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**CONNECTICUT RIVER GATEWAY
COMMISSION REGULAR MONTHLY
MEETING AGENDA - AMENDED DATE:**

March 27, 2025 **TIME:** 7:00pm

PLACE: RiverCOG Conference Room, 145 Dennison Road, Essex, CT 06426 or

Present: **Chester:** Misha Semënov-Leiva (arrived late); **Deep River:** Jerry Roberts; John Cunningham (Alternate); **East Haddam:** Debbie Langdon (Alternate); **Essex:** Peter Fleischer; James Hiller (Alternate); **Haddam:** Erin Ortega, Treasurer (Alternate); **Lyme:** Susan Fox (Alternate); **Old Lyme:** Suzanne Thompson (Chair), Greg Futoma (Alternate); **Old Saybrook:** William Webb (Vice Chair); **RiverCOG North:** Raul de Brigard (arrived late), Alan Ponanski (Alternate); **CT DEEP:** Kathleen Perzanowski.

Also Present: Attorney Matthew Willis, Anne Redfield, Attorney Keith Ainsworth, Laurie Gionatti from Deep River Land Trust

Absent: **Chester:** Tom Brelsford (Alternate); **East Haddam:** Cray Brownell; **Fenwick:** Newt Brainard; **Haddam:** Mike Farina (Secretary); **Lyme:** Lisa Wadge (Alternate); **Old Saybrook:** Ellen Fitzgerald (Alternate); **Ex Officio:** Melvin Woody

Staff support present: Susie Beckman (RiverCOG), Amy Huot, Clerk

1. Call to Order: Chair Thompson called the meeting to order at 7:00 PM.
2. Roll Call
3. Seating of Alternates
4. Approval of Agenda

A **motion** was made by A. Ponanski, seconded by P. Fleischer, to **APPROVE** the agenda.

Voting in favor: M. Semënov-Leiva (?), J. Roberts, D. Langdon, P. Fleischer, E. Ortega, S. Fox, S. Thompson, W. Webb, A. Ponanski, K. Perzanowski; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 10-0-0.

5. Approval of Minutes: 02/27/2025 Regular Meeting

A **motion** was made by G. Futoma, seconded by A. Ponanski to **APPROVE** the February 27, 2025 Regular Meeting Minutes.

Voting in favor: M. Semënov-Leiva (?), J. Roberts, D. Langdon, P. Fleischer, E. Ortega, S. Fox, S. Thompson, W. Webb, A. Ponanski, K. Perzanowski; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 10-0-0.

6. Public Comment: There were no public comments.
7. Review of Referrals & Preliminary Discussions

a. Old Lyme – 9 Caulkins Rd. Variance

The following variances are being requested for this property: **Sections 4.10.3** (100-foot Structural Setback), **4.10.8** (Riparian Buffer Setback) and **4.10.7** (35-foot maximum allowable height). There was no one present at the meeting to discuss this property. Ms. Beckman noted that the updated site plan has not yet been received, but

the list of variances on the variance table was updated. Ms. Beckman commented that she has requested the applicant provide a new site plan that has the 100-foot structural setback, the 50-foot riparian setback, and the Coastal Jurisdiction Line (CJL) marked. Mr. Webb noted that the new structure is almost 100% within the 100-foot structural setback, which the CRGC would typically disapprove or not recommend.

Attorney Matt Willis commented that the septic and well have been approved, although the septic has conditional approval. Attorney Willis noted that if the septic and well are approved, he does not advise that the CRGC not recommend the variance approval. Mr. Ponanski noted that the proposed structure is also large for the lot, so it does not meet the Gateway Standards, but a smaller version of the house would be acceptable. Attorney Willis commented that it would be an appropriate discussion to have with the applicant. Attorney Willis further commented that the information about the limit of tree and shrub clearing on the lot would be helpful as well.

After some discussion with the CRGC, Attorney Willis noted that it would not be appropriate to say “no” to this house proposal. Mr. Roberts questioned the height of three stories and placement of the house on the property.

Mr. Fleischer recommended the town of Old Lyme create a policy that states the buildings can be tall enough to be FEMA compliant, because more houses will be elevated to become FEMA compliant, however the buildings should not be that much taller due to structure design.

