Gateway Regular Meeting Minutes
December 5, 2019

Members present: Fischbach (DR), Sampson (DR), Webb (OS), Gezo (OS), Blatt (DEEP), Pleva (SX), Matthews (SX), Ide (EH), Bement (HD), Futoma (OL) Woody (LY), Thompson (OL), Debrigard (RiverCOG), Hill (LY). Guests: Ed Cassella, Attorney; Ken Navarro, Nanette Navarro; Joe Wren (Engineer, Indigo Design). Staff: J. H. Torrance Downes

Meeting called to order at 7:05pm at the offices of RiverCOG at 145 Dennison Road in Essex.

Mary Ann Pleva informed members that she was resigning as of the end of this December meeting. She was able to find a replacement in Misha Semenov. Semenov will be appointed in January. He moved to Essex at the end of the summer after finishing his degree in architecture at the Yale School of Architecture and Forestry. He works at Centerbrook Architects and is interested in architecture, legislation and landscape-sensitive development design.

Review of Regular and Annual Meeting Minutes
Members reviewed regular meeting and annual meeting minutes 10/24/19. Woody commented that he found numerous items in need of revision in the regular meeting minutes. Members decided to have Woody submit the corrections in note form and tabled decision on the vote on the minutes for the 1/23/20 regular meeting. The annual minute meetings were reviewed and approved as submitted. Gezo made the motion to approve, seconded by Matthews. Motion passed unanimously.

Informal Discussion of Proposed Planned Residential Development Project, 91 Sheffield Street, Old Saybrook. Greylock Properties (Ken and Nanette Navarro), Attorney Ed Cassella, Engineer Joe Wren (Indigo Design). Cassella provides background of previous application and the fact that the application was withdrawn – no application is before any local boards or commissions at this time. This discussion is informal and outside of any application process or timeline requirements. Ken Navarro offered summary statements as well. The Greylock partners are all residents of the lower Connecticut River Valley (Old Saybrook and Old Lyme). Cassella led by discussing the regulation proposal for reduction in sideline setbacks. The existing regulation allows a 15 foot sideline setback for single family residential dwellings while to sideline setback for buildings in a PRD require a 75 foot setback for buildings within 500 feet of the B-1 Central Business District. The proposal would allow the reduction of the 75 foot setback to 15 feet for PRD buildings. Although the existing requirement applies to PRD buildings within 500 feet of the B-1 District, the request is to allow the reduction to apply to buildings on the entire property. As for how many other properties this change would apply to, representatives reported that this property is the only one within 500 feet that could take advantage of the setback reduction.

Ken Navarro presents the modified plan, which shows that the number of units is reduced from 20 units to 18 units. At this density, the development would be the 2nd least dense of the numerous PRDs located in the general area of North Cove. The building footprints are shown to be moved away from the easternmost property line where a significant stand of trees exists (two units dropped from the easternmost property line). The reduced setback along the easternmost property line would have resulted in the removal of a large stand of mature trees that would allow visual buffering of the development from North Cove and the river further east. Based upon those earlier comments, Greylocke provided an alternate design that would retain the 75 foot separation along that property line, leaving those trees intact. The plan will be to retain those trees while adding an additional number
of new trees. Joe Wren pointed out the petition would rezone the property from Marine Industrial to Residence A, consistent with the zoning of the surrounding properties.

Discussion of the public kayak dock followed. T Four “land-locked” Saltus Drive neighbors have been offered access easements for water access that they don’t currently have. The dock will include some kayak storage. Blatt noted that the dock isn’t really “public” in that the only access allowed is from the water – no provisions are offered for general public access (including parking of any kind) to the public at large. They offer that someone could “walk to town” via landing at the nearby town dock after “picnicking” at the aforementioned kayak dock. Woody suggested that this was not unlike Seldon Island in terms of water access only. Navarro commented, “a public landing”. Access would be available to those who live there at the development as well as the additional Saltus Drive residents.

Ken Navarro commented that they were offering to bury all powerlines associated with the site. Navarro then showed a revised rendering of the project as viewed from the north. They took care to include the on-site trees in order to have the rendering be as accurate as possible. A photo from the same direction was used to build the rendering. Rendering show trees thinned. There is some views of buildings with trees left in place. Woody asked for confirmation that renderings were revised, which Navarro confirmed and confirmed that the view is from the approximate end of the proposed kayak dock.

