

# CONNECTICUT RIVER GATEWAY COMMISSION

## REGULAR MEETING MINUTES

July 25, 2019

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

<b>Chester:</b>	<b>Margaret (Peggy) Wilson, Jenny Kitsen</b>
<b>Deep River:</b>	<b>Nancy Fischbach, Vacancy</b>
<b>East Haddam:</b>	<b>Crory Brownell (E), Joel Ide</b>
<b>Essex:</b>	<b>Claire Mathews, Mary Ann Pleva</b>
<b>Fenwick:</b>	<b>Newton Brainerd, Borough Warden</b>
<b>Haddam:</b>	<b>Susan Bement, Mike Farina</b>
<b>Lyme:</b>	<b>J. Melvin Woody, Wendy Hill</b>
<b>Old Lyme:</b>	<b>Peter Cable (E), Suzanne Thompson</b>
<b>Old Saybrook:</b>	<b>Bill Webb, Tom Gezo</b>
<b>Regional Rep:</b>	<b>Raul Debrigard (7:11pm)</b>
<b>DEEP:</b>	<b>David Blatt</b>
<b>Staff:</b>	<b>J H Torrance Downes</b>
<b>Guests:</b>	<b>Conal Sampson, Chris Arelt and Bob Doane</b>

### Call to Order

Chair Thompson called the regular meeting of the Connecticut River Gateway Commission to order at RiverCOG offices located at 145 Dennison Road, Essex at 7:03pm.

Introduction of Conal Sampson, Deep River Gateway resident and likely appointee to the Gateway Commission.

**Fischbach** commented that First Selectman Angus McDonald has another potential appointee in mind, so her time on the Commission may be limited.

### Approval of 6/27/19 Meeting Minutes

**Bement** noted that there were typos to revise. Motion to approve the amended minutes by **Fischbach**, seconded by **Kitsen**, passed unanimously.

### Financial Report. Matthews reports.

- **Matthews** reports that **Ides** has joined the finance committee and attended the last quarterly meeting.
- Financial Status/Treasurers Report. **Matthews** reports that portfolio losses that occurred in May have been made up and is back at its "peak" value. Market performance can be volatile but the committee has confidence in the investment strategy and management of the portfolio within risk parameters. The portfolio is performing well across all sectors. Further, at the close of the fiscal year, **Matthews** reports that GW spending was \$10,000 under budget.
- Draft Investment Policy Statement (IPS). **Matthews** to review the draft document. The need to review and update the IPS became apparent when members of the committee undertook interviews of portfolio managers. This is the fourth amendment since originally adopted. With regard to investment practices, members decided there was no need for revisions as all were satisfied with the performance of GW investments. Four areas that needed updating were (1) asset allocation, (2) international holding and equities, (3) fixed income, (4) socially responsible investing. All revisions were reported to be straight forward. Several of the changes are recommended in that current investments aren't included as options in the existing IPS. Rather than getting rid of those particular investments due to inconsistency with the existing IPS, members felt it was warranted to modify the IPS because members felt the investments should be kept. Regarding investments that were not backed by the US Government or of "investment grade", **Fischbach** asked if there are any limitations to how much of such investments can be carried in the portfolio. If the members are in favor of investing in such investments, **Fischbach** recommends that a cap on such investments be adopted. Webb asks if its presumed that

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investments will be mutual funds and not single equities. **Fischbach** explained that when the IPS was first developed, the entire commission put limits on what can be done without full commission review so that the finance committee could operate within those parameters. The original work went back to former member Logan Clarke of Essex. There were reasons why non-investment grade investments were originally to be limited. If portfolio risk is managed with fixed income investments, and those fixed income investment vehicles themselves have risk, how is overall portfolio risk being managed? The question was asked, what percentage of high-risk bonds are included in the portfolio, an unanswerable question without more discussion with Essex Financial. **Webb** opines that more discussion can occur with our investment advisors. Protections include that no more than 5% of the portfolio can be invested in one investment. Finally, existing language referring to “green” investing is being modified to be “socially responsible” investing. **Matthews** concluded by stating that the finance committee will be reconvened to discuss comments received and make further recommendations to the Commission as a whole.

- Bill Payment. JHTD - \$939, PF - \$47 Overhead - \$1,434, JHTD Mileage \$27. Total \$2,447. Motion by **Matthews**, seconded by **Bement** passed unanimously.