Attorney Willis commented that there is a potential for a “taking” which is a term for a government that is impinging on rights of the property owner as to what to do with their property. Attorney Willis also noted that the height will be an issue as it is an issue with all shoreline towns today. Mr. de Brigard questioned whether there is already a policy in place regarding height limit and FEMA compliance.

Mr. de Brigard noted that the “taking” issue is a Zoning Commission issue, not a CRGC issue. Attorney Willis agreed.

Mr. Roberts noted that the CRGC would be inclined to review the application again with a mitigating plan or alternatives to the design from the applicant.

A **motion** was made by W. Webb, seconded by A. Ponanski, that the CRGC write a letter stating the following: We find that this proposal does not comply with the Old Lyme zoning height requirements, the 100-foot structural setback requirements or the 50-foot riparian setback, which would be adverse to the protection and traditional river view scene qualities and recommend the application not be approved. The CRGC asks for a resubmission that includes a site plan with explicit landscape details, cutting limits, proposed external lighting, proposed pervious vs impervious coverings. The design should comply with the 35-ft height restriction and not be within the 50-foot riparian setback.

Voting in favor: M. Semënov-Leiva, J. Roberts, D. Langdon, P. Fleischer, E. Ortega, S. Fox, S. Thompson, W. Webb, A. R. de Brigard, K. Perzanowski; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 10-0-0.

b. Deep River – 105 River Rd Special Permit

The variance request is per **Section 14.4.1** and Special Permit per **Section 14.4.3** of the Deep River Zoning Regulations. Mr. Tim Puglielli and Ms. Jean Puglielli presented their application. Mr. Puglielli noted the breezeway addition has been eliminated from the design and only the proposed garage will be added. Mr. Puglielli commented the proposed design does not encroach on the 50-foot Riparian setback and the Coastal Jurisdiction Line (CJL) is encroached upon by approximately 15 feet because of the location of the **existing** house. Mr. Puglielli noted there is a slope on the property which makes moving the garage further forward untenable. Mr. Puglielli commented that the design will have a cedar roof, and it will only have one non-reflective window in the back, which faces the river.

The Commissioners noted there are three different drawings, causing confusion for them to determine the garage location. Mr. Webb asked the applicant to submit better documentation that shows exactly where the garage will be located as the drawings are inconsistent.

Mr. Webb asked Attorney Willis if this request should be a variance or a special permit. Attorney Willis noted the town Zoning Enforcement Officer (ZEO) can interpret the town’s Zoning Regulations and make the recommendation as to whether a proposed project should be a special permit or variance request. Ultimately, the ZEO will have a say and can write a written decision on the issue.

Ms. Beckman commented that she received an application for a special permit because the Deep River ZEO decided a variance is not required as the structure is an accessory and not an extension to the house. Ms. Beckman noted this application would not be brought to the Town of Deep River Zoning Board of Appeals (ZBA) and asked if there is a standing for the CRGC to oppose or not oppose based on the structure being in the 100-foot setback.

Attorney Willis commented that Zoning Regulation Section 14.4.1 does not consider the aspect of construction of a structure within the Gateway Conservation Zone. Attorney Willis further noted this would be a special permit based on the zoning regulations.

Mr. Webb commented that the request should be a variance and the CRGC should not approve it under a variance request.

Mr. de Brigard commented that the CRGC should inform the town of Deep River Zoning Commission that the current zoning regulations do not meet the Gateway Commission Standards. Mr. de Brigard noted if the regulations are inconsistent with the standards, the CRGC should cure that inconsistency.

A **motion** was made by Mr. de Brigard that the CRGC write a letter stating the proposed design is inconsistent with the Gateway Standards, the Deep River Zoning Regulation is inconsistent and the CRGC would like the Deep River Zoning Regulations to be updated to agree with the Gateway Standards.

Commissioners discussed sending a letter to Deep River P&ZC and ZEO requesting a review of the Gateway Standards and to update the Deep River regulation to correctly reflect the Gateway Standards. A second letter will be sent to Deep River P&ZC regarding the application.

