

CONNECTICUT RIVER GATEWAY COMMISSION

REGULAR MEETING MINUTES

February 28, 2019

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

Chester: **Margaret (Peggy) Wilson**, *Vacancy*

Deep River: **Nancy Fischbach**, *Kate Cotton (E)*

East Haddam: **Crary Brownell**, *Joel Ide (E)*

Essex: **Claire Mathews**, *Mary Ann Pleva (E)*

Fenwick: *Fran Adams*, *Borough Warden*

Haddam: **Susan Bement**, **Mike Farina**

Lyme: **J. Melvin Woody**, **Wendy Hill**

Old Lyme: **Peter Cable**, **Suzanne Thompson**

Old Saybrook: **Bill Webb**, **Tom Gezo**

Regional Rep: *Raul Debrigard (E)*

DEEP: **David Blatt**

Staff: J H Torrance Downes.

Guests: None

Call to Order

Chairman **Thompson** called the regular meeting of the Connecticut River Gateway Commission to order at RiverCOG offices located at 145 Dennison Road, Essex at 7:00pm.

Approval of 1/24/19 Meeting Minutes

Mathews offered a correction which stated that under the phragmites discussion, the publication discussed was Valley Courier. Motion to approve the minutes with said corrections by **Fischbach**, seconded by **Brownell**, passed unanimously. **Fischbach** abstained.

Motion to move Agenda Item 3 to Item 12B. Motion by **Mathews**, seconded by **Gezo**, approved unanimously.

Potential New Member. **Wilson** introduced soon-to-be Chester alternate Jenny Kitsen.

Discussion of Forest Management Project at the John Lohmann Preserve in Old Lyme, Old Lyme Land Trust

Preserve Steward Ann Galliher presented a PowerPoint showing maps and photos of the property, including views of the mature hardwood trees that the Old Lyme Land Trust (OLLT) would like to remove that are shading "pitch pines". Tree removal would promote the growth of the pitch pines. The tree removal is on the lower part of the property next to the river; the upper, more visible portion of the Lohmann Preserve will not be disturbed at all (TNC has a conservation easement preventing tree cutting in that area anyway). The OLLT has received two separate professional recommendations (one from former GW member Lisa Niccolai). Some of the hardwood trees to be removed, including Beech and Black Birch, are located within the 50 foot "riparian buffer" where no vegetation can be cut without the issuance of a variance from the Old Lyme Zoning Board of Appeals, consistent with Gateway standards and the zoning regulations of Old Lyme. The land trust would like to avoid the need for a variance in that the project is considered forest management and not traditional development. No tree cutting will occur on or near the river embankment as there is no desire to weaken the embankment which could promote erosion. Downes to send a letter to the Town of Old Lyme land use department indicating that GW would support the granting of a variance for this selective cutting of trees/forest management purpose. Further, Gateway would not object if it was determined that no variance is required for the forest management project as described by Galliher. Motion by **Woody**, seconded by **Fischbach**, approved unanimously.

Treasurers Report

Mathews passed out a written Treasurers Report dated 2/28/2019 summarized as follows:

In addition to regular bills for RiverCOG staff services, there was a legal bill for \$1,100 for the services of Attorney Mark Branse in reviewing the Gateway standards and review language for use in additional revision to standards moving forward. In addition, Gateway issued a donation in the amount of \$30,000 to the Deep River Land Trust for the purchase of the property that starts from Pratt Cove. Janet Stone, President of the DRLT was at the January, 2019 meeting to thank Gateway for its generous donation. Another report entry included the \$5,000 provided for the Lords Cove Phragmites eradication project (with this \$5,000, \$25,000 of the dedicated \$30,000 has been provided to the partnership). The project is spearheaded by Rich Snarski and John Pritchard.

The investment portfolio gained some value in January after a volatile last quarter of 2018 and stands at \$1.924M. That represents a gain of 5.74% since June, 2018.

Finally, the budget for 2018/2019 is \$53,700, approximately 3% of the GW trailing three-year average and significantly below the portfolio's growth over the past seven months.

Staffing bill presented: \$760.07 (JHTD, 17 hours); \$121.78 (PF, 3.25 hours); Audited FY 2018 Overhead Charges (\$1283.18) for a total of \$2,165.03.

Motion to pay RiverCOG staff bill and accept Treasurer's Report, motion by **Bement**, seconded by **Woody**, passed unanimously.

