Gateway Regular Meeting Minutes
January 23, 2020

Members present: Sampson (DR), Webb (OS), Gezo (OS), Blatt (DEEP), Semenov (SX), Matthews (SX), Wilson (CH), Kitsen (CH), Farina (HD), Brownell (EH), Bement (HD), Futoma (OL) Woody (LY), Thompson (OL), Debrigard (RiverCOG), Hill (LY). Guests: Lisa Wadge, White Knight; Bill Warner, Haddam Town Planner; Campbell Hudson, Hudson & Kilby. Staff: J. H. Torrance Downes

Meeting called to order at 7:07pm at the offices of RiverCOG at 145 Dennison Road in Essex. ,

Review of Regular Meeting Minutes, 10/24/19, 12/5/19; Special Meeting Minutes, 1/2/20
Downes informed the members that, due to the hacking and encryption of all of the RiverCOG files, the 12/5/19 regular meeting minutes would be electronically distributed to members shortly, with a vote on acceptance occurring at Gateway’s February meeting. Additionally, the draft minutes from 10/24/19 will be updated with corrections provided by Woody and presented for vote at the same February meeting. The draft minutes for the Special Meeting held on Thursday, January 2, 2020 are available for approval. Upon a motion to approve by Fortuma, seconded by Thomspon, the Commission approved the 1/2/20 minutes. Those who did not attend the meeting abstained from voting.

Schedule of Meetings for 2020.
Upon a motion to approve by Bement, seconded by Wilson, the schedule of meetings for 2020 was approved. Consistent with past schedules, meetings are scheduled for the fourth Thursday of each month with the November meeting being pushed forward to the first Thursday in December. The annual meeting is held along with the regular meeting in the month of October. The motion was approved unanimously.

Revision of Agenda
Upon a motion to amend the agenda order by Thomspon, seconded by Sampson, it was voted to move “Correspondence”, “Variance Applications for Commission Review” and “Special Permit Applications for Commission Review” after the presentation on the five pending regulation petitions. Motion passed unanimously.

Regulation Petitions
Haddam: Addition of Multi-Family Residential Use to Tylerville Village District; Lisa Wadge, White Knight Development. Wadge, representing developers interested in constructing market-rate multi-family dwellings (apartment buildings) on two lots in a commercial subdivision off Saybrook Road just north of Bridge Street spoke for the petition. The proposal would add “multi-family residential” as a use in the Tylerville Village District, which is located wholly within the Gateway Conservation Zone. The district extends from Saybrook Road (Route 154) east toward the river and along Bridge Street. The eastern boundary exists well short of the ridgeline separate the slope down to the river from the flatter up portion of the Bridge Street area. Wadge and commission members discussed issues of visibility of the tops of the multifamily structures that could be built in the Tylerville Village District was the use to be included in the district. Members came to the conclusion that structures at a 35-foot maximum height in the district would likely not be seen from the river or from East Haddam Village across the river. A discussion was briefly held regarding the initial thought to request heights within the district to be extended to 40 feet. Town Planner Warner spoke on the topic indicated that engineer Russ Numergot had said that the tops of 40 foot buildings could perhaps be seen from the river to the southeast of the village, but only slightly.
Warner spoke of the support of the Town of Haddam and provided a letter of support signed by First Selectman Bob McGarry. Warner referred to the 2018 Plan of Conservation & Development which includes multi-family residential development among a list of uses that should be established in the Tylerville Village District. The added residential development will be supported by the newly installed public water main and new sidewalks that will be built throughout the Bridge Street area.

The petition will be heard at a public hearing before the Haddam Planning & Zoning Commission in February. Upon a motion to approve the petition by Wilson, seconded by Debrigard, members voted unanimously in favor of the motion. The letter of approval to be sent will state that the approval can be considered as that required by Section 25-102g CGS if no substantive changes were made to the petition during the local process. Such a substantive change requiring an addition Gateway Commission would include the increase of the height limit to 40 feet as the height maximum prescribed by Gateway Standards adopted into the Haddam Zoning Regulations is 35 feet measured from existing natural grade to the peak of a structure’s roof.

