

CONNECTICUT RIVER GATEWAY COMMISSION

REGULAR MEETING MINUTES

July 26, 2018

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

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

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

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

Essex: **Claire Mathews, Mary Ann Pleva (E)**

Fenwick: *Newt Brainerd, 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 (Arr 7:41p)**

DEEP: *David Blatt (E)*

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 7:30pm.

Approval of 6/28/18 Regular Meeting Minutes

Due to absence of Downes from June meeting, minutes were incomplete. Draft minutes will be modified by notes from Matthews and approved along with the July 26, 2018 minutes at the August, 2018 meeting. Minutes approval for June and July minutes tabled until August meeting.

Update and Request for Grant, Lower Connecticut River Land Trust

RiverCOG Executive Director Sam Gold and RiverCOG Environmental Planner Margot Burns spoke, along with **Woody** and **Matthews**, on the LCRLT. Gold and Burns reported that the LCRLT Annual Meeting was held on Wednesday, July 25, 2018 where numerous topics were discussed including the seeking of non-profit training and the establishing of RiverCOG's Land Trust Exchange as a subcommittee of the LCRLT, discussing the future composition of the board of directors, an MOU between the LCRLT and RiverCOG and looking for a professional development individual. An RFQ was recently issued with Tom Curran responding to the proposal. Curran has worked extensively with Burns and the LTE is eminently qualified in the field of acquisition of funding for land trust efforts nationally. Gateway members acknowledged that the LCRLT will hire whomever it deems qualified.

Gold told GW members that the new LCRLT organization is seeking funds to begin the process of fleshing out its online presence and other outreach efforts. Additionally, there is a need for funds for start-up costs included director's insurance and other similar organizational expenditures. Each "member" land trust of the existing LTE has been asked to contribute to this fund in a way that they can afford as not all of the land trusts have much in the way of funds in their accounts. As a result, Gold and are asking Gateway for a grant of \$10,000 to assist in the operational start-up costs as well as providing funds for the services of Tom Curran.

Debrigard reminded members of Gateway's grant approval criteria which includes donation for projects "within the Gateway Conservation Zone". Additionally, he reminded of the practice of issuing "matching grants". Burns expressed the challenge in asking member land trust to provide 1-to-1 match due to individual trust financial ability.

Members voted to grant \$5,000 outright with up tan additional \$5,000 to be provided on a 2-to-1 basis to match

what is raised from the LTE land trust members. The latter \$5,000 is to be provided contingent on every LTE land trust contributing proportionately to each organization's financial ability. Motion by **Fischbach**, seconded by **Matthews**, passed unanimously.

Treasurers Report

Downes presented a check for RiverCOG staffing of the Gateway Commission for the month of June totaling \$2,181.56. Motion by **Bement**, seconded by **Webb** to approve payment of the bill. Passed unanimously.

- Suggestions for Use of Funds for Projects

Fischbach reported that the Finance Committee has made a recommendation for the Commission to use funds more generously to further the Gateway mission, not necessarily to limit expenditures to public outreach efforts. Other possible uses discussed include the hiring of experts to develop management ideas for light pollution.

As for Public Outreach efforts, that committee was tasked with preparing a proposal for concrete projects with suggestions being sent to the committee through **Cotton**. Suggestions for issues including new standards to be considered should be sent forth to **Fischbach**.

Summarizing, a consensus was declared for committees to prepare proposals for projects with budgets to further the Gateway mission. Suggestions from members on projects should be sent to either **Cotton** or **Fischbach** BY **SEPTEMBER 15, 2018**.

- Financial Advisor

Members discussed the management of the Gateway portfolio by Essex Financial. In the past, when Patrick Gingras left EF to work on his own, members discussed revisiting the issue of whether they wanted to shift from EF to Gingras for portfolio oversight. As a result, by consensus, members agreed to send out a Request for Proposals (RFP) in order to seek the most qualified financial advisor. Members were asked to send suggestions/recommendations to **Fischbach**.

Correspondence/Staff Report

Lech Residential Dwelling Review Per request of the Commission, a document presenting the "objections" described by members at its meeting on June 28, 2018. It is understood that the intention of the presented list is to develop a consensus list that could be forwarded to architect Duo Dickinson for his consideration. The list of objections received is included on the last two pages of this report.

Report on Essex Zoning Regulations. Fischbach, Matthews, Pleva and Downes attended the Essex Zoning Commission meeting on Monday, July 17, 2018. A detailed discussion was not held at the time although a short discussion regarding the process of adopting the Gateway standards was. There is a difference of opinion on what the Gateway representatives heard regarding whether the standards will be included in the Essex zoning regulation draft, or whether Gateway will be asked to submit a petition officially requesting the Essex Zoning Commission to adopt said standards. It has been the tradition that once Gateway adopts its standards, the adopted standards are sent to each of the eight towns where the local zoning authority schedules a hearing and adopts the standards. Matthews is participating in the Essex Zoning Commission open hearings on the new Zoning Regulations book (Red book). She reported that a committee headed by Al Wolfgram developed the new Red book over the course of the last year. It currently has Gateway's 1992 Standards in it. At the Zoning Commission's July 16, 2018 hearing, Section III (which is the section of the Red book that contains the Standards) will come up for review.

Joe Budrow, ZEO, in separate conversations with Downes and Matthews, said that at the July 16th hearing, the Zoning Commission would accept the section with the 1992 Standards with the caveat that when the 2018 Standards are ready they will be inserted into the book in place of the 1992 Standards. After all sections of the Red book have been addressed at public hearings, the Zoning Commission takes one vote on the whole book. Since the 2018 Standards will not be ready for the July 16th meeting, Downes and Matthews planned to be present to answer any questions the Commission might have.

