Finally, in the event of the unlikely and rare appeal of a local decision, the Gateway Commission is considered to have automatic standing in any court proceeding.


B. Visual Encroachment

As the years pass, larger and larger structures are being built along the banks of the Connecticut River, structures that are more and more conspicuous, especially when significant tree cover is removed in order to build. Although houses and other structures have existed along the river since earliest days, they were of more modest scale. The visual impact of these larger structures is inconsistent with the protection of the “natural and traditional riverway scene”.

In order to manage the visual impact of the larger structures, the Gateway Commission has established a structure setback of one hundred (100) feet from the river.

In addition, a Gateway standard requires a Special Exception review for structures of more than 4,000 square feet (the Town of Old Saybrook adopted a more stringent standard of 3,500 square feet).

The special standards that accompany such a review require a local zoning commission to consider how well the structure fits the landscape where it is to be built. Included are criteria for designs that fit the topography, the maintenance of views of ridge tops, the use of muted colors and materials in construction and other standards to minimize development that “stands out” when seen from the river.
C. Structure Height and Site Engineering

Management of the height of structures built within the Gateway Conservation Zone has always been a high priority to minimize visual impact. The Gateway standards measure structure height from the roof peak to the lowest elevation where the foundation is exposed at existing natural grade as opposed to that measured from artificial fill placed around the foundation. This method ensures that the view of the structure from the river will appear no more than thirty-five (35) feet in height.

Structure Height in the Gateway Conservation Zone is measured from “existing natural grade” to the peak of the roof. Height cannot exceed 35 feet.
Although designing structures to meet the height standard in areas of steep slope can be a challenge, the Gateway Commission and its eight member towns feel strongly that limiting this aspect of potential visual impact is an important means of preserving and protecting the “natural and traditional river way scene.”

Over-engineering a site in the Gateway Conservation Zone

Another factor in visual impact can be the over-engineering of a site. Given today’s technology and equipment, just about any site can be modified to accommodate a structure. But when the site modifications are so extensive, one must ask whether such a site should be developed in a way which will create significant visual impacts to the river scene.
D. Tree Cutting

Although standards have long been in place to manage commercial tree cutting, it has been difficult to develop an effective way to manage tree cutting when a property owner seeks a more wide-open view toward the river. The Gateway Commission continues the search for a reliable method to “regulate” tree cutting in such situations, seeking effective ways to educate property owners so they can open river views through selective trimming of tree branches that will maintain visual buffering by those trees.

Hillside tree removal in the Conservation Zone

Another important means of visual buffering is to retain existing trees and other natural vegetation and to plant new vegetation. A Special Exception process allows local zoning commissions to explore these issues with the applicants in a way that successfully balances the needs of the private property owner with those of the general public.
E. Riparian Buffers

Broad sloping lawns which encroach into riverfront riparian buffers, although beautiful, can adversely impact the ecological health of the river. Such broad lawns are usually maintained with fertilizers and pesticides in a way that allows runoff of those chemicals directly into the waterways to the detriment of the river ecology. Riparian buffers filter fertilizers, chemicals and other pollutants and help stabilize the banks from erosion. The buffers also provide wildlife habitat and corridors.

The statutes governing the Gateway Commission include provision for ecological protection within the Gateway Conservation Zone. In order to counter environmentally harmful development practices, the Commission developed a riparian buffer standard which requires existing natural vegetated buffers be left intact for a distance of fifty (50) feet from the Mean High Water line. To enhance the protective effect of riparian buffers, the Town of Old Saybrook adopted a more stringent 100 foot riparian buffer standard.

Expansive riverfront lawn with no protective riparian buffer
Although the retention of riparian vegetation provides some visual screening, riparian buffering is primarily a way to filter upland storm water prior to its passing into the waterway. The natural vegetation acts as a filter that improves the quality of the runoff. Of course, properties that had open lawns prior to the adoption of the standard continue to have those lawns. In those cases, the Gateway Commission hopes education will lead property owners to voluntarily plant native vegetation to improve the quality of the runoff. The Commission seeks to improve the effectiveness of its riparian buffer protection standards through collaboration with the Tidewater Institute.
V. Land Protection within the Gateway Conservation Zone

The zoning standards adopted by the Gateway Commission are designed to manage development within the Conservation Zone. However, the most effective way to protect the riverway scene is to limit the development of visually prominent tracts. The Commission accomplishes this by acquisition of either land or development rights through easements or through outright fee ownership of property.