East Haddam: Adoption of Regulations Pertaining to Accessory Units (Apartments), East Haddam Planning & Zoning Commission. Brownell, as chairman of the East Haddam Planning & Zoning Commission, summarized the intent of the regulation change. He described that the regulations clarify existing standards with respect to the establishment of accessory apartments. As the regulation change has no adverse impact on the Gateway mission of protection, a motion to approve was made by Matthews and seconded by Bement. The motion was approved unanimously.

Chester: Establishment of a Special Flood Hazard Overlay Zone, Chester Planning & Zoning Commission. The overlay zone will consist of all “special flood hazard areas” as delineated in the map for the Town of Chester and is in addition to and superimposed on those zones into which the designated area is located. The intent is to have all development within or partial within the boundary meet the flood requirements and the additional requirements of any other zone in which the property is located. In that the establishment of this overlay zone revises the application of flood standards already applied in town and has no adverse impact on the Gateway mission of protection, a motion to approve was made by Wilson, seconded by Brownell, and passed unanimously.

Old Saybrook: Revision of Section 68.1.5B3 to remove the prohibition of illuminated playing fields and add a new special permit standard governing establishment of lighting at playing fields throughout town. Downes summarized his understanding of the intent of the regulation proposal and how it may impact properties located within the Gateway Conservation Zone. Gezo commented that he had spoken to Town Planner Christine Nelson and ZEO Chris Costa and learned that the intent of the town at this point is to construct lighting at Fireman’s Field on Ingham Hill Road (not within the Conservation Zone) and, following that, at the Old Saybrook High School (not within the Conservation Zone). Of concern was whether lights would be constructed at any fields at the Old Saybrook Middle School on Sheffield Street (within the Conservation Zone). Matthews expressed concerns over the gradual increase in site lighting throughout the lower river valley, something that will produce light pollution which will lighten night skies to the detriment of the environment. Gezo explained that he was told that the lights would be “dark sky-compliant” with fixtures that point the light downward in order to minimize the upward transmission of light to surrounding properties and the area in general. He also reported that, at this time anyway, there was no intent to place lights at the Middle School. Matthews spoke about a difference between the summarized timing of light use in supplied notes versus the timing expressed in the petition. It was clarified that the use period will be between March and November and include the summer months. Gezo also reported that the light poles would be up to 80 feet in height, well above the
35 foot Gateway height maximum. Brownell asked whether lighting needs could be accomplished with shorter poles, with no consensus or answer forthcoming. Blatt offered that a Gateway Commission approach could be to approve the regulations including a condition that no such lights will be installed on any property located within the Conservation Zone, at least for the time being. If intentions change in the future, the town could re-approach Gateway and discuss how lighting could be accomplished without creating adverse impact to surrounding properties and not be seen in any significant way from North Cove and the Connecticut River.

Following discussion, a motion to approve the regulation with a condition that no such lighting shall be installed at any property within the Conservation "at this time" was made by Blatt and seconded by Wilson. Matthews opined that “dark sky compliant” doesn’t necessarily mean that the light won’t be seen reflecting upwards from the turf or grass. Light pollution, Matthews said, is an increasing problem and should be recognized as such. Wilson offered that such lighting could also have deleterious impacts on bird migration in the lower river valley. Brownell commented, however, that lights will be limited in time of illumination and won’t be on all the time. Webb added that the Saybrook Auto Mall lighting, which are often on well into the nighttime, create significant light pollution.

Farina asked if there were any tennis courts on the property in question, noting that in Haddam, public courts that are lit are often used well into the night, and sometimes as late as midnight. He further added that in the heat of the debates on whether to have playing field lighting in Haddam, those who opposed the lighting were “branded” as anti-children, which was unfortunate.

Matthews queried whether Gateway should consider holding any approval until members were able to learn what comments were made by members of the public during the local hearings. Farina asked if lights from non-Conservation Zone lighting is in a location to shine into the Conservation Zone and on Conservation Zone properties. Webb clarified that the discussion of the Middle School was about lighting on a playing field in the Conservation Zone. Thompson offered that, instead of holding approval to wait for local comments, perhaps a better approach would be to request such information for more general study purposes as light pollution in general has been discussed by members in the past.

