

CONNECTICUT RIVER GATEWAY COMMISSION

REGULAR MEETING MINUTES

August 23, 2018

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

Chester:	Margaret (Peggy) Wilson , <i>Errol Horner</i>
Deep River:	Nancy Fischbach, Kate Cotton
East Haddam:	Harvey Thomas , <i>Crary Brownell (E)</i>
<i>Essex:</i>	<i>Claire Mathews (E)</i> , Mary Ann Pleva
<i>Fenwick:</i>	<i>Newt Brainerd, Borough Warden</i>
<i>Haddam:</i>	Susan Bement, Mike Farina
Lyme:	J. Melvin Woody , <i>Wendy Hill (E)</i>
Old Lyme:	Peter Cable, Suzanne Thompson
Old Saybrook:	Bill Webb , <i>Vacancy</i>
<i>Regional Rep:</i>	Raul Debrigard
DEEP:	David Blatt
Staff:	J H Torrance Downes
Guests:	Eric Hammerling, Ex. Dir. CT Forest & Park Association

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 7:35pm.

Approval of 6/28/18 and 7/23/18 Regular Meeting Minutes

Motion to approve both sets of minutes by **Cable**, seconded by **Webb**. **Pleva** abstained on the June minutes. **Blatt** and **Wilson** abstained on July minutes. **Farina** abstained on both June and July minutes.

Chairman Woody introduced new Haddam alternate member **Mike Farina**. Members also recognized Essex alternate **Mary Ann Pleva**.

Discussion: Protection of Preserved Land in Connecticut. Eric Hammerling of CF&PA.

Hammerling reviewed the legislative process for the annual conveyance bill. Initially, bill might include 4 to 7 properties that the state intends to transfer to other ownership for various reasons. Bill is reviewed with hearing and moves out of committee. Concern is raised when other properties are added to the bill prior to the legislative vote, properties that have not gone through the public hearing process. Legislators can often have little knowledge of the properties proposed for transfer. The addition of properties post-hearing has occurred in the last three years.

In cases where properties are transferred with limitations included in the conveyance bill, subsequent bills in the following years can sometimes undo those limitations. The "Haddam Land Swap" brought the negative aspects of the conveyance bill forward resulting in significant public pressure to stop the transfer of that conservation property to private ownership for economic development purposes.

Most state owned property can be transferred through the vote of the legislature, through rules suspension during the final hours of a legislative session. The only other way to take away the ability of legislators to knowingly (or unknowingly) transfer conservation properties out of state ownership/stewardship is through a constitutional amendment. The amendment would include the requirement for public hearing on any property proposed for transfer out of DEEP or Department of Agriculture ownership.

Hammerling passed out copies of the draft language that will appear on the November 6, 2018 ballot. He described the language as being less-than-simple with only 52% of those polled saying they'd vote "yes", a "risky" proposition

without an effort to educate the public on the importance of the amendment. With a simple description of the effort provided, polling results showed that over 80% of those polled would vote “yes”.

As a result, Hammerling is treasurer for the organization who placed the measure on the November 6th ballot. Approximately \$800,000 is estimated to be needed to promote the amendment so that voters will be properly educated giving the bill the greatest chance of succeeding. A single page contribution form for organizations *and* individuals was handed out to members.

Gateway members acknowledged the importance of the amendment and of the public outreach that will be necessary to make sure it succeeds. Staff of GW indicated that when the final promotional information, including brochures/postcards is provided, the information will be placed on the Gateway website and Facebook page.

Treasurers Report

Wilson reported on the most recent finance committee quarterly review meeting with Essex Financial held on August 15, 2018. **Wilson** also noted that the committee is beginning the process to develop an RFP for financial services. **Fischbach** offered members the opportunity to suggest financial experts who can be invited to submit.

A bill totaling \$2,918.66 was presented for payment. The total included billed staff time for Downes and Paula Fernald as well as \$498.55 for advertising for the 8/15/18 public hearing. Motion by **Fischbach**, seconded by **Bement** to approve payment of the \$2,918.66 bill. The motion passed unanimously.

Wilson reported that the Brainerd Quarry property has been sold by the Middlesex County Land Trust to the US Fish & Wildlife Service for a total of \$173,000. The repayment of the funds provided by Gateway will occur once the reimbursement amount is confirmed and approved by the MxLT.

Finally, **Wilson** announced that she is seeking to resign her position as Gateway Treasurer at the Gateway annual meeting scheduled for October, 2018, a position she has held for the past 17 years. Members expressed great appreciation for her years of service as treasurer. **Wilson** expressed a desire to continue on as a regular member.

Support of the Protection of Preserved Land Initiative

As the question of support of the Protection of Preserved Land initiative included a funding request, members decided to review the request immediately after the presentation of the Treasurer’s Report. After discussing the matter of support, a motion was made to support the initiative by **Debrigard**, seconded by **Bement**, which passed unanimously. This support will include efforts on the part of Gateway outreach to advocate for the passing of the proposed Constitutional Amendment on November 6th. Members of the Commission requested that Downes send a letter expressing that the initiative would have full Gateway support. Members of the Commission, however, agreed that it would be inappropriate for Gateway to provide a grant to support the effort. That said, each member is considering financial support privately outside of their duties as Gateway Commission members.

