

# CONNECTICUT RIVER GATEWAY COMMISSION

## REGULAR MEETING MINUTES

June 27, 2019

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

<b>Chester:</b>	<b>Margaret (Peggy) Wilson, Jenny Kitsen (E)</b>
<b>Deep River:</b>	<b>Nancy Fischbach, Vacancy</b>
<b>East Haddam:</b>	<b>Crary Brownell, Joel Ide</b>
<i>Essex:</i>	<b>Claire Mathews, Mary Ann Pleva</b>
<i>Fenwick:</i>	<i>Newton Brainerd, Borough Warden</i>
<i>Haddam:</i>	<b>Susan Bement, Mike Farina</b>
<b>Lyme:</b>	<b>J. Melvin Woody, Wendy Hill</b>
<b>Old Lyme:</b>	<b>Peter Cable, Suzanne Thompson (E)</b>
<b>Old Saybrook:</b>	<b>Bill Webb, Tom Gezo</b>
<i>Regional Rep:</i>	<b>Raul Debrigard (7:10pm)</b>
<b>DEEP:</b>	<b>David Blatt</b>
<b>Staff:</b>	<b>J H Torrance Downes</b>
<b>Guests:</b>	None present.

### Call to Order

Vice Chair Woody called the regular meeting of the Connecticut River Gateway Commission to order at RiverCOG offices located at 145 Dennison Road, Essex at 7:05pm.

### Approval of 5/23/19 Meeting Minutes

Motion to approve the minutes by **Fischbach**, seconded by **Wilson**, passed unanimously. Non-substantive typos noted by **Woody** will be corrected.

### Financial Report. Matthews reports.

- Financial Status/Treasurers Report. Total portfolio is experiencing fluctuations due to market uncertainty because of interest rate uncertainty and tariffs. Portfolio continues to perform well. Current spending status well under 2018/19 operating budget. **Ide** asks if we've seen a rebound from June. **Matthews** explains this report does not include records from June. Next month's Treasurers Report will include that information.
- Bill Payment. JHTD - \$559, PF - \$47 Overhead - \$881 totaling \$1487 for RiverCOG hours. Total payments of \$2,675 include an \$88 payment for legal services and a payment of \$1,100 to Riverquest for the boat trip on June 12, 2019. Motion by **Matthews**, seconded by **Fischbach** passed unanimously.
- Set Operating Budget. Projected budget remains level with the 2018/2019 budget with no proposed increases. **Matthews** notes the flexibility of this budget and the ability to make adjustments if necessary. Motion by **Matthews**, seconded by **Woody** to approve budget. **Matthews** discusses where "project" spending would appear in the accounting sheet. **Gezo** mentions that Outreach will likely propose use of funds as members decide to move forward. He notes that \$1,000 is currently set for Outreach and will likely need to be increased when projects are vetted and brought forward for approval and funding. "Special Projects" will lead to no restrictions on such requests. Motion passes unanimously.

### Correspondence/Staff Report

Regulation Proposal, Borough of Fenwick. A referral of zoning regulations changes proposed by the Fenwick P&Z was submitted to the RiverCOG Regional Planning Committee for review for intermunicipal impacts by the Regional Planning Committee. A similar referral to the Gateway Commission was NOT made as the Borough contends it is not under Gateway jurisdiction per a legal opinion obtained by the Planning & Zoning Commission. The regulations themselves concern (1) definition of short-term rental (for purpose of controlling Air BnB and similar rental situations), (2) clarification of regulations regarding nonconformities, and (3) allowing structures in the 50 foot tidal wetland setback (where a variance would be required) by Special Permit issued by the Planning & Zoning Commission. The latter revision would be the one up for debate, but it is a much more strict proposal than Gateway previously saw in 2018.

The structures and uses that could be permitted in the 50 foot tidal wetland setback (note they don't refer to the 100 foot Gateway structure setback or the 50 foot riparian buffer setback) are limited to marine uses (similar to Gateway language), boardwalks for access to the water, docks, fences and other similar accessory features. The permissible structures and uses are required to be consistent with the CT Coastal Management Act. Recommendation is made to issue a letter of approval (none of the proposed changes rise to the level of significant impact to Gateway interests) citing Gateway's awareness that the Borough contends they are not subject to Gateway authority, but also stating that the Gateway Commission still considers the Borough under Gateway jurisdiction. The letter would cite the appropriate statutes along with the notice of approval.