Woody asks the presenters to get to more specific Gateway issues, to which Navarro states, they just want to be transparent as possible with their thinking on the design modifications. Regarding the setbacks, Cassella notes that the easternmost buildings will honor the 75 foot setback, and the westernmost building closest to Main Street will be the only one that extends into that 75 foot setback. The 4 and 6-unit buildings (the larger buildings) meet the 75 foot setbacks. Fischbach asked if the developer would consider moving the bulkier 4 and 6-unit buildings to the western end of the property and away from the eastern side where there’s more chance to see the visible bulk. Wren discussed the diminished view from the east, noting that the large dwelling at the end of Saltus Drive will partially block views as will the stand of trees along the easternmost boundary line. The house and the intact tree stand will buffer much of the view of the development.

Wren then brought up the facts regarding the location of the Conservation Zone boundary in this location. The boundary is located 50 feet from the edge of North Cove, a location that was originally established when the Gateway authority was established in 1973. Because of the zoning regulations, the fact that a portion of the property is within the boundary, the entire property is considered to be under the Gateway jurisdiction. Wren then discussed the 50 foot “tidal wetland” setback. Fischbach asked Wren to discuss the two Gateway setbacks – the 100 foot vegetated buffer regulation and the 100 foot structure setback regulation. Wren referenced the existing building footprints and the existing asphalt. The plan will remove all impervious surface (buildings and pavement) from the 50 foot tidal wetlands setback (4,000 square feet reduced to 0 square feet) and remove a significant amount of development from the area from 51 to 100 feet (20,000 square feet approximately to about 4300 square feet). Fischbach asked for a calculation for the entire property. Although the impervious for the entire property will increase slightly (0.2 acres overall – 8,600 square feet), the area closest to wetlands will be dramatically reduced (0 – 50 feet) and substantially reduced (51 to 100 feet).
Webb recognizes that the upland in the area of the “old town dump” at the northwest corner of North Cove includes widely used public access for fishing and crabbing.

Ken Navarro opens up a conversation regarding the possibility of donation of the wetlands portion of the site to the Town of Old Saybrook. Conversations have occurred with First Selectman Carl Fortuna, who expressed interest in adding that acreage to that owned by the town. The wetlands area includes the property’s frontage on North Cove, which would mean that the property to be developed – minus the donated wetlands acreage – would not be located within the Conservation Zone any longer and not under the jurisdiction of the Gateway Commission. Navarro said that the partners would move forward with the “Gateway-friendly” design even if the donation of the wetlands would take the property out of the Conservation Zone.

Following this discussion with the Gateway Commission, the partners will return for additional discussions with the neighbors, the Harbor Management Commission and others as they continue the redesign effort.

Bement commented about the planting of vegetation, noting that any plantings should be “native”.

Wren commented that, with the Marine Industrial zoning designation, other, less desirable uses could be established at this site, less desirable than the multi-family PRD that’s being discussed. He also noted that the project, as currently laid out, exceeds the land area per dwelling calculation in zoning regulations – 13,000 square feet versus 12,000 square feet. Discussion ended at approximately 8pm.

Amendment of Agenda to Discuss Haddam Zoning Proposal
A motion was made to amend the agenda to add a discussion of the Haddam proposal to revise regulations to allow “rehabilitative therapeutic and wellness center” in the Commercial District, and rezone the property at 7 Island Dock Road from residential to commercial. Motion to amend by Fischbach, seconded by Pleva, passed unanimously.

Downes reminded members that the petition of amend the regulations would likely be approved by the Haddam Planning & Zoning Commission at their meeting, which was being held at the same time as the Gateway meeting. The notice of that decision would be sent to Gateway via certified mail and its receipt would start a 35-day period within which Gateway must review and decide upon whether that locally approved regulation should be approved. If Gateway was not able to meet and make that decision within that 35-day window – or schedule its own public hearing – the regulation would be automatically approved. The other option was to schedule a special meeting within that 35-day time period.

A discussion occurred regarding whether members were willing, with the information presented, to make a decision at this meeting. Matthews reported that she felt uncomfortable with making a decision in that she needed more information and time to be confident in her
decision. Debrigard commented that there needs to be more cooperation between Gateway and the Town in order to receive these proposals more in advance. Matthews added that she didn’t want Gateway “fingerprints” on a decision that wasn’t fully reviewed and understood. Gezo asked about the possibility of conducting a special meeting by phone. Fischbach read the bylaws pertaining to this possibility. Debrigard commented that, for electronic communications to be used for voting purposes, the email must be sent to all members with responses received by all — one vote per town (quorum 5 towns), DEEP Commissioner’s representative and the regional member.

