

# CONNECTICUT RIVER GATEWAY COMMISSION

REGULAR MEETING MINUTES, January 25, 2018

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

<b>Chester:</b>	<b>Margaret (Peggy) Wilson</b> , <i>Errol Horner</i>
<b>Deep River:</b>	<b>Nancy Fischbach, Kate Cotton</b>
<b>East Haddam:</b>	<i>Harvey Thomas (E)</i> , <b>Crary Brownell</b>
<i>Essex:</i>	<b>Claire Matthews</b> , <i>Vacancy</i>
<i>Fenwick:</i>	<i>Fran Adams, Borough Warden</i>
<i>Haddam:</i>	<b>Susan Bement</b> , <i>Vacancy</i>
<b>Lyme:</b>	<b>J. Melvin Woody, Wendy Hill</b>
<b>Old Lyme:</b>	<b>Peter Cable, Suzanne Thompson (7:41p)</b>
<b>Old Saybrook:</b>	<i>Vacancy</i> , <b>Bill Webb</b>
<i>Regional Rep:</i>	<i>Raul Debrigard (E)</i>
<b>DEEP:</b>	<b>David Blatt</b>
<b>Staff:</b>	J H Torrance Downes
<b>Guests:</b>	Sylvia Rutkowska, Attorney

## 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 7:30pm.

## Approval of 12/7/17 Regular Meeting Minutes

Motion by **Fischbach**, seconded by **Wilson**, passed unanimously.

## Approval of 1/9/18 Special Meeting Minutes

Motion by **Matthews**, seconded by **Cable**, passed unanimously with **Cable, Cotton, Bement, Woody** and **Matthews** in favor, all others abstaining because they were not present.

## Treasurers Report

**Wilson** reported that the bills for staffing for the months of November and December total \$3,090.32. A December bill in the amount of \$1,200 is the payment made on behalf of the Deep River Land Trust for the Flanagan & Associates appraisal for the three Deep River parcels that are the subject of conservation by the DRLT and that Gateway has agreed to support in the amount of \$30,000. Motion to approve \$3,092.32 in bills by **Fischbach**, seconded by **Bement**, passed unanimously.

## Motion to Amend the Agenda to Add a Zoning Regulation Petition presented by the Chester Planning & Zoning Commission made by Fischbach, seconded by Bement, passed unanimously.

Sylvia Rutkowska of Dzailo, Pickett & Allen presented on behalf of the Chester P&Z. The petition proposes language to manage short term rental of residential dwellings for period less than 30 days. After a brief discussion, motion to approve by **Fischbach**, seconded by **Matthews** to “approve” the petition pursuant to Section 25-102g CGS as the regulations will have no impact on the Gateway mission of protection. Passed unanimously.

## Vote to Appoint a Gateway Representative to the Lower Connecticut River Land Trust (LCRLT)

The former LCRLT voted to amend bylaws on December 7, 2017 approving a membership that includes the seventeen RiverCOG towns and a Gateway representative. Those bylaws became effective on January 1, 2018. The Gateway Commission must vote to appoint a member to that new board. After a brief discussion, **Matthews** and **Woody** both volunteered. The consensus was to appoint **Woody** as the “primary” representative with **Matthews** as the “back-up” with the likelihood that **Matthews** will step in after a period of, perhaps, a year’s time to become the representative.

## Correspondence

Goodspeed Airport Scenic Easement/Campbell Hudson. All deeds are filed. The scenic easement is complete.

Copies of final records will be submitted for Gateway files.

Status of Deep River Land Trust and Land Acquisition. The following paragraph was received from Janet Stone of the DRLT on January 9, 2018. The letter of support was already sent to Janet under Melvin's signature.

Hi Torrance,

We are well underway with our State grant application to aid in purchasing the Horowitz property on Essex St. in Deep River. We have hired Ann Faust, grant writer, to help with this since the deadline is Feb. 1. She has put together draft letters of support for various Commissions and Boards. I am sending you the ones for RiverCog and Gateway in hopes that you can facilitate their completion. They are currently stated to be signed by Sam Gold for RiverCog and Melvin Woody for Gateway, but if you can do them yourself that would be fine. They need to be returned signed to me with enough time to get them into the State application before Feb. 1. I can pick up signed copies at your office if necessary. Thanks for your help.