A **motion** was made by Mr. de Brigard, seconded by W. Webb, that the CRGC write a letter regarding the application stating the proposed design is inconsistent with the Gateway Standards, and the CRGC asks that in the context of a special permit that the proposed patio be pervious, dark sky compliant lighting be maintained, and there be minimal cutting of trees and shrubs.

Voting in favor: M. Semënov-Leiva, J. Roberts, D. Langdon, P. Fleischer, E. Ortega, S. Fox, S. Thompson, W. Webb, A. R. de Brigard, K. Perzanowski; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 10-0-0.

8. Correspondence/Staff Report:

Ms. Beckman reviewed the following topics. **Communication from Eversource Project Engagement** commented that the Eversource review for Projects is a comprehensive process and will not be completed before the CRGC March 27th meeting, and most likely not before the CRGC April 24th meeting. The Eversource project engagement contact Deb Mercier is retiring and the project engagement role will be assumed by Eric Barber. An update will be provided when the finalized information is ready to share with the CRGC. The estimated timeline for filing the petition is Q2 2025.

Essex – 38 Foxboro Point DEEP Tentative Dock Approval – Update

Communication from the Essex Harbor Management Commission (HMC) commented that the applicant has submitted a revised dock design that shortens the dock by approximately 40 feet and lowers its vertical profile. The HMC and Connecticut Department of Energy and Environmental Protection (DEEP) have asked for a detailed plan before passing final judgment. DEEP has set an April 1st deadline.

The HMC asked that the permit specify that no motorized vessels shall operate from the dock, that the dock be used for a kayak and not a dinghy, and that no vessels be stored on the dock when not in use. The application will

go to the Planning and Zoning Commission after DEEP completes their review.

The HMC also commented they are asking 36th District State Representative Renee Muir to sponsor legislation to empower local HMC's permit approval authority.

QuickBooks – Paula Fernald sent the following email on 3/13/2025:

Ms. Paula Fernald contacted Ms. Beckman about their use of QuickBooks for accounting for RiverCOG and the agencies it assists. Ms. Fernald noted that they do not pay to have additional company files in QuickBooks, however, that might change in the future. Ms. Fernald commented that the CRGC will be informed as soon as possible if this changes and a charge will appear on RiverCOG invoices, possibly an annual fee.

9. Chairman's Report

Chair Thompson and Commissioners presented the following updates for the CRGC:

Ms. Ortega will be in touch with CRGC committees regarding their creation of a budget proposal, which is due for each committee in the May or June timeframe.

Connecticut Land Conservation Council Conference (CLCC): Mr. Futoma, Mr. Ponanski, Mr. Fleischer, and Chair Thompson attended the CLCC Conference recently held. The attendees discussed some of the notable takeaways they had from the conference. Mr. Futoma commented that he learned about natural solutions for climate change in the CLCC Conference Climate Change workshop. Mr. Futoma noted he will share information with the Commissioners.

Mr. Futoma commented that the CRGC received a thank you letter for CRGC support for the conference from the CLCC. Mr. Futoma further noted that the attending members learned a lot, the CRGC was able to have a booth at the conference, and it was a worthwhile event.

The CRGC members discussed that they learned about riparian buffers at the conference and how the habitats most in peril can be protected by them. Mr. Futoma commented that workshop presenters stated that riparian buffers were by far the least expensive and most effective means to control runoff in a specific lake project. Mr. Futoma further noted that there are calls to action in the CT 2025 Legislative session and the Commission should pay particular attention to CT House Bill 7174. Chair Thompson recommended that the Rules of Procedures Committee discuss supporting HB 7174 through letters in support of the Bill. As the hearing on HB 7174 has already been held, Chair Thompson asked that the Rules of Procedures Committee track the legislation and recommend proactive steps to get involved as a commission to support the Bills.

Mr. Futoma noted that it would be helpful for the Rules of Procedures Committee to follow the legislation about protection of riparian buffers (HB7174) and track how it might intersect with CRGC regulations so that a letter of support can be written. Mr. Ponanski commented that he will call a special meeting to discuss this issue.

A **motion** was made by P. Fleischer, seconded by G. Futoma, for the CRGC to write a letter supporting HB7174.

Voting in favor: M. Semenov-Leiva, J. Roberts, D. Langdon, P. Fleischer, E. Ortega, S. Fox, S. Thompson, W. Webb, A. R. de Brigard, K. Perzanowski; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 10-0-0.

