

CONNECTICUT RIVER GATEWAY COMMISSION

PUBLIC HEARING MINUTES

August 15, 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**

Fenwick: *Newt Brainerd, Borough Warden*

Haddam: **Susan Bement, Vacancy**

Lyme: **J. Melvin Woody, Wendy Hill (E)**

Old Lyme: **Peter Cable, Suzanne Thompson (E)**

Old Saybrook: **Bill Webb, Vacancy**

Regional Rep: **Raul Debrigard**

DEEP: **David Blatt**

Staff: J H Torrance Downes.

Guests: Bob Friedmann (OSZC), Ross C Byrne (Lyme P&Z), New Alternate – Town of Haddam, Jane Samuels (DRP&Z), Bill Webster, Resident, Borough of Fenwick

Call to Order

Chairman **Woody** called the scheduled Public Hearing of the Connecticut River Gateway Commission to order at the Richard Smith Town Hall located at 174 Main Street in Deep River at 7:03pm. Nancy **Fischbach** assumed the chair for the Public Hearing.

Notices for the Public Hearing were read into the record and it was noted that the hearing was being recorded.

Roll Call

Fischbach asked that the members present introduce themselves and note which town they represent. **Fischbach** then explained the format of the hearing, indicating that a description of the proposed changes to the Gateway Standards would be presented and explained. Following that, attendees could ask questions and make comments. **Blatt** commented that changes will be made based upon comments received. **Debrigard** described the standards process, that the Gateway Commission proposes and adopts the standards (with input from the Town Planning & Zoning Commissions) and then sends them to each of the eight member towns for adoption into the Town Zoning Regulations. A note was made with respect to plan reviews by the Gateway Commission not being “binding” on the towns, rather recommendations and findings.

Description of Proposed Changes to the Standards

Fischbach went through the proposed changes to the Gateway Standards item-by-item, explaining the reasoning behind each change. Afterwards, comments from the Lyme Planning & Zoning Commission, the East Haddam Planning & Zoning Commission and Attorney Mark Branse (who represents several Zoning Commissions in the Gateway Conservation Zone) were read into the record. Following that, attendees were asked to provide their comments and/or concerns.

Bob Friedmann read from a prepared set of questions and concerns and asked questions about language involving “developed areas” and its impact on the Gateway review process. He recommended that language in the Standards reflect that “shall” should be replaced with “will”. With respect to several sections referencing riparian buffer vegetation, Friedmann looked to have language corrected with respect to “planting” and “retention” so as to clarify the intent of that respective standard. A question was asked with respect to the sentence construction where trees and “ornamental” trees are referenced. A question was asked regarding agreement of a zoning authority or its agent

AND the Gateway Commission or its agent. How many parties are involved. With respect to the type of review required for dwellings over 4,000 square feet (3,500 in the case of Old Saybrook), it was clarified that it was the Town that could make the choice between Site Plan Review and Special Permit Review depending upon circumstances and according to limitations in standards. Finally, a question regarding whether or not the Planning Commission is a required reviewing party for Site Plans and Special Permits was clarified. The Planning Commission is *not* a required reference.

Ross C Byrne asked several questions and commented that the Town of Lyme endorses the Gateway standards and the overarching preservation protection afforded by the Gateway Commission. Byrne expressed concern for the use of more subjective words including “significant”, “substantial” and “undesirable”. **Fischbach** clarified that use of those terms is intended to allow towns to select more specific or even restrictive language. He asked about why the 5 foot path allowance is not a more reasonable 10 foot width. **Fischbach** explained that the 5 foot was a negotiated settlement dimension. An example of removing Gateway language that would render the standards *more* restrictive (as opposed to less restrictive) was provided. In language regarding exemptions, the new standards list large stands of trees as a characteristic that could be used by a Town to exempt Zoning Commission review of a particular development. If the Town wanted to delete “large stands of trees” as an exemption criteria, for instance, that would lead to a more strict standard with respect to which applications would have to undergo a Zoning Commission review, e.g. the removal of a characteristic that could lead to exemptions. Such adjustment of the standards would be *more* restrictive than Gateway’s “minimum” standards and therefore acceptable.

Jane Samuels asked questions about “native” versus “invasive” plantings whether invasive plants could be removed under Gateway Standards and replaced with “native” plants.

Motion to close the Public Hearing made by **Bement**, seconded by **Debrigard**. Passed unanimously.

Adjournment: Motion to adjourn by **Bement** passed unanimously. 7:35pm.