

CONNECTICUT RIVER GATEWAY COMMISSION

REGULAR MEETING MINUTES

September 27, 2018

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

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| Chester: | Margaret (Peggy) Wilson , <i>Errol Horner</i> |
| Deep River: | Nancy Fischbach , Kate Cotton |
| East Haddam: | Crary Brownell , <i>Vacancy</i> |
| <i>Essex:</i> | Claire Mathews , Mary Ann Pleva |
| <i>Fenwick:</i> | <i>Fran Adams</i> , <i>Borough Warden</i> |
| <i>Haddam:</i> | Susan Bement , Mike Farina |
| Lyme: | J. Melvin Woody , Wendy Hill |
| Old Lyme: | <i>Peter Cable (E)</i> , Suzanne Thompson |
| Old Saybrook: | Bill Webb , <i>Vacancy</i> |
| <i>Regional Rep:</i> | Raul Debrigard |
| DEEP: | David Blatt |
| Staff: | J H Torrance Downes. |
| Guests: | Bob Doane, PE; Chris Arelt, Architect |

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 8/15/18 Public Hearing Meeting Minutes

Motion to approve minutes by **Fischbach**, seconded by **Hill**. Passed unanimously.

Approval of 8/23/18 Regular Meeting Minutes

Woody raised concerns about the approved June 28, 2018 minutes and the practice of adopting the Correspondence section of the "Items of Interest" report and the tense problem sometimes evident (tense as in past tense, present tense). He indicated that separate reports such as Items of Interest would be added to minutes as an addendum and not "cut and pasted" within the body of the minutes. In the 6/28/18 minutes, the Correspondence section reflected an important discussion with Architect Duo Dickinson but the minutes themselves didn't. Motion by **Fischbach**, seconded by **Bement** to further amend the 6/28/18 minutes to add that the monthly report was reviewed and to include the correspondence paragraph reflecting the Dickinson discussion in the body of the minutes. Passed unanimously. Note that future minutes will reflect that the monthly report was discussed with such report attached at the end of the minutes.

Discussion and Preliminary Review, Boat House Structure on Connors property, River Road, Deep River (formerly the property of Admiral Chase). PE Bob Doane and Architect Chris Arelt appeared on behalf of their clients to ask GW members their advice on a future proposal to renovate a one-story boat house located along the northern river edge on the property. The intent is to place two stories of living space – apartment – atop the existing one-story structure. The height is reported to be 37 feet from grade requiring a variance from the Deep River ZBA. The structure is located within the GW 100 foot structure setback and the 50 foot riparian buffer setback, requiring variances of those regulations as well. Doane reported that the structure will meet requirements for FEMA flood levels. The existing footprint, which won't be expanded, is 24 x 34 feet. Photos showed that dense vegetation, including mature trees, blocks the current view of the structure from the river. It was reported that there were no plans to clear out visually-buffering trees along the boat ramp and on the edge of the river. Members requested that the total height be kept below 35 feet, the Gateway minimum. The upper story frontage will include a screened in porch with a glass wall separating it from a bedroom on that level. Members asked whether or not significant lighting would emanate from the structure, to which the response was no. The septic system for this structure will be located on the upland adjacent to the swale in which the structure is, with effluent flow being pumped up to that level. The effluent field is

proposed for an area devoid of trees. Gateway members requested that the applicant come to the Gateway Commission to present the final design when the variance application is submitted to the ZBA before a letter of no opposition can be submitted for the ZBA review record. It is noted that the primary dwelling was reported to have a substantial footprint rather than multiple stories of height. That structure will exceed 4,000 square feet and will require a Special Permit application by the Deep River Planning & Zoning Commission.

Treasurers Report

Wilson reported that RFPs for financial administrator were sent out to six firms. The Finance Committee will be reviewing that information in the coming weeks to make a determination on who will oversee Gateway's assets moving forward.

It was reported that a check in the amount of \$171,806 will be issued by the Middlesex Land Trust and sent to the Gateway Commission in repayment of funds used to purchase the Brainerd Quarry Preserve Property. That 50 acre parcel is now owned by the US Fish & Wildlife Service.

Bills were presented totaling \$3,072.63. Motion to pay by **Bement**, seconded by **Matthews**, approved unanimously.

Correspondence Report

The Items of Interest report was discussed and is attached at the end of these minutes.