Debrigard asked to amend the motion to, in addition, request of the list of comments offered by the public. Farina seconded that request. Gezo commented that he was concerned by the perception on the part of the Zoning Commission of “overreaching” by the Gateway Commission. Debrigard offered that staff could make such a request of staff in Old Saybrook without putting such a request in a motion. Ultimately, the letter of approval with the condition of not allowing the lighting on any properties within the Conservation Zone should be accompanied by a list of adverse impacts cited by members such as light pollution, possible adverse impact on migrating birds, and the potential impact of 80 foot lighting poles. Finally, the condition should be expressed as one that would apply “for now”, opening the possibility of further consideration in the future. The final motion to approve with the condition and the list of potential impacts was made by Debrigard, seconded by Farina and passed unanimously.

Old Saybrook: Proposal to Delete Section 65, Excavation and Grading, and adding new Special Standard to Section 53 entitled Material Removal, Filling & Excavation. Downes explained his understanding of the proposal including the reasoning on the part of the Town that there are three nonconforming gravel pits and that the existing regulations are as applicable at this time. The new regulation will require the approval of a special exception for the addition or removal of material in excess of 100 cubic yards in any year. Exceptions are provided for (1) all permitted projects, (2) work related to driveways, sidewalks, parking lots, roads, snow removal, etc., (3) septic system construction, and (4) agricultural
uses, transfer stations, public works projects, etc. Blatt had expressed some concern over the regulation language, but through review by DEEP, a better understanding lessened his concerns. A motion was made to approve by Wilson and seconded by Gezo which was unanimously approved.

After the vote, Debrigard asked to comment about the Haddam proposal previously voted upon and compared it to an initiative that was previously discussed by members for another similar situation in Deep River. He reminded members that the question of height and whether or not the tops of structures hidden by significant rises – like the Tylerville Village District site conditions – was similar to the effort Gateway members started thinking about in relation to a western portion of the Conservation Zone in Deep River. In that situation, he remembered, First Selectman Angus McDonald asked Gateway to search for a way to exempt that unseen area from Gateway oversight. Members had expressed that they would begin the process of designing language that might be used to accomplish that goal, but noted that the new draft language would have to be “offered” to all eight Gateway towns. Downes offered that the idea of modifying the height requirement in the Tylerville Village District only could be considered akin to the effort Gateway made with the East Haddam Planning & Zoning Commission several years back. Village areas like in East Haddam, Essex Village and, perhaps, Tylerville, could be looked upon as being unique and different enough from the Conservation Zone as whole to warrant special accommodations that wouldn’t be applied to all areas in all eight towns.

Bement commented about the idea of “being seen from the river” as discussed in the review of the Haddam regulation and after the comment made by Debrigard regarding Deep River and commented on the many trees that are dying throughout the state and in the lower river valley. Where its often taken for granted that trees will last and continuously visually buffer development, the loss of more and more trees reminds us that we can’t necessarily count of tree cover to minimize adverse impacts of development as seen from the river. Bement commented about the residential dwelling on the Chester side of the river opposite Gillette’s Castle. After showing a photo of the structure to Hill, it was concluded that the dwelling was the one on top of “Castle Hill” immediately north of the Chester Ferry landing. Although that structure appeared particularly “visible” and new, it was concluded that it had been there for some time, but perhaps some tree clearing had occurred that opened up an unfamiliar and open view of the structure. The confusion and the discussion that resulted demonstrated the importance of tree cover and what happens when tree cover is lost.

Correspondence:
Downes noted that he had prepared of a single sheet “Items of Interest” report with three paragraphs that was placed in front of each members.

1. **Transfer of 152 acres of Conserved Land in Lyme to the State of Connecticut.** Attorney Campbell Hudson was present to discuss the donation of 152 acres of land owned in fee by Timothy Mellon to the State of Connecticut. As a history, Hudson explained that a scenic easement placed on the property in 2000 – one in which the Gateway Commission supported even though the property was located just outside of the Gateway Conservation Zone – while Mellon retained fee ownership. At this time Mellon would like to transfer the property to the State, but he wants the scenic easement protections to remain to ensure that the property will always remain in conservation under the terms of that easement. The State, Hudson explained, would take the property but with the easement “extinguished”, which is a common practice because the State isn’t interested in being encumbered on the way the property can be used, especially since it would become a part of the adjacent Nehantic Forest property. After negotiation, the State agreed to accept the property with easement language that includes some minor changes that were agreeable to Mellon. Because
Gateway was party to the initial easement establishment, the State asked that Gateway “approve” the transfer. Matthews made a motion to approve, with Debrigard seconding with a request to modify the motion to include that, prior to approval, the chair and/or staff would review the final language and then be authorized to approve on behalf of the Commission. Someone, Debrigard reasoned, should review what is ultimately being approved by the Gateway Commission. Blatt confirmed with Hudson Gateway was therefore approving the concept pending review of final language, to which Hudson concurred. Matthews confirmed that the motion was to approve the transfer pending review and approval of the language by Vice Chairman Woody – on behalf of Chairman Thompson - and Downes. The Commission authorized Chairman Suzanne Thompson to sign on behalf of the Commission following the aforementioned reviews and confirmations.