After discussion during the June 27, 2019 meeting, members felt that a decision should be rendered at this point in the meeting and agreed that a letter should be sent approving the proposed regulations pursuant to Section 25-102g CGS. The letter should also state that, although the Borough feels that it is not under the jurisdiction of the Gateway Commission, Gateway members feel that it is. Motion by **Matthews**, seconded by **Fischbach**, approved unanimously.

Solar Panels, Abbots, River Road, Essex. Staff was made aware last week of a proposal to install numerous ground-mounted solar panels at the property of the Abbots on River Road in Essex. Many members will remember this application which involved the review of a very large structure on a particularly difficult sloping site constrained by wetlands and flood plain that led to Gateway's reluctant finding of "no opposition" because of several challenging considerations. Staff will provide a map and current photos of the site as seen from the river to demonstrate where the panels will be installed. The panel location is in as hidden location as possible, but will still be seen from the river to some extent. The panels are proposed for a conforming location where there is not requirement for Gateway review, hence, the ZEO's not alerting staff to what could be a controversial proposal. The landscape architect was contacted and reported a willingness to contact the Abbots to see if they'd be willing to plant some more vegetation to further screen the panels. The Abbots, he said, have been quite willing to accommodate Gateway interests during the project. An attorney for neighbors to the north contacted staff to ask about Gateway jurisdiction, which was the event that alerted to the proposal.

CT RC&D Invasives Plant Survey. Eight Mile River has awarded the team \$5,000 as a contribution toward the survey. Greg Bugbee is moving forward with hiring for the summer. According to Margot Burns, the partnership is still sort the funds necessary to complete the survey within the entire RiverCOG region (includes areas north of the Gateway zone). The partnership met with representatives of town in the Capitol Region last week and still tried to find other partners that can provide additional funds.

During the meeting, **Brownell** asks what the plans are for acquiring more funding. Downes reported that the team continues to meet with others, including the Capitol Region COG, to seek more support so the survey can be extended north beyond the Gateway Conservation Zone. **Brownell** with concurrence from **Ide**, commented on the importance of knowing what exists north of the Gateway area. Comments were made regarding the lack of financial support by marina owners, which would be dramatically impacted by invasive subaquatic plants.

Eradication of "upland woody" plants in the wooded floodplain of Lords Cove. The project to cut woody invasives in the upland wooded floodplain at Lords Cove followed by the planting of 20 American elm saplings and funded by Gateway in the amount of \$6,000, has been completed. The results, at least as could be seen looking from the river to the upland, was pointed out to attendees of the RiverQuest boat trip held on Wednesday, June 12, 2019. Grantee Rich Snarski reported that the real demonstration of the effectiveness of the project can be seen from the roadway from Ely's Ferry Road down to the marsh where open views of Essex across the river can be seen in areas that were previously blocked from view by invasive plants.

GW Handbook. Binder returned to staff for reproduction for members. The binders will be prepared for distribution at the Gateway Commission's July meeting.

Deep River 1<sup>st</sup> Selectman Angus McDonald informed of need for two Gateway appointments.

Variance Applications for Commission Review. None.

Special Exception for Commission Review. None.

#### **Regulation/Map Review and Approval pursuant to Section 25-102 G CGS.**

Haddam. Petition to rezone numerous properties from various zoning designations to Haddam's new "Conservation District", a district that insures passive uses on these publically-owned properties. This designation is local, and separate from the Gateway Commission's "Conservation Zone". Owners include the United States of America (US Fish & Wildlife Service), the State of Connecticut, Audubon Society of Connecticut, and the Haddam Land Trust.

**Woody** asked if the Brainerd Quarry property was included in the rezoning, which Downes indicated was not. The petition included a list of the specific properties. **Farina** commented that he had brought properties to Town Planner Bill Warner's attention from in the Higganum Cove area. **Farina** explained thoughts on the intent for how these properties would connect to the 160 acres of land in the area of the Haddam Elementary School, to be turned over to the Haddam Land Trust. Most of the properties are located in the Haddam Neck area north to the northern boundary of Haddam (and the Gateway Conservation Zone). Several smaller properties are located on the west side of the river. Motion to approve the petition by **Fischbach**, seconded by **Bement**, approved unanimously.