Regarding the proposal for the use itself, Fischbach reminded members that Gateway doesn’t regulate “uses”. Staff offered that, if the use is most typically housed in a large building, the use should be considered as germane. Bement commented about large buildings in Middletown on Saybrook Road where large building after large building is going into that one medical site. Matthews explained she’d like more information on Haddam regulations regarding building size. A short discussion of ramifications of changing the property zoning (one property only) versus adding the use to the commercial zone and being aware of what other properties could be impacted. Matthews commented that if this was a decision for one property, there’d be less concern. The fact that this change will impact the 7 Island Dock Road property AND all other commercial district properties, causes concern because she is not clear on the possibility of establishing this use on any of those other properties. In addition, members recognized that, even if a commercial building over 4,000 square feet were proposed, Gateway standards would not apply because the 4,000 square foot special permit requirement for Gateway impacts is limited to residential structures.

A short discussion was held regarding the timing of receipt of the certified letter and whether or not the submission of that letter could be delayed.

Fischbach said that members would need to commit to special meeting attendance if one was to be scheduled and wondered if the submission of the certified decision could be delayed so that the 35-day period included the next Gateway regular meeting. Members agreed to hold a special meeting in early January, with the date being determined by agreement by email.

Gezo asks why a variance isn’t sought for the establishment of the use in question. Members offer that there would be no hardship for the request, which is required in order to approve a use variance.

Ide comments that Gateway should avoid the practice of “last minute” presentations. Downes comments that this “last minute” process is actually the process as established by the General Assembly in the statutes governing the Commission’s operations. Earlier submission of regulation petitions (during the local public hearing, not after the entire local process has concluded) is a practice that Gateway and the towns have successfully used for numerous years. Submission of a regulation petition prior to the local public hearing allows the GatewayZ to review and comment and for the P&Z to make changes based upon those GW comments to render the proposed regulations more consistent with the Gateway mission. Having Gateway
review after the local process and after the decision is made by the P&Z limits Gateway’s response to either one of approval or denial. No changes can be made to the proposed language as the local process had previously ended. Staff is constantly striving to have towns discuss proposals as early as possible when there is the most flexibility with how the regulations read.

**Correspondence:**
Thank you notes from Source to Sea and from Lyme Land Conservation Trust (phragmites), both organizations recipients of Gateway grants, were presented. A letter from Essex Financial regarding that company’s issues with the Security and Exchange Commission was made available. The letter had been previously summarized by Matthews.

A “Cleanup Chronicle” and Certificate for Participation from the Connecticut River Conservancy was made available to members.

Bill Cowan of the Haddam Land Trust had contacted Gateway staff asking for consideration in the payment of the costs for the survey of the Swan Hill property in Haddam. Cowan had previously come before Gateway to update the Commission on the transfer of that 145 acre parcel from Regional School District 17 to the Haddam Land Trust. At that time, Cowan informed the Commission that there would be a need for a survey, which HLT was thinking would be $35,000 or more. Doug Bonoff (surveyed the Brainerd Quarry Preserve property) came back with proposal for $8,000. As a result Gateway’s expression of support for the project, HLT asked for $5,000 from Gateway, $1,500 for Middlesex Community Foundation, and $1,500 from Rockfall for the purpose of paying for the survey. Thompson reiterated that GW was supportive during that earlier discussion and had said it would wait for more information before making any commitments. Fischbach made a motion to approve providing $5,000 to the HLT for the partial payment of the survey of the Swan Hill property, which was seconded by Ide. The motion passed unanimously. Bement abstains as she is a director of the HLT.

**Chairman’s Report.**
Thompson reminds that elections have occurred and that members should introduce or reintroduce themselves to their new First Selectmen and P&Z chairs. Ide offered that the new East Haddam First Selectman is former EHLT president Rob Smith, who is known to many as a conservationist. Bement states that the new Haddam First Selectman, Thomas McGarry, is a neighbor in Haddam Neck and a former

**Committee Reports**
Finance Committee. Fischbach makes a motion to approve the financial report submitted by Matthews, with Gezo seconding. Approved unanimously. Matthews presents the RiverCOG staffing bill in the amount of $1,589.11. Motion to approve the paying of the staffing bill by Fischbach, seconded by Bement, approved unanimously.

Land Committee. Woody reviewed the few updates for the Haddam Neck land protection initiative known as the “Hillside Project”. Fischbach reminds new members that these
discussions are somewhat confidential. Downes shows two aerial slides of Hillside and a map of the Hillside properties to orient members. Woody informs the Commission that Gateway assisted the Middlesex County Land Trust purchase the Halvorsen property further north along Injun Hollow Road, and that property will also be purchased by US Fish & Wildlife (much like the Sogge). Woody describes some recent activity in the Hillside area and conversations with MxLT’s David Brown. Because of the recent sale of the property known as “Messina-Desena” on Injun Hollow Road, and because another nearby property will be going into an estate and may come up for purchase before GW’s next meeting on 1/23/20, Woody is asking the Commission to authorize the Land Committee to approve up to $10,000 for a new appraisal of the Hillside properties so Gateway and the Middlesex County Land Trust can act quickly in the event of the availability of the estate property. A motion was made by Woody (on behalf of land committee chair), seconded by Matthews, to authorize up to $10,000 for a new appraisal of the properties collectively known as the Hillside properties in that area. Motion carried unanimously.