2. Discussion of Potential Deep River Representatives. Downes informed that Commission that several potential members had been contacted so that a recommendation could be forwarded to the Town for approval. He let the members know that he had spoken to First Selectman Angus McDonald, who supported the idea of presenting a potential member. Members will be notified as the potential member is identified.

3. Discussion of Development of the Haddam Neck Property commonly referred to as “Messina-Desena”. Downes reminded members that one of the properties in and around the Hillside Project area – Messina-Desina – was sold to a couple who have interest in building a small dwelling, described as being more “cottage-y” that large structure. Downes learned of the pending development when called by Town Planner Bill Warner, who asked if there should be any Gateway involvement in the project, one that will include a steep, switchback driveway requiring significant tree removal. Since the project will not involve Gateway, Downes contacted the engineer representing the owners and called to ask if he could sit in on meetings to discuss how the driveway will be constructed. Downes would hope to influence the project in a way that would minimize tree removal and general terrain disruption. The engineer, Chris Bell out of Higganum, said that the new owners are “conservation-oriented”, as is he, and that staff is welcome to participate but he’d be “preaching to the choir”. When a discussion on the design of the driveway is to be held, Bell said he’d let Downes know so he can attend. Although Gateway will have no authority, Downes told Commission members that he hopes to positively influence the outcome of the design as best he can.

Chairman’s Report.
Thompson spoke of a number of issues included a report on a January 9, 2020 Climate Primer for Land Trusts meeting regarding policy, resilience, renewables and how we talk about climate. A link was provided to access a Nature Conservancy computer Resilient Land Mapping Tool, which can demonstrate how you land ranks for residency protection. http://maps.tnc.org/resilientland/

Committee Reports
Finance Committee. Matthews reported on the Gateway portfolio performance during 2019, saying that every asset class performed well. The portfolio gained 17.44% during the year. Staff billing for the period of November and December totaled $2,903. Motion to approve the paying of the staffing bill by Matthews, seconded by Bement, approved unanimously.

Land Committee. Previous discussion serves as the land committee report for the evening
Governance Committee. Webb reports that the committee last met on November 11, 2019 to review bylaws. Committee members agreed that the Commission is performing a lot more duties than land acquisition, the common activity of the past. The Committee members determined that new fund uses should be included for activities such providing grants and studies. There’s no real definition of “funds” or what funds should be used for. Webb reported that Matthews will attend as there is significant overlap of governance and budgeting. More information will be presented as discussions move forward.

Public Outreach. Gezo provided the report for the

New Business:
Fischbach reported on the new “Raptor Festival”, which has taken the place of the annual Eagle Festival. The event will still occur at River Landing State Park in Haddam and will involve the Riverquest. It would be another GW opportunity for visibility. Thompson remarked that Captain Mark & First Mate Mindy Yuknat may be willing to provide an update to Gateway at its February meeting as the event occurs in April. Webb asked if there was a request for funding, which there is not at this point. Birds are expensive to bring in and the trip is not easy on the birds.

Old Business:
Acknowledging the late time, Thompson asks Sampson if he can provide an update on drone acquisition at the January 23, 2020 meeting.

Gezo asked what the Commission was intending to do after the 91 Sheffield Street project presentation. Ide recalls that representatives didn’t ask for anything, so GW doesn’t need to provide any memo or document. Webb reminded members that the site is easily seen from the old landfill to the north, and that is a common location for crabbing and fishing. The old landfill is the site of Founder’s Park, which also hosts members of the public.

Finally, Webb acknowledges departing members Nancy Fischbach and Mary Ann Pleva.

Bement motion to adjourn at 9:22pm, seconded by Woody, passed unanimously.