Mr. Fleischer commented that he attended meetings involving forest management concepts and thinks the CRGC could benefit from the information. He further noted that University of Connecticut's (UConn) Center for Land Use Education and Research (CLEAR) can help the CRGC map the number, position and intensity of trees within the gateway zone which means the CRGC can track whether trees are lost over time. Mr. Futoma noted a UConn intern used CLEAR data a few years ago and it was helpful to the Commission.

Mr. Ponanski commended Mr. Futoma for a wonderful job as a speaker at the CLCC Conference. Mr. Ponanski also noted that he believes the Commission has a remarkable opportunity with CLEAR to figure out what the forests will do and present their findings to the Commission.

Ms. Perzanowski gave an update on the DEEP program presented at a Ravin Williams Realtors meeting in Madison. Ms. Perzanowski showed the PPT presentation she presented, which included an overview of the CRGC mission and examples of how trees and riparian vegetation can be maintained and the structural criteria the CRGC prefers when projects are proposed along the CT River. Ms. Perzanowski also suggested to the realtors that they advise customers who would like to buy a house on the CT River to refer to the CRGC guidelines to prevent issues or misunderstandings on future projects.

10. Committee Reports

a. Finance & Treasurer – Approve Bills

A **motion** was made by Treasurer E. Ortega, seconded by A. Ponanski, to pay the following bills: Halloran and Sage: \$4026.76; CT River Museum: \$500; RiverCOG: \$4992.24. The total is \$9,591. Chair Thompson noted that CRGC had approved CT River Museum bill at the February CRGC meeting.

Voting in favor: M. Semënov-Leiva, J. Roberts, D. Langdon, P. Fleischer, E. Ortega, S. Fox, S. Thompson, W. Webb, A. R. de Brigard, K. Perzanowski; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 10-0-0.

b. Communications – Update – Source to Sea Clean-up Sponsorship request

Mr. Futoma commented that the CT River Conservancy asked that the CRGC provide a \$5,000 donation of support, a doubling in funding over the previous year. The Communications Committee met and decided to defer the decision on the sponsorship request as the CT River Conservancy does not require a firm answer until the end of May 2025. Mr. Futoma suggested the CRGC create a strategy to determine how it can make a bigger impact. Mr. Futoma further noted that the Conservancy commented that it would like its River Steward and Director of Restoration to discuss with the CRGC how to protect riparian buffers.

Mr. Futoma commented that the Communications Committee needs someone to create the minutes for committee meetings.

Mr. Futoma noted that the CRGC website needs to be updated with the names of the new CRGC members. Ms. Perzanowski offered to help with the website updates if Ms. Beckman needs help.

Chair Thompson noted Old Saybrook’s community outreach program, Thursday, April 10, about its Community Tree and Shrub Guide that CRGC members are welcome to attend.

c. Rules of Procedures

i. Adoption of Documents Required for Applications

The March meeting materials included these two proposed documents in development by the Rules Committee. Ms. Beckman noted the documents should be adopted if Commission members agree on them and Commissioners need to agree that the documents should be allowed to be updated or amended. Commissioners suggested some additions and changes. Mr. Webb noted he would help provide background information on how and why the CRGC operates the way it does plus provide instructions on what should be provided to CRGC for application submittals.

A **motion** was made by A. Ponanski, seconded by G. Futoma, to accept the documents and add a preamble that the documents will be updated as necessary.

Voting in favor: M. Semënov-Leiva, J. Roberts, D. Langdon, P. Fleischer, E. Ortega, S. Fox, S. Thompson, W. Webb, A. R. de Brigard, K. Perzanowski; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 10-0-0.

d. Land

i. Deep River Land Trust Request for Land Acquisition Grant

Mr. Webb said there is a letter from Ms. Laurie Giannotti from Deep River Land Trust (DRLT) requesting \$29,000 (Susie, please confirm, the initial written request was for \$29,000, let's not confuse things by listing what Bill said vs what DRLT requested.) to help with its acquisition of the Tate property. Mr. Webb expressed a few concerns about the nature of the language in DRLT's request for funding and asked Ms. Gianotti to speak to those issues.