Janet Stone, President, Deep River Land Trust

Reported by Woody: John Kennedy of DRLT reported in a recent Land Trust Exchange meeting that fundraising for the properties is going very well.

Lower CT River Land Trust Bylaws. The new bylaws of the Lower CT River Land Trust became effective on January 1, 2018. RiverCOG Executive Director Sam Gold is working to have the COG members, plus the as-of-yet unnamed Gateway representative, to schedule a first meeting, which may take place in February, 2018. Sorting out appropriate dates at present.

17 Whisper Cove, Old Saybrook. The owner of the property that finally received necessary variances and Special Permit to construct a dwelling and pool, and implement an agreed upon landscape restoration plan, has decided to sell the property. A new owner could take over and build out the property as approved, or would have to "start over" with all permitting. The former representatives of the past owner have speculated that a nearby property owner purchased the property and may, for the time being anyway, leave it undeveloped. More research is being done to find out just what the intentions are for the site.

River Road, Deep River. Former property of Admiral Chase (past Gateway member). Subdivision of riverfront property into three buildable lots. Staff has twice met with representatives of the buyer, the same "team" involved in the Whisper Cove project. Cathie Jefferson of Deep River and JHTD are insuring that the project is pre-reviewed and will look to implement conditions similar to those implemented at Whisper Cove. The applicant is supportive of the pre-review process and the conditions that would be placed on scheduling and implementing all site work. No variances are required, but Special Exceptions for individual structures will be. Gateway has no authority over subdivisions, but is included through staff in these preliminary discussions. The subdivision will likely result in the establishment of a passive open space site among the tree cover for river viewing in at a location that is one of the best in the lower river for seeing the river vista. We're all pleased to be guiding this application in a way which will provide that opportunity. The applicant is being very cooperative and hopes, as a result, to have a quick uncomplicated process – the common goal sought by applicants. **SEE Fire Protection proposal under Regulation/Map Referrals.**

**GW asked Downes to send a letter to the Deep River P&Z confirming the on-site meeting and the in-office meeting and the issues discussed. GW members asked who will take possession of the open space view overlook to be provided by the developer.**

CT River Museum Workshop, "The Resilient River Project". On Wednesday, January 17, 2018 representatives of several lower river organizations met with Chris Dobbs and other representatives of the CT River Museum. Gateway was represented by Melvin Woody, Bill Webb and JHTD. Also attending were Margot Burns (RiverCOG), Judy Preston (CT Sea Grant), Alicia Charamut (CT River Conservancy) and several others. The intent was to have a "brainstorming" support for the project, which is part of a \$5 million campaign to reinvest in the Museum's visitor's experience and better explore its mission. The project also includes the construction of an addition to the Lay House which will be visible from the river. Gateway members were sought not only for their thoughts about the river project but also because the CRM is aware that there may be the need for Gateway involvement in the local application process (at present, it's not anticipated that any variances would be necessary, which means under current Essex Zoning Regulations, the Gateway Commission would not be involved in the review; even under the proposed standards yet to be adopted, it's not clear that Gateway would be a part of the review process either, so involvement in this "pre-application" stage as a partner would be valuable). Of interest, along with being able to influence the

appearance of the new addition and landscaping, is a partnership that would allow Gateway to have a display (permanent or semi-permanent) that would educate the many visitors on the mission of the Gateway Commission. Although a similar display is located at the home of the RiverQuest in Haddam, many more visitors would see the CRM display. A partnership with the CRM is something that GW has talked about for quite some time. **Thomas** and Downes met with Chris Dobbs to express that desire when he was first hired. **Members asked Downes to send a letter to CRM thanking them for including GW in these discussions. Letter can include a question regarding the possibility of having a GW display in order to educate museum goers.**

CLCC/Middlesex Land Trust Annual Workshop. Request for sponsorship for the 34<sup>th</sup> Annual (Wesleyan) CLCC Conference, Saturday, March 17, 2018. In past years, GW has sponsored at a level of \$500 and, in return, was able to set up a table to promote the Commission. Last year, GW presented a workshop on easements. **Motion to support at the level of \$500, the same as in the past. Motion by Fischbach, seconded by Cable, passed unanimously.**