Correspondence Report

- Report on Essex Zoning Regulations. The Essex hearing for the new standards took place on Monday, January 28, 2019. The Zoning Commission approved and adopted the new standards, but didn't set an "effective date". They will do that at their upcoming February meeting scheduled for Monday, February 25, 2019.
- Donations/Sponsorships
 - 1) CLCC Workshop Sponsorship, Wesleyan University, March 23rd. Approved at level of \$500 on 1/24/19. Check in the amount of \$500 presented for signature. Provides a table and three "complimentary" passes. Link for information/workshops: <http://www.ctconservation.org/2019-conference>
 - 2) Annual CT River Conservancy "Source to Sea" Clean-up. Requires vote to support. GW has voted to support at a level of \$1,000 going back numerous years. Check in the amount of \$1,000 presented for signature pending vote. Deadline for "Priority Sponsorship" which includes recognition on t-shirts and posters: 5/31/29.
 - a) River Sponsor - A level of support of \$2,500 would add the **GW logo** to the Source to Sea "Cleanup Chronicle", a listing and GW website link on the CRC website and a listing on t-shirts.
 - b) Stream Sponsor - A level of support of \$1,000 level of support provides a *listing* (not logo) on volunteer T-shirts, in the "Clean-up Chronicle" and on the CRC website. GW will receive a "sponsor certificate" and an annual report web listing.

Go to <https://www.ctriver.org/our-work/source-to-sea-cleanup/current-sponsors/> if you want to see the CRC website listing difference between *River* and *Stream* sponsor levels.

- 3) East Haddam Land Trust Calendar. Requested annual contribution. GW has supported at a level of \$100 going back numerous years. Check presented for signature pending vote.
- GW Handbook. A request was made to reorganize the Gateway Handbook into clearer sections. This task is being worked on; a new handbook will be presented when complete.
 - Annual Boat Trip. Usually scheduled for the first Thursday in June. Planning should start soon.
 - Haddam. A proposal for a 60 foot radio antenna will possibly be the subject of a Special Permit application for property located at 30 Camp Bethel Road, just above Route 154. The site is among trees but, at 60 feet, will extend above those trees. The site is also located just south of the high power lines that extend across the river from East Haddam to Haddam. In terms of visual impacts, if any, the power lines and towers would dominate any view of this tower in that location. That said, although applications for these kinds of antennae are few and far between, guidance from members would be welcome. Standards language applies more to structures on top of roofs. The proposal will go through a Special Exception review at the local level, meeting the authorization requirement in the last sentence:

Variance Referrals for Commission Review. None presented.

Regulation Referrals

Old Lyme. Repeal of Sections 4.4.6.5(i) and (ii), Sewer and Water Facilities in the Special Flood Hazard Zone. The private petitioner intends, along with other residents, to areas thereby eliminating ground water pollution issues cited by the CT DEEP. This is the same path as had previously been taken by the Point'O'Woods community further east at the Old Lyme/East Lyme border. The plan is to lay sewers which will connect to the New London sewage treatment plant to the east. This plan would require the installation of a pump house within the Special Flood Hazard Area which cannot be done without variance under current regulations. The proposed solution is to repeal the sections that prohibit the placement of *any* sewage treatment facilities in that flood zone. During discussions, **Blatt** confirmed that efforts to remediate ground water pollution in those areas by the DEEP has been ongoing for years. In that this repeal would impact any areas in Old Lyme that are identified as Special Flood Hazard Area, members were concerned that the petition could also impact areas located within the Gateway Conservation Zone on the Connecticut River. After discussion and conclusion that there are few if any likely areas for the kind of dense development that would end up requiring sewer construction within the Conservation Zone, a motion was made by **Blatt**, seconded by **Fischbach**, to approve the petition as proposed with the understanding that this repeal won't facilitate a high density development within the Gateway Conservation Zone, as Gateway would likely not be supportive of a zoning regulation proposal that would be required to accomplish that development. The motion passed unanimously.

Haddam, Adoption of Zoning Regulations for the Conservation Zone; Proposal of a Zoning Map Amendment rezoning numerous conservation properties under the new Conservation Zone. Regulations for the local Conservation Zone were first proposed in the spring of 2018 and approved by the Gateway Commission. The town did not end up adopting the regulations into the zoning regulations, hence the scheduling of this second public hearing to finalize that adoption. In that Gateway had approved these regulations in May of 2018, members chose not to vote to approve a second time as the previously-approved regulations are unchanged.

Upon a motion by **Woody**, seconded by **Fischbach**, the Commission unanimously voted to approve the rezoning of three separate properties located within or partially within the Conservation Zone as the uses permitted are highly compatible with the Gateway mission of protection and preservation of the "natural and traditional river scene". The properties, which are publically owned, are identified as Map 50, Lot 024; Map 06, Lot 009; and Map 64, Lot 008 and will be rezoned to "Conservation District" from various residential and commercial designations.