Ms. Gianotti clarified that it is not an acquisition, it is a land donation the DRLT is receiving from the estate. Ms. Gianotti noted that the funding will help with the closing costs of the property, which will be in late April or early May. Ms. Gianotti further commented that she sent an email to Ms. Beckman answering the Commission's questions and reviewed her responses in the meeting. She noted that: signage and at least one trail will be added to the property and it could include recognition of CRGC's support; the property will be owned by the DRLT as conservation land in perpetuity. There is no right of first refusal because there will not be a sale of the property. If the DRLT did dissolve, the properties would transfer to the state or an organization that would keep the land in open space in perpetuity. Ms. Gianotti took an action to confirm if the DRLT asked the state to confirm the state has agreed not to sell the land if the DRLT dissolves.

Ms. Gianotti confirmed it is a donation and if there is money left in the stewardship fund then language can be put in the agreement to reimburse the CRGC. Mr. Webb noted that the CRGC should not be looked to for ongoing stewardship funding, however including a seed amount as part of the ceding or acquisition process should be considered. Chair Thompsen commented CRGC would be ~~they~~ are happy to provide a match of Stewardship funding to CLCC or other grants to get the seed fund going but ~~they~~ it should not agree to annual maintenance of the land. Mr. Ponanski noted it should be memorialized in a letter from DRLT to the CRGC noting that the CRGC will not be providing ongoing funding to maintaining the land.

Ms. Gianotti commented that the additional costs will add at least another \$10,000 - \$20,000 for the property survey but noted the cost could be less. Ms. Gianotti noted that there will also be attorney closing fees and trail material requirements as well. Ms. Gianotti commented that a local surveyor estimated the cost to be a minimum of \$20,000 but the DRLT will request three bids, and they will need one more bid before they decide who to hire for the survey.

A motion was made by W. Webb, seconded by J. Roberts to provide \$29,000 to the Deep River Land Trust, including the seed for stewardship, understanding it is a seed for stewardship only and the Deep River Land Trust will enable more fundraising for ongoing stewardship as the CRGC will not be providing ongoing stewardship.

Voting in favor: M. Semënov-Leiva, J. Roberts, D. Langdon, P. Fleischer, E. Ortega, S. Fox, S. Thompson, W. Webb, A. R. de Brigard, K. Perzanowski; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 10-0-0.

Mr. Webb provided a Land Committee update: Mr. Webb asked Commissioners if there is any interest from them in being Chair of the Committee (Mr. Webb is the current co-chair). Mr. Webb commented he would remain with the committee but does need help. Mr. Webb said if there was no interest from anyone else in the position of Chair, then he would remain as co-chair. Mr. Futoma noted by the end of April that the CRGC may have two new commission members, and they could be interested. Mr. Webb asked the Commissioners to inform him, or Chair Thompson if there is interest in becoming the Chair of the Land Committee. Mr. de Brigard will continue to be co-chair.

11. Old Business

- a. 38 Foxboro Point, Essex Dock Approval – Update covered in the Communications section.

12. New Business: None was discussed.

13. Executive Session – Discussion Potential Land Acquisition and Eversource Wire Replacement

A motion was made by A. Ponanski, seconded by P. Fleischer, to enter into Executive Session.

Voting in favor: M. Semënov-Leiva, J. Roberts, D. Langdon, P. Fleischer, E. Ortega, S. Fox, S. Thompson, W. Webb, A. R. de Brigard, K. Perzanowski; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 10-0-0.

Executive Session started at 9:16 PM.

The Executive Session ended at 9:47 PM. No action was taken in Executive Session that required a vote.

Adjournment

A motion was made by A. Ponanski, seconded by S. Thompson, to ADJOURN the meeting.

Voting in favor: M. Semënov-Leiva, J. Roberts, D. Langdon, P. Fleischer, E. Ortega, S. Fox, S. Thompson, W. Webb, A. R. de Brigard, K. Perzanowski; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 10-0-0.

The meeting was adjourned at 9:48 PM.

Respectfully submitted,

Amy Huot, Clerk

The next regular meeting of the Gateway Commission is scheduled for

Thursday, April 24, 2025 at 7pm