Essex Alternate Representative. Steve Gephard of Essex and the CT DEEP responded to the request of joining Gateway, indicating that he is very busy with work-related departures and vacancies and is therefore too busy to take on any other obligations at the moment. **Members asked Downes to send a letter to Old Saybrook First Selectman Carl Fortuna asking him to appoint Bill Webb as the GW Representative. The next appointment will fill the "alternate" spot. Matthews will continue to pursue an alternate for the vacant Essex position. Webb's appointment will be on the Tuesday, 2/13/18 BOS agenda.**

Variances Handled by Staff. Reported on in Items of Interest report. No significant impacts from the developments.

#### Regulation Petitions, Town of Deep River

The following Deep River regulation proposals were discussed and decided as indicated:

- (1) Fire Protection Subdivision Regulations. Subdivisions will be required to include a fire well, a fire point or an underground storage tank for the purpose of fire protection. Review of subdivision regulations ("Planning Regulations") is in the purview of Gateway. Note that a subdivision will be coming forward on the riverfront property of the late Admiral Chase, a former Gateway member. Downes has met with ZEO, engineer and property owner on site and at Deep River Town Hall. GW will **not** have review authority for the subdivision which includes the review for the fire well, fire pond or underground storage structure.

**CONCERN: Although the P&Z is very sensitive to tree removal issues in the Conservation Zone, this aspect of a subdivision review is also reviewed by the local Board of Fire Commissioners who may not have any Gateway-related knowledge with respect to locating such structures in a way so as to avoid tree removal when in the Conservation Zone. That process WILL, however, be a coordinated P&Z/Board of Fire Commissioner's review:**

Members agreed that the additional language, likely included as Section 5.9.1.1, would state that a submitted fire protection plan shall include "[a] *demonstration showing that such fire protection structures have been located to minimize tree removal when located on or adjacent to a property in the Gateway Conservation Zone. Consultation with staff of the Gateway Commission prior to submission of a subdivision application where a fire protection structure will be located is preferred.*"

- (2) Landscape/Nursery Businesses and Contractor Storage Yards. The Gateway Commission approved this regulation petition with a condition that these uses be prohibited on properties located within the Gateway Conservation Zone.
- (3) Site Plan Regulations. The Gateway Commission approved the petition proposing changes to the requirements of Site Plan submissions as the changes will have no impact on the Gateway mission of protection.

The three petitions were unanimously approved with the aforementioned conditions upon a motion by **Wilson**, seconded by **Fischbach**.

#### Regulation Petition, Town of Old Lyme

The Commission reviewed a petition to amend zoning regulations concerning aquifer protection in the Town of Old

Lyme. During the discussion, DEEP Commissioner's representative **David Blatt** summarized an ongoing dialogue

between representatives in Old Lyme and DEEP Analysts regarding ground water pollution problems which are said to exist in town. GW members requested that the letter include a statement asking town representatives to "*not complicate or impede*" ongoing efforts to address the identified community pollution problems. The letter went out asking town representatives to "*assist*" in ongoing efforts to address these problems. Members voiced appreciation for the town's ongoing protection of the drinking water supply. Motion by **Blatt**, seconded by **Matthews** to approve as submitted with the letter extending thanks for ground water protection. Passed unanimously.

#### Staff Actions

None of consequence.

#### Committees Reports

Land Committee. **Wilson** reported no change from last month.

Governance. **Fischbach** reported that standards will be moved forward as quickly as possible Report on the new bylaws of the LCRLT reported during previous agenda item.

Outreach. No report.

Old Business: None.

New Business: **Woody** briefly indicated that the Land Trust Exchange *may*, at some point, request some funds from Gateway in the form of a grant to hire someone for fundraising purposes. The new LCRLT would be the non-profit vehicle that would likely be used as the fiduciary agent.

Adjournment: Motion to adjourn by **Bement**, seconded by **Webb**, passed unanimously at 8:58pm.