Governance Committee. Webb recognizes that the committee has substantive information to discuss with the Commission and because of the late time, perhaps the discussion should occur at the next Gateway meeting. Notes of the Governance Committee meeting were provided for member review. The previous comments provided by Matthews were incorporated into the Article 3B(2) of the Rules of Procedure including a definition of “income”. Although copies are provided, Webb will send the document to members via email. Debrigard asks if any member remembers voting annually regarding the use of “income” and reminds that Gateway funds are not state funds but private funds, and perhaps the original language reflected earlier times when state funds were provided. Fischbach recalls that there was never a “conservation fund” as referenced in early documents. Rather, the funds were more of a “pool” of funds and that the decision of how use funds was more related to the growth funds and not the original funds provided in the mid-1980s, which were philosophically termed the “endowment”. All of these issues were discussed at the Governance Committee meeting and will be discussed with the Commission as a whole during the January, 2020 meeting.

Public Outreach. Gezo provides a report that was distributed to members. First page reports status of outreach meetings. Page 2 was described as homework for Commission members. Gezo and Webb met with ZEO Chris Costa and Town Planner and had a good meeting. Gezo recommended that all members sit down with their local representatives as well.

The committee continues to work on ways to boost social media presence, including the possibility of posting pictures, articles of interest regarding land use and land trusts on Facebook, and establishing an Instagram account. Fischbach expresses concern over posting “third party” articles on social media under the “Gateway umbrella” where Commission as a whole may not support that idea. Gezo will discuss the vetting of articles with Outreach members and report back to the whole Commission later. Fischbach offered that it would likely be fine if even more than one person “vets”, enough oversight may be achieved. Gezo reported that a two-page handout will be handed out to members on the efforts of the Outreach Committee. Downes indicates that he is the “curator” of the Gateway website. Other
than posting of photos of “bad examples” of development, the posting of photos in general is not a concern. Finally, the committee has gone through the “deliverables” and is looking to refresh those. To support outreach to local leadership, a one to two page brochure will be produced and handed out to assist members. Looking to refresh older items posted on the website.

**Heritage Trail Ad Hoc Committee.** As a reminder, the committee is working on the idea of developing legislation that would establish a national heritage corridor in the lower Connecticut River Valley. This idea was inspired by a presentation by a consultant associate of Gezo at an earlier public outreach meeting. **Woody, Debrigard and Sampson** offered to serve on the Committee. If this Heritage Corridor were to be established, there would be a provision of three staff members and a forester. **Woody** reports that he and Downes met and agreed that Sam Gold, Executive Director of RiverCOG should be asked if he thinks the COG would have interest in such an effort. Gold reported that he would have interest, and that the COG may be able to act as a “county”. The associate had presented an example of a heritage corridor at an outreach meeting – the Last Green Valley. **Woody** commented that a more consistent example might be the corridor in the upper Housatonic Valley (established around 2006). Each such corridor is established by federal legislation. **Debrigard** said that he was hoping to bring his contact from the Housatonic corridor group down for a discussion with the Gateway Commission, but contact hadn’t been made yet due to the holidays. **Debrigard** noted that, because there are no standards for corridor development, the process is benefited by having “strong politicians” supporting in the establishment of the corridor, which requires the passing of federal legislation. Gateway’s backing includes State Senator Norm Needleman of Essex, US Senators Murphy and Blumenthal and US Representative Courtney among others. All are environmental champions and supporters of the Gateway Commission and its efforts. **Thompson** commented that Alisha Milardo of the CT Audobon Society would like to be involved in efforts to establish the corridor as well.

**Woody** stated that this would be an effort of partnerships that would include institutions like the CT River Museum, the Roger Tory Peterson organization, the Florence Griswold Musuem, the Valley Railroad, Wesleyan University, CT Audobon and many others. **Gezo** asked if this should be including “missionary” work with town leaders. **Woody** described the effort as a “sales job”. Although the federal government can sometimes make recommendations for corridors, for this type of effort, the effort is locally-driven, much like how the Eight Mile Wild & Scenic River was established. A “bottom-up” approach.

**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.