Gateway Public Hearing. The hearing for adoption of the Gateway Standards is scheduled for 7pm on Wednesday, August 15, 2018 at the auditorium in the Richard Smith Town Hall in Deep River. Per statutory requirement, letters and a copy of the

standards were sent to the Conservation Commissions, Planning & Zoning Commissions, Planning Commissions and Zoning Commissions in each of the eight member towns. Notice of the hearing is being posted in the Hartford Courant and the New London Day.

Lower CT River Land Trust. Sam Gold and Margot Burns, leading the staffing of the new Lower CT River Land Trust, will appear to discuss a request for a grant in order to begin the process of publicizing the newly formed LCRLT including the development of a website and other necessary components of an organization that will be seeking public, private and institutional support for conservation projects.

East Haddam Land Trust Calendar. Copy provided by the East Haddam Land Trust.

CRC's 22nd Annual Source to Sea Cleanup. GW has donated \$1,000 to the cause in the past. Motion by **Bement**, seconded by **Debrigard** to grant \$1,000 with the notice that if Gateway is not included in promotional material, members will rethink how to proceed with a similar grant in 2019. **Debrigard** indicates that he will investigate.

Regulation Proposal, Borough of Fenwick

Downes provided a background regarding the past question whether or not the Borough is subject to the statutory authority of the Gateway Commission. Summarizing, the original statutory language references eight municipalities including Old Saybrook, but does *not* specifically mention the Borough. However, the section of the statutes that specifically delineates the Conservation Boundary (Section 25-102c CGS) *does* specifically include the Borough with the boundary. Members consider the Borough to be subject to Gateway authority despite a legal opinion received by the Borough in 2017. As a result, of the opinion, the Borough has submitted a zoning regulation petition “as a courtesy”, since it doesn’t feel it is bound by the Gateway authority.

The regulation proposal includes language allowing a special permit for upgrading or enlarging existing structures within the 50 foot tidal wetland buffer (setback), activities for which a variance or variances are currently required. The proposal includes a new definition for “developed area” which is different than the adopted Gateway Standard definition for “developed area”. Finally, proposed language provides for special permit approval of an existing structure proposed to be elevated above the 35 foot height maximum for the purpose of compliance with FEMA flood elevation requirements. Conditions require that the special permit option can only be approved if the existing building is not enlarged in any way other than providing necessary accommodations (stair access) to the elevated structure.

Motion made to “disapprove” the proposal allowing special permit approval of expansion/enlargement of existing structures within the tidal wetland buffer, and “disapprove” the definition of “developed area” that is different than the adopted Gateway Standard. The GW Commission voted to “approve” the proposed regulation regarding the elevation of existing structures with the condition that the date of adoption is clear so as to properly identify structures existing at the time of that adoption and which are eligible for the special permit approval (versus approval of exceeding the maximum height through the variance process). These decisions are made pursuant to Section 25-102g of the Connecticut General Statutes. Motion by **Cable**, seconded by **Hill**, passed unanimously.

Discussion of Objections, Lech Proposal, Cove Road, Lyme

Downes projected a document showing the list of “objections” (attached) offered by Commission members describing where they find that the current design of the large residential structure is inconsistent with the “natural and traditional riverway scene”. Members expressed that the size and bulk of the design (no application is being considered at the time of the 7/26/18 meeting) was the most significant objection by all of the members. The “cupolas”, better described as “towers” (which are also permitted by Special Permit when under 10% of the total roof area), are considered “habitable” due to the fact that they are vaulted with no ceiling above the ground floor. The intent of the design appears to be the implementation of an architectural feature that includes large windows at the that will enable lighting to illuminate the roof underside and display from the outside. The interpretation of being “habitable” would therefore remove the ability to allow those towers to extend above the 35 foot height maximum whether under 10% or not. The towers, as designed, were also described as having an emphasized vertical design which is not consistent with Gateway Standards in the Lyme Zoning Regulations.

Concerns were also expressed with respect to the potential adverse impacts to this cove-front site given the amount

of site preparation (including blasting?) that may be required to build the footprint for this large structure. Despite the size caveats presented by the architect (the design of the “wings” of the structure and the fact that several thousand square feet of the total structure will be underground basement), it was agreed that the structure far exceeds the largest commercial structure in Lyme, the new Subaru dealership. Members asked Downes to prepare and send a letter to Duo Dickinson, Architect, copied to the Lyme Planning & Zoning Commission, reflecting that he had requested a listing of member objections and how they relate to the adopted Gateway standards found in the Lyme Zoning Regulations and how they relate to the “natural and traditional riverway scene”. Relevant standards in the regulations are to be cited in the letter.

Committees Reports

Land Committee. No report of significance.

Governance Committee. Reminder that the public hearing to adopt the newest Gateway Standards is scheduled for Wednesday, August 15, 2018 at 7pm in the 3rd floor auditorium of Deep River Town Hall.

Public Outreach Committee. No report of significance.

Old Business:

None to report.

New Business:

Debrigard reminded members that there will be a November referendum on the preservation of public land, recently discussed by Eric Hammerling. Downes to contact Hammerling to invite him to come to a Gateway meeting to briefly discuss the preservation effort.

Adjournment: Motion to adjourn by **Cable**, seconded by **Bement**, passed unanimously. 9:25pm

Objections List

- Size/bulk
- Materials, predominantly glass façade
- Temporary/permanent site damage from excavation/blasting(?) for large footprint
- Inconsistent with “preservation of natural and traditional riverway scene”
- Precedent-setting
- Light pollution/nighttime illumination
- Potential modification of drainage patterns
- Carbon footprint
- Vegetation issues – will vegetation damaged/cleared during construction grow back/live on site
- Impacts to Eight Mile River “Wild & Scenic River”