Special Exception for Commission Review. None.

Variance Applications Reviewed by Staff:

Haddam, Midway Marina. Downes reported that he reviewed a variance application that would result in the excavation of approximately 8,000 cubic yards of sand and gravel from the area to the west and south of the Midway Marina structure, this to further expand upland storage space for the facility. Gateway had previously granted a similar variance for larger excavation for the same purpose. Maps and photos prepared by Downes were projected onto the screen. The area proposed for excavation is located to the west (inland) side of the Valley Railroad tracks and is separated from the river and from substantial river view by modest hills that are topped with numerous mature trees. The hills will block most view of what will be a boat storage area as seen from the river. A condition was requested and included in the approval which limits removal of mature trees on the intervening hills so as to maintain the visible tree cover in that location. If a proposed gazebo is place on the intervening hill, views of the river are to be gained through "limbing up" those trees rather than removing them. With the condition, Downes sent a letter of "no opposition".

Gateway Standards

It was reported that Attorney Mark Branse had worked with Fischbach and Downes on clarifying the approved

standards. An opinion from Branse will be reviewed by Downes to determine next steps.

Committees Reports

Land Committee. No report of significance.

Governance Committee. Fischbach reported officially that she will be resigning effective May 30, 2019 with the intervening time dedicated to turning over the operation of the Governance Committee to a willing person, which it appears will be Webb. A short discussion occurred regarding the desire of **Thompson** to start an Executive Committee to conduct business on behalf of the Commission as a whole when necessary. **Fischbach** pointed out that the present bylaws do not provide for an Executive Committee and would have to be revised to allow one.

Public Outreach Committee. No report of significance. Thompson reported that she is overseeing an attempt to schedule a committee meeting and has been trying to contact POC Chair **Cotton**.

- CRC "Source to Sea". A discussion took place regarding Gateway's annual support of the CRC "Source to Sea" cleanup effort. Gateway has, in the past, sponsored at a level of \$1,000, but raising sponsorship to a level of \$2,500 would provide more outreach potential with CRC planning the GW website link on the CRC website and having GW listed in other locations. Motion to approve sponsorship at a level of \$2,500 by **Matthews**, seconded by **Bement**, approved, with **Cable** voting "no".
- EHLT Calendar. The members took up a request by the East Haddam Land Trust to donate \$100 for the purpose of contribution to the annual EHLT calendar. Motion to approve by **Matthews**, seconded by **Bement**, passed unanimously.
- CLCC Land Trust Workshop, Wesleyan University, March 23, 2019. At the \$500 support level, Gateway gets a display table and three "passes" to the event. Downes uses one of the passes to staff the table and provide set-up and tear-down service. On a motion by Fischbach, seconded by Webb, it was voted that Gateway would reimburse any members who attend the workshop but had to register themselves. The motion passed unanimously.

Old Business:

None to report.

New Business:

- A question was asked regarding whether or not the Gateway Commission – now that the CT River Land Trust membership has been altered – has any responsibility for the payment of taxes and filing tax returns. **Wilson** to touch bases with Accountant Joe Wollack and report.
- **Webb** brought up a conversation he had with Old Saybrook First Selectman Carl Fortuna about a phragmites eradication project in North Cove off the Connecticut River. Fortuna asked **Webb** about the possibility of a \$5,000 grant issued by Gateway that would pay for a contracted biologist to work on the project. Downes commented that he was aware of this effort as he was contacted by a resident of Old Saybrook who has, in turn, contacted Rich Snarski (at Downes' urging) to understand how the Lords Cove project came to fruition. The group that has been formed is the "Friends of North Cove", a 501C3 non-profit. Webb was asked to get back to Fortuna to seek a letter of request that more fully explains the overall project goals and details. The "Friends of North Cove" want to come before the Commission in May or June.
- This request resulted in a discussion regarding what measures the Gateway Commission will take to determine what projects will be funded and how that process would proceed. Gateway has already sought to list projects of interest that members think are worthwhile. The idea of the establishment of an Executive Committee/Strategic Planning Committee was raised as a possible solution for providing recommendations to the whole Commission.
- Finally, **Matthews** brought up her continuing concern over the use of any amount of chemicals in a phragmites eradication process. Following discussion, a motion was made by **Matthews**, seconded by **Wilson**, to determine what non-chemical alternatives to phragmites eradication can be utilized before Gateway is to fund any more such projects involving the use of chemicals.

Adjournment: Motion to adjourn by **Bement** passed unanimously. 8:55pm