Commission votes to amend agenda to move presentation by Architect Chris Arelt and Engineer Bob Doane before the presentation of correspondence to present a variance application to construct a boat house on property located at 89 River Road. Motion by Pleva, seconded by Kitsen passed unanimously.

#### Variance Application for Commission Review.

Deep River, 189 River Road, Scott and Sarah Conners. Variance application to renovate and expand an existing boathouse. Architect Chris Arelt and Engineer Bob Doane were present to discuss the application. The two property owner representatives presented the plans for the boathouse. The plans had previously been reviewed in a preliminary fashion with members of the Gateway Commission a number of months back. In the intervening time, a special permit application for the primary residential structure on the site was reviewed by the Gateway Commission in that the structure’s total area exceeded 4,000 square feet. That Special Permit was approved by the Deep River Planning & Zoning Commission. Following projection of an aerial photograph of the site, Arelt and Doane presented plans and photographs of the site. The photographs showed the appearance of the boathouse as it currently exists from the river. Most prominent in the river level photos is the dense tree cover surrounding the riverfront structure. Even with the vertical expansion of the boathouse, views of the proposed structure from the upland would only show the top eight feet or so of the proposed roof as the grade for the boathouse exists at river level. Doane discusses plans for the three-level structure (currently one level). Access to the structure will be by a “bridge” to the uppermost level from the upland. The second and third stories are the living space. Lower level facing the river will have doors similar to what’s there now. The second level will have a glass face. Building footprint stays the same (24’ by 36’). **Bement** comments that, due to trees, the existing structure isn’t very visible, but depending upon removal of vegetation, it may be very visible. Current peak-to-ground, 20 feet. Proposed peak-to-ground, 35 feet. Variances include Gateway river and riparian buffer setbacks, and change of use from boathouse to residential. Septic will be installed. Doane explains that no clearing of trees will be necessary to install the septic system (which will use a pump). Will this application be a modification of the special permit previously issued for the primary structure? Doane says, following receipt of variances, yes. **Woody** asks what the “hardship” for variances will be proposed. **Fischbach** asks for clarification and indicates that if Gateway members don’t see hardship, they report as such in their letter to the ZBA. **Fischbach** explains that great concern was expressed when this boathouse was previously reviewed, particularly with respect to glass on the façade. Doane says that **Fischbach’s** recollection was not his recollection. **Woody** remembers the discussion of the glass but feels Gateway needs to know what the hardship is, even though that is not the purview of this commission. Fischbach states that “traditional” boathouses are not three stories. Matthews reminds members that there are other large less charming structures within the Gateway Conservation Zone. Doane reminds that the 35 height is measured from the base of the “ravene” and does not extend 35 feet above the upland. **Fischbach** asks how much the structure is visible from River Road, although not a concern of Gateway. No significant view will be available from River Road. Property owner plans to plant evergreens along the road, which Fischbach states may be a condition of a Gateway approval. Blatt asks if an

accessory structure for residential use is provided for in zoning regulations. Fischbach states that there are regulations for accessory apartments. **Debrigard** states that his recollection of the previous discussion included

statements of the dense tree cover around the structure. **Fischbach** would like to see a map showing the degree of clearing proposed. **Ide** asks if there are plans to mitigate clearing of vegetation in front of the building. Doane states that most of the vegetation hiding the river side of the boat house is within 20 to 25 feet of the river's edge, so none of that would be removed (e.g. within the 50 foot riparian buffer setback). Short discussion of flood regulations discussed. **Thompson** comments about irony of concern over tree removal at this site when located next to a property (to the south) of a extensive lawn extending down to an untried riverfront. Glare of the windows will be mitigated by roof and screens. Arelt states that they are "respecting" the existing foundation (no lateral expansion). Unknown whether the existing foundation is "viable". **Bement** asks if the building will be wider. Doane states no. **Fischbach** asked what action was needed by the Commission. Downes explained that the Commission typically votes to oppose the granting of a variance, not oppose the granting of the variance or not oppose the granting of the variance with certain conditions applied. In this case, Downes suggests that conditions would include no removal of riverfront vegetation that would expose the view of the structure from the river, and only remove such vegetation necessary to complete the construction. **Fischbach** reminds that conditions should be applied for the evergreens to be planted near the street and that no vegetation should be removed for the installation of the new septic system (which Doane indicated can be done). **Fischbach** moves, seconded by **Woody**, to approve the variance with the conditions regarding trees around the structure, near the road. **Blatt** would like the letter to include a statement that says members didn't see sufficient hardship (based on description of hardship), but if the ZBA finds one, the comments of the Gateway Commission should apply. **Bement** commented that she had concerns over light reflected from the large windows across the river. In that Seldon Island is across the river, there are no residential structures. Motion passed unanimously.