Selden Island and Selden Creek in Lyme

The Gateway Commission’s enabling statutes allow it to acquire land for protection with the intent of transferring that land to conservation partners such as the Connecticut Department of Environmental Protection, a member town or a local land trust. In order to have the flexibility to acquire and hold land in cases where such ownership was required, at least on a temporary basis, the Gateway Commission formed the Connecticut River Land Trust in 1983. That organization still exists and participates in various acquisition projects.
Notwithstanding the escalating price of land, some property owners want to conserve their land in perpetuity. In order to do so, land owners can agree to conservation easements that limit development of their land. They may also gain tax advantages as a result. Much of the land that the Gateway Commission has preserved has been protected through such easements.
VI. Staff Resource

The Gateway Commission exists first and foremost to assist its member towns in protecting and preserving the “natural and traditional river way scene.” To better provide this assistance, the Commission has delegated certain responsibilities to staff. Gateway Commission staff is always available to meet with town officials, property owners, real estate agents and others to help them understand how proposed development can be designed to achieve the goals of the land owners while preserving the lower Connecticut River valley’s scenery and ecology. Frequently, meetings and site visits occur on the same day as the initial contact with staff. The Commission believes that consultation and education enhance the public’s understanding of the river’s beauty and ecology.
VII. Research in the Gateway Conservation Zone

The Gateway Commission believes that it has a responsibility to fund, participate in and sponsor research that contributes to understanding the lower Connecticut River. Recent research projects include:

Charting the Course, Roundtable Discussions, 2002 – 2003
In response to public concern about increased development pressure in the lower Connecticut River valley and particular concern about two private dock proposals, the Gateway Commission helped facilitate a series of roundtable discussions. The discussions included participants with varying interests in the future course of riverfront development. Eighteen different groups participated. Among them were local governments and land use commissions, state and federal agencies with jurisdiction, business groups and conservation organizations. As a result of these discussions, each of the groups gained a better understanding of the needs of all of the participating organizations, their common goals and their areas of difference.

Lower Connecticut River Dock Impact Study, 2004
Because of general concern about the growing number of private residential docks in the lower river, National Oceanographic and Atmospheric Administration funded a study supported by the Gateway Commission to develop a model for a regional approach to reviewing the impact on the river of proposed private docks. The model methodology scores the level of impact based upon nine different river resources on a scale from 0 to 3, with the higher scores indicating higher potential impact of dock construction and use. The total impact score could then be used to identify sections of the lower river where proposals for private docks could potentially create adverse effects to the river. This tool allows property owners, dock design professionals, real estate agents and others to
The Ground Truthing Project, 2005

In 2005, the Gateway Commission, the Connecticut River Estuary Regional Planning Agency (CRERPA) and the Tidewater Institute undertook a community-based study of conserved land and land that was thought should be conserved. Volunteer commission members, land trusts, open space committees and other local organizations and individuals contributed to the project. Participants identified gaps in current land conservation data and opportunities for future land protection. The process resulted in identification of key opportunities for linking protected open space with vacant private parcels in the lower Connecticut River watershed. An equally important outcome was the creation of a consistent and detailed data base that could be used to generate highly accurate open space maps.

better understand the potential impacts that dock construction and use could have along specific sections of the river shoreline and to have reasonable expectations about the types of structures that may be permitted in any given area of the riverfront. In 2010, the indexing technique was used by the Old Lyme Harbor Management Commission as a basis for developing and implementing its dock standards.

Private Docks in Essex and Chester
Connecticut River Riparian Mapping, 2006

Shoreline vegetated buffers and riparian areas are an important natural tool to counter the effects of non-point source water pollution. Despite numerous research studies, no single study had consolidated information on the existence and condition of vegetated buffers and riparian areas along the lower Connecticut River. As an outgrowth of the Ground Truthing Project, the Gateway/CRERPA/Tidewater partnership investigated the existing riparian buffers along riverfront properties within the entire Gateway Conservation Zone. Miles of riverfront vegetation were examined up close from...
a small boat. These field observations were then combined with existing GIS data to produce a regional tool to guide further resource protection through the conservation of riparian buffers. The study underscored both the extraordinary beauty and the vulnerability of the lower Connecticut River region. The research showed that existing riparian buffers include significant concentrations of invasive species. While these buffers serve to protect water quality, the invasive species are a threat to native vegetation. The information and conclusions developed through the study will enable member towns and private landowners to better protect the water quality of the lower Connecticut River by retaining existing riparian buffers and establishing new ones along the riverfront.

VIII. Summary

The lower Connecticut River remains one of the most magnificent scenic and ecologically healthy regions in all of the northeast United States. The accolades showered upon the lower river in the past two decades are a testament to those who have fought to maintain the area as “One of 40 Last Great Places in the Western Hemisphere”, an “American Heritage River”, a “Wetlands of International Significance” and a place where, for almost 40 years, the Gateway Commission and its partners have maintained the “natural and traditional riverway scene” for present and future citizens of Connecticut and beyond.

Without the commitment of volunteers and stewards like those who have served on the Gateway Commission since the early 1970s, the lower river would not be the scenic and ecological treasure that it is today.

The Gateway Commission can be contacted through its staff at CRERPA, (860) 388-3497 or visit its website at www ctriv ergateway.org .
Prepared by the
Public Outreach Committee of the
Connecticut River Gateway Commission

Members:
Harvey Thomas, East Haddam
J. Melvin Woody, Lyme
Martha Wallace, Chester
Stasia DeMichele, Mid-State RPA
J. H. Torrance Downes, CRERPA

It is found that the lower Connecticut River and the towns abutting the river possess unique scenic, ecological, scientific and historic value contributing to public enjoyment, inspiration and scientific study, that it is in the public interest..... to preserve such values and to prevent deterioration of the natural and traditional riverway scene for the enjoyment of present and future generations of Connecticut citizens.

- Connecticut General Assembly, 1973
Section 25-102a of the Connecticut General Statutes

www.ctrivergateway.org

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