

CONNECTICUT RIVER GATEWAY COMMISSION

REGULAR MEETING MINUTES

February 22, 2018

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

Chester: *Margaret (Peggy) Wilson (E), Errol Horner*

Deep River: *Nancy Fischbach (E), Kate Cotton*

East Haddam: **Harvey Thomas, Crary Brownell (E)**

Essex: **Claire Matthews, Vacancy**

Fenwick: *Fran Adams, Borough Warden*

Haddam: **Susan Bement, Vacancy**

Lyme: **J. Melvin Woody, Wendy Hill**

Old Lyme: **Peter Cable, Suzanne Thompson**

Old Saybrook: **Bill Webb, Vacancy**

Regional Rep: **Raul Debrigard**

DEEP: **David Blatt**

Staff: J H Torrance Downes

Guests: None.

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 7:32pm.

Approval of 1/25/18 Regular Meeting Minutes

Motion by **Bement**, seconded by **Hill**, passed unanimously with minor revisions.

Treasurers Report

Downes presented the Treasurer's Report and the monthly staffing bill. Motion to approve \$1,848.66 in payment for time spent by J H Torrance Downes and Paula Fernald. Motion to approve payment of bills by **Bement**, seconded by **Matthews**, passed unanimously.

Downes raised the question of authorization of funds to pay for two table displays for the CLCC Workshop, usable at any event or within local libraries, etc. Downes presented a draft of a board describing four different historic acquisitions in which Gateway had been involved (Watch Rock, Brainerd Quarry, Bonanomi and Roger Tory Peterson acquisitions). A dollar amount "not to exceed" was presented in the amount of \$250, although the cost of two professionally produced displays will likely be far less than that. Motion by **Cable**, seconded by **Webb**, to authorize the use of up to \$250 for displays passed unanimously.

Correspondence

Status of Deep River Land Trust and Land Acquisition. Downes reported that the DRLT had followed through with making application for funds for the purchase of the three properties off Essex Road and above Pratt Cove. He reported that a check was issued by Gateway in the amount of \$2,300 to partially pay for the upgrade of the original appraisal to "yellow book" standards. The \$2,300 payment exhausted the \$3,500 originally authorized by Gateway for appraisals. The DRLT is responsible for the additional \$300 to pay the full amount charged by Flanagan Associates.

Lower CT River Land Trust Bylaws. Downes reported that the first meeting of the LCRLT will be held as a part of the COG monthly meeting to be held on Wednesday, February 28, 2018. Although the meeting starts at 9am, **Woody** and **Matthews**, the GW representatives to the new LCRLT, were told that a 10 o'clock arrival would likely be adequate.

River Road Subdivision, Deep River. Members were told that the riverfront property in Deep River for which several staff meetings regarding subdivision and development were held and which was discussed by Gateway at its meeting on January 25, 2018 was apparently purchased by someone other than the builder who had expressed interest in building in a way compliant with the Gateway Commission's mission of protection.

CLCC/Middlesex Land Trust Annual Workshop. Downes reported that the \$500 level of sponsorship provided by Gateway includes three passes that will be used by **Woody**, Downes and **Thompson**. **Matthews** has expressed interest in going and will be reimbursed at the March meeting of the Commission. **Cotton** also expressed interest in attending.

Variances Handled by Staff.

175 Saybrook Road, Essex. Downes reported that a letter of "no opposition" had been issued for the variance application currently before the Essex ZBA. He described that status of the municipal process indicating that the opening of the hearing, scheduled for commencement on Tuesday, February 20, 2018, was delayed at the request of the applicant because documents to be referred to the DEEP hadn't been sent up, in their words, in a timely fashion. The delay in the public hearing will prevent the statutory review "clock" from starting.

Downes reminded the members that an application had been reviewed in April of 2017 where a finding of "no opposition" was made with conditions requiring the planting of visually-buffering vegetation and a request for minimization of removal of mature trees.

A comparison of the April 2017 application and current application was made by projecting site plans from the respective applications on the screen and comparing them. Most evident was that the main structure, including its garage, was relocated so as not to encroach in any of the side setbacks on the north or south of the property. The pool and part of the open patio continues to encroach into the 50 foot Gateway river setback. In addition, two accessory structures – a roofed "pavilion" without walls encroaches within the northerly setback while an open pergola (less than 8 feet in height) encroaches within the southerly setback. The applicant contends that, based upon definitions found in the Essex Zoning Regulations, the pergola is not a structure that must comply with setbacks. A determination on that disagreement has not been made. Debrigard, as a part of the discussion, suggested that these structures *do* contribute to visual impact. Downes replied that, although that is true, he felt that the contribution of such structures to adverse visual impact is not substantial. In terms of visual impact, Downes offered that when the proposed structure is moved out of side setbacks in an area where neighboring structures are closeby, the added "space" between a proposed structure and adjacent structures reduces the appearance of one, long structure as seen from the river. The added visual space was referred to as added "breathing room", in a visual sense. The proposed dwelling still requires a height variance, but the 32.5 feet requested (where 30 foot maximum is required) is still less than the 35 foot Gateway maximum as was therefore found to not be a concern.

The members mainly concurred with the staff conclusion and were in general agreement with the finding of "no opposition".

Regulation Petitions, Town of Deep River

Downes informed members that the language provided by them at the January 25, 2018 Gateway meeting was incorporated by the P&Z as a part of the draft. Further, the P&Z provided the draft language to allow Gateway members to review and concur with what was included in the draft. Based upon communication via email on Friday, February 23, 2018, the following modifications were made, which reflect the clarifications requested by Gateway members:

*The Fire Protection plan shall demonstrate that such fire protection structures have been located to minimize tree removal **and overall adverse impacts to the natural and traditional riverway scene** ~~on or adjacent to a property~~ in the Gateway Conservation Zone. Preliminary consultation with staff of the Gateway Commission prior to submission of a subdivision application within the Gateway Conservation Zone where a fire*

protection structure is required is **strongly encouraged.** ~~preferred.~~

Staff Actions

None of consequence.

Committees Reports

Land Committee. On behalf of **Wilson**, Downes reported no change from last month.

Governance. On behalf of **Fischbach**, Downes reported that efforts are being made to move standards forward as quickly as possible

Outreach. No report. **Cotton** reported the desire to schedule a meeting soon with **Thompson** suggesting that it could occur *after* the March 17th CLCC Workshop in order to “debrief” on the event from an Outreach perspective.

Old Business: None.

New Business: None.

Adjournment: Motion to adjourn by **Bement**, seconded by **Hill**, passed unanimously at 8:25 pm.