- Essex Zoning Commission. JHTD confirmed that the Zoning Commission will open a public hearing on the Gateway Standards on Monday, October 15, 2018. ZEO Budrow indicated that the Commission's choice to hold a separate public hearing from the Zoning Regulation overhaul stems from its desire to see the standards be adopted prior to the adoption of the revised regulation book, which may take until January for final adoption.
- The Old Lyme Zoning Commission deliberations for the Hope Partnership affordable housing application on Route 156 adjacent to the Baldwin Bridge will start in early October. The project is proposed for the east-facing side of a ridge separating the project from the Connecticut River.
- Haddam is considering proposing a change in the definition of "marina" to allow for up to four residential dwellings on the marina lot where they are not currently permitted (the local process has not begun as of yet). It is explained that Midway and Andrews Marina have existing nonconforming dwellings on-site. The definition change would alter the nonconforming status of the residential uses but presumably not allow for the addition of more dwellings. Gateway members asked for more information regarding the proposal. Specifically, what are the lot requirements for residences in the district?
- It was reported that the Haddam Land Trust will be having a site walk at Beaver Ledges on 10/21/18.
- JHTD reported that he had been contacted by Frank Cole, an inmate at the penitentiary in Suffield, Connecticut. Mr. Cole requested information on the Connecticut River and the Gateway Commission. JHTD sent a package of information including the Mission Booklet, the GW Handbook, GW brochures and various other items for Mr. Cole to read.

Regulation Referral

Old Lyme, Petition to allow self-storage unit facilities in the C-30 and C-30S districts. The property for which the petitioner has interest is located along Route 156/Shore Road *outside* of the Gateway Conservation Zone. Because those two zoning districts are located along Halls Road as well, locations within the Conservation Zone, Gateway must approve or disapprove the petitioner consistent with Section 25-102g CGS. The Gateway Commission approved the petition with the condition that, if such a facility was proposed in the C-30S (near the Lieutenant River, a tributary to the Connecticut River), the Zoning Commission must request that the applicant make a demonstration that the visual impact of that facility would be minimal. Motion by **Fischbach**, seconded by **Hill** passed unanimously.

Staff Actions – Variance Application

Essex, 17 Dickinson Lane. JHTD reported that, per a request made by **Matthews** several months back, a variance application proposing the demolition and reconstruction of a single family dwelling on the North Cove waterfront was submitted to Gateway for review. After determining that the visual bulk will be *less* than existing due to the demolition of a detached garage that will be replaced with an at-grade swimming pool and fence and reporting as such to **Matthews** and **Pleva** (who concurred with the recommendation), Downes submitted a letter to the Essex ZBA

stating that Gateway would likely not oppose the granting of the required variances because there would be no significant visual impact created by the project.

Adopted Standards and Governance Committee Discussions

Fischbach led the discussion of what has been discussed at two Governance Committee meeting held on 9/6/18 and 9/20/18. Towns will be reminded that the adopted Gateway Standards are *minimum* standards that can be strengthened if P&Z members chose. For example, if P&Zs aren't comfortable allowing exemptions from standards in situations where offsite trees block the view of a proposed structure, that part of the new standards could be left out of what the local commission adopts. Further, if a P&Z did not want to allow site plan review in place of Special Exception reviews where provided for in the standards, it could retain the requirement that any residential structure over 4,000 square feet would have to be approved by Special Exception with no allowance for Site Plan review. Any adopted standard that relaxes the standards in existing regulations could be left out, if the P&Z chooses.

Members further discussed an issue that has been raised by the Town of Deep River. There are several properties in the area of the Essex /Deep River town line on Route 154 that are located to the west of hills that render those properties unseen from the river. They are, because of the original placement of the boundary for the Gateway Conservation Zone, within the boundary and are therefore under the jurisdiction of the Gateway Commission. This has become a burden for Deep River's efforts to increase economic development in that area, which is designated as Turnpike Industrial. Gateway is searching for ways to "exempt" those properties from Gateway authority in a way that wouldn't require the adoption of a new eight-town standard and the process that entails.

Fischbach reported that she is writing a draft letter proposing how Deep River – and the other seven towns – could accomplish this by adopting a zoning regulation that provides for such exemption under conditions as prescribed by Gateway. Concerns were raised with respect to legal review of such an effort, which Deep River has requested expeditious handling. The draft will be circulated to members via email for review prior to the next Gateway meeting on Thursday, October 25, 2018.

<listen to recording>

Committees Reports

Land Committee. No report of significance.

Governance Committee. Summarized above.

Public Outreach Committee. No report of significance.

Old Business:

None to report.

New Business:

None to report.

Adjournment: Motion to adjourn by **Wilson**, seconded by **Webb**, passed unanimously. 9:55pm