#### Correspondence/Staff Report

- GW Handbook. Handbooks will be distributed at the July 25, 2019 meeting. Staff is prepared to go through each document (quickly) to have all members know what's included and what the document's relevance is.
- Gateway Membership, Deep River. Mr. Conal Sampson of Deep River has expressed interest in becoming a member of the Gateway Commission. Mr. Sampson indicated that he will likely be attending the July 25<sup>th</sup> meeting.
- Haddam Neck Fair. Jim McHutchison and staff had a discussion regarding participation in the Haddam Neck Fair, which staff assumes will occur. Mr. McHutchison also requested that the Haddam Neck/Salmon River property ID map be updated, which will be done.
- East Haddam Calendar. The East Haddam Land Trust has sent along the annual calendar, for which Gateway provides \$100 in funds every year.
- Essex Land Trust Nomination. Claire Matthews will update the Commission on the recent nomination of the Essex Land Trust.
- Investment Policy Document. Matthews will be discussing possible revisions to the Commission's Investment Policy document.

#### Rockfall Foundation "Environmental Champion Award"

**Matthews** announced that the Rockfall Foundation awarded the Essex Land Trust with the "Environmental Champion Award". The nomination was brought to the Gateway Commission in June, 2019 with Gateway members agreeing to "support" the nomination rather than making the nomination. It was noted at that previous meeting that Gateway's practice is to write letters of support.

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

Old Lyme, Tidal Water Protection Regulations. Petition from the Old Lyme Zoning Commission to further strengthen these regulations. Downes reminds members that pursuant to Section 25-102g, these regulations must be approved before they can become "effective". Downes goes through the changes, noting that the Zoning Commission is recognizing the importance of sea level rise on development in the areas adjacent to tidal waters. Summarizing, a 50 foot setback (in non-Conservation Zone areas) will be increased to 100 feet to match the setback in the Conservation Zone. Further, standards are included that allow the Zoning Commission more discretion in the consideration of the

impacts of flooding, infrastructure (access roads, utilities), neighborhood impacts and other considerations in their decision to approve special exceptions for marine structures in that 100 foot area. The regulations thereby strengthen the Zoning Commission's ability to review, approve, deny or modify such proposals. Note the the special permit means that an applicant would not have to demonstrate a hardship that would be required if such applications had to be approved by the Zoning Board of Appeals. Blatt indicates that a letter will be issued by DEEP regarding this proposal, and perhaps Gateway could "table" the decision until the August, 2019 meeting in order to receive those comments. The local public hearing opens in September, so Gateway has the time to continue deliberations at the August 22, 2019 meeting. **Matthews** approves of the strategy to sometime delay decisions when possible to more fully consider impacts of proposals. Motion to table the petition by **Ide**, seconded by **Fischbach**, approved unanimously. **Blatt** abstains.

#### Discussion of Handbook

Downes briefly read through the documents included in the new Gateway Handbook that was provided to members at this meeting, discussing the significance of each document. A Table of Contents was not included to allow everyone to organize the books as they see fit. Thompson indicated that her feeling was that the books should be left intact so everyone has the exact same documents in the same order. During the discussion, Debrigard mentioned the need for GIS maps of the Conservation Zone *with* open space shown. All concurred that's a good idea. Fischbach states that such a map would be good for the "visual boundary" concept.

#### Committees Reports

Land Committee. No report.

Governance Committee. **Webb** reports that he met with Fischbach and others on August 1<sup>st</sup> to discuss governance issues and states that a meeting of the subcommittee will be convened in September.

Public Outreach Committee. **Gezo** reported that a short meeting will be held after this regular meeting to schedule a regular subcommittee meeting.

#### Old Business:

**Bement** comments that if the representatives of Connors wanted to see a green roof, they could look at the Haddam Transfer Station, which, in **Bement's** opinion, is an eyesore.

#### New Business:

**Fischbach** reported that she met the new Executive Director of the CT River Museum who expressed interest in partnering with Gateway. Gateway needs to reach out to schedule a time that Gaynor Davis can come to a Gateway meeting.

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