Correspondence/Staff Report

- Brainerd Quarry Preserve. The 50 acre preserve has been sold to the USF&WS. MxLT is in the possession of the funds. Staff is coordinating the final accounting of what reimbursement will be made to the Gateway Commission.
- Lech Residential Application. A letter describing objections to the design of the Lech residence as described by Gateway members was sent to Architect Duo Dickinson, copied to the Lyme Planning & Zoning Commission.
- Report on Essex Zoning Regulations. None provided by Essex ZEO Joe Budrow in time for meeting.
- Gateway Public Hearing. The public hearing was held on Wednesday, August 15, 2018. There were five members of the public present: Bob Friedmann, Chairman, Old Saybrook Zoning Commission; New Alternate from the Town of Haddam; Jane Samuels, member, Deep River Planning & Zoning Commission; Bill Webster, resident, Borough of Fenwick; and Ross C. Byrne, Chairman, Lyme Planning & Zoning Commission. The hearing was recorded and lasted for 40 minutes.
- Lower CT River Land Trust. With the \$5,000 grant provided by the Gateway Commission at its last meeting in July, the newly formed LCRLT opened a bank account and has come to agreement with Tom Curran.
- LCRLT Thank you letter.

Variance Applications (Staff or Commission), Regulation Referrals, Special Permit Applications (Staff or Commission).
None presented for review.

Discussion/Approval of Proposed Gateway Standards

Fischbach reviewed the minor revisions that were considered necessary as a result of comments received for the August 15, 2018 public hearing. The additional revisions included:

- Definition of Commission: Add, “...or as the local authority.”
- Definition of Developed Area (sixth line): replace “planting” with “retention”.
- Definition of Developed Area (seventh, eighth line): replace “has been” with “may be”.
- Added, Definition of “Local Authority”
- Added, list of Gateway member towns
- Revised, Definition of Multi-Family Dwelling (to clarify the difference between Multi-family Dwelling and Multi-family Project)
- Definition of Multi-family Project: delete “one or” and replace with “than one”.
- Definition of “Vegetation”: Rewrite definition to adjust sentence structure.
- Section III.F.(1)(f): Replace “District” with “Zone”. Delete redundant definition, lines 7 through 10 beginning with “The fifty (50) foot...” and ending with “...infeasible or undesirable.”
- Section III.J.(1)(b): Replace “Member town” with “local authority”.
- Section III.J.(1)(b)(iv): Replace “applicant” with “local authority”. Add “...stating that based on Gateway’s pre-application review of the proposal, a Special Permit application is not necessary to determine compliance with Gateway Standards...”, followed by deletion of “application based on Gateway’s pre-application review of the proposal...”. Add immediately after “...so long as...”, delete “with”, delete “...to be...” and add “...are...”.
- Section III.J.(2): delete “...more than one lot removed...” and replace with “...separated from the river by two lots..”.

Following the presentation by **Fischbach, Thomas** indicated that the comments received in writing from the East Haddam Planning & Zoning Commission were the same as had been sent in 2014. **Thomas**, speaking for himself and his colleagues on the P&Z, expressed dismay that none of the comments presented in the written testimony were included in the revised standards. **Fischbach** explained that the comments presented did not address the proposed changes to the standards. The comments would, however, be addressed immediately after the new standards become effective on October 1, 2018 rather than as a part of this process, which would possibly require re-noticing the standards and potentially requiring discussions with each of the P&Zs of the eight Gateway towns. Finally, **Thomas** expressed his discontent and informed members that he could not continue serving under these conditions and would be submitting his resignation from Gateway to the Board of Selectmen. He left the meeting at 9:10pm.

After significant discussion on how to proceed, a motion was put forth by Debrigard, seconded by Bement, to approve the proposed Standards as revised, with the effective date to be October 1, 2018. By a roll call of voting members, the proposed Standards were approved unanimously. As Thomas had left the meeting (and was ineligible to vote because of not being present at the hearing or listening to the recording of the hearing), East Haddam did not vote on the adoption of Standards (alternate member Cray Brownell wasn’t present for the 8/23/18 meeting).

Committees Reports

Land Committee. **Wilson** reiterated that the Brainerd Quarry property was sold by the Middlesex County Land Trust to the US Fish & Wildlife Service. A reimbursement check will be coming to Gateway as soon as approved by the board of the MxLT.

Governance Committee. No report.

Public Outreach Committee. Downes mentioned that Jim McHutchison had contacted him about GW attendance at the Haddam Neck Fair over Labor Day Weekend. A brief discussion of what materials would be displayed took place.

Old Business:

Members were reminded that suggestions for projects using Gateway funds are due by September 15, 2018 with suggestions sent to **Fischbach**.

New Business:

The question of whether or not the Borough of Fenwick is included within the Conservation Zone and is under the authority of the Gateway Commission was briefly discussed. A motion was made by **Debrigard**, seconded by **Bement** to request a legal opinion from GW attorney Mark Branse. Fischbach will contact Branse.

Adjournment: Motion to adjourn by **Bement**, seconded by **Wilson**, passed unanimously. 9:38pm