#### Committees Reports

Land Committee. **Wilson** provided a report summarizing that no activity of interest has come before the Land Committee of late. **Fischbach**, however, reported that it has been announced that the Mount Saint John property in Deep River, the highly visible hillside accessed from the Town Landing area of town, is going on the market shortly. First Selectman Angus McDonald is working to find a purchaser/developer that would keep the property intact (not subdivided). **Wilson** commented that Norwich Diocese is in need of funds that will help paying for litigation in which the Catholic Church has been involved of late. **Fischbach** reported that she recalled that the Deep River Planning & Zoning Commission has applied a zoning designation to the property that will assist in protecting the property from wide scale development.

Governance Committee. **Webb** reported that there is nothing new to report at this point in the transitioning away from **Fischbach's** leadership to his taking the helm. **Fischbach** reported that materials had been transferred to **Webb** and Downes, including documents and thumb drives with electronic documents.

Public Outreach Committee. **Gezo** was introduced as having officially taken over the lead for the Public Outreach Committee. **Gezo** commented, and numerous members agreed, that the June 12<sup>th</sup> boat trip was one of the best conducted so far. Attendance was good with representation from boards and commissions and architects, engineers and real estate agents. Representative Christine Palm was the only legislator able to come along, and she summarized the legislative session concisely. Many thanks were offered to those that organized and provided the refreshments for the trip. **Woody** commented that, for the next trip, the Commission should endeavor to have marina owners come along. **Fischbach** added that landscapers and tree maintenance/arborists should be included as well.

#### Old Business:

**Brownell** asked about the status of the "Zoning 101" class that was planned. Downes reported that he will get back on that. **Fischbach** offered that GW, in the past, hasn't always scheduled an August meeting. Perhaps the August meeting could be used for the course. **Brownell** suggested using a portion of the July AND August meeting for that purpose.

#### New Business:

Downes reported that there is a call for nominations for the Rockfall Foundation's "Environmental Champion Award". **Fischbach**, as an outgoing member, suggested nominating the Gateway Commission for the award. Some members were curious whether such a nomination had occurred in the past and whether GW had "won". **Matthews** expressed interest in having the Gateway Commission nominate the Essex Land Trust from the award. She explained all of the efforts of the land trust to educate and protect. **Debrigard** mentioned that he had hoped that someone would nominate the Haddam Land Trust because the stewardship of the land that will be turned over to the HLT will be a large undertaking. **Fischbach** and **Blatt** commented that Gateway's past practice was to *support* nominations by others. The consensus was the **Matthews** would nominate the Essex Land Trust and a letter of support for that nomination would be provided to Rockfall. Motion to approve the submission of a letter of support for Matthew's nomination of the Essex Land Trust by **Wilson**, seconded by **Brownell**, passed unanimously.

**Gezo** then provided a draft of a document that is intended to be used to design a funding/grant application form that requests information regarding purpose, funding partners, information about the organization, cost, milestones, etc. Discussion included what committee or committees might be involved in making recommendations that will be moved to the entire Commission. **Matthews** commented that **Wilson** had developed, with her Land Committee members, developed a list of criteria for consideration of land acquisition. **Webb** commented on the need for criteria for projects separate from land acquisition, citing, for instance, the use of herbicides for invasives control. He also commented that he would prefer a "delay" in decisions so that members can have time to consider all of the information. Those requesting such grants would have the understanding that at least a month will pass before a

decision will be made. Sometimes GW members might be reluctant to raise issues in the meeting or might think of something of substance afterwards. The additional time will allow for such thoughts/questions to be brought forward to aid in decision-making. **Fischbach** raised the question of which committee will be considering the non-land acquisition proposals. Further, it will be more efficient for a proposal to be brought before a smaller committee rather than bringing it to the full Commission. Perhaps the committee structure could be developed so that requests are done quarterly. **Woody** comments that, when a land trust comes before Gateway, they may have a short timeline with which to acquire funds. That said, members commented on the request of the Deep River Land Trust where the property owner indicated that he needed to know quickly. Gateway offered to match if the DRLT went through an application for state funding. The owner ended up being willing to wait and the DRLT was successful in acquiring those state funds. **Debrigard** raises the question of what committee these requests would come to – the “Land and Grant” Committee with proposals that don’t fit neatly into that framework being reviewed by an “ad hoc” committee selected for the purpose of reviewing that particular request. More discussion to come.

Adjournment: Motion to adjourn by **Bement** at 8:20pm.