

# CONNECTICUT RIVER GATEWAY COMMISSION

## REGULAR MEETING MINUTES

January 28, 2021

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

<b>Chester:</b>	<b>Tom Brelsford , Jenny Kitsen</b>
<b>Deep River:</b>	<b>Jerry Roberts, Conal Sampson</b>
<b>East Haddam:</b>	<b>Crary Brownell, Joel R. Ide</b>
<i>Essex:</i>	<b>Claire Mathews, Misha Semenov</b>
<i>Fenwick:</i>	<i>Newton Brainerd, Borough Warden</i>
<i>Haddam:</i>	<i>Susan Bement, Mike Farina</i>
<b>Lyme:</b>	<b>J. Melvin Woody, Wendy Hill</b>
<b>Old Lyme:</b>	<b>Suzanne Thompson, Greg Futoma</b>
<b>Old Saybrook:</b>	<b>Bill Webb, Tom Gezo</b>
<i>Regional Rep:</i>	<b>Raul Debrigard</b>
<b>DEEP:</b>	<b>David Blatt</b>
<b>Staff:</b>	<b>J H Torrance Downes</b>
<b>Guests:</b>	Alisha Milardo, CT Audubon Society; Kelsey Wentling, CT River Conservancy

### Call to Order

This meeting was convened using the Zoom online platform. The agenda was formally posted in all eight member towns as required, with information directing interested members of the public to join the meeting online. Chairman **Thompson** called the online regular meeting of the Connecticut River Gateway Commission to order at 7:09pm immediately following the adjournment of the Annual Meeting.

### Modification of Agenda

Upon a motion by **Mathews** and seconded by **Brownell**, members voted to rearrange the agenda to have Kelsey Wentling of the CT River Conservancy (CRC) provide a presentation on the water quality of the Connecticut River.

### Approval of Minutes

Upon a motion by **Mathews** and a second by **Debrigard**, the minutes of 12/3/20 regular meeting were approved unanimously. Upon a motion by **Brownell** and a second by **Roberts**, the minutes of the 1/4/21 special meeting were approved unanimously.

### Summary of Water Quality Monitoring by the CT River Conservancy, Kelsey Wentling.

Wentling summarized the sampling data, which included information gained from the "Sample-palooza" effort in which Gateway member **Semenov** took part in 2019. Data was collected at 840 locations from 113 sites and included bacteria monitoring. An interactive map on the CRC website provides a mapped summary of the information.

Presentation of Narrative/Overview of the "100 Tons" Project, including Detailed Budget. Alisha Milardo, Connecticut Audubon returned to the Commission for this follow-up presentation. In response to questions, Milardo reported that the seasonal project is scheduled to commence in May of 2021 with sampling occurring in May and again in August. Funding is still pending in order to achieve that schedule. Partners have been brought on and questions were asked about how much of the work will be statewide versus in the Gateway Conservation Zone (primary focus in the Conservation Zone) and the permanence of eradication (an ongoing effort of two to three years is planned at this point. Connecticut Audubon will watch spending closely to ensure that Gateway funding will only be used in the Gateway Conservation Zone. A discussion of staffing and how that staff will be paid followed. Questions were asked about how much funding goes to materials versus marketing. **Debrigard** expressed appreciation for the effort and support of legislature. **Mathews** expressed excitement over the education potential of the project as residents of the river valley must be educated about the invasives problem

as existing knowledge is slim.

#### Presentation of Rules of Procedures Revision.

**Webb** made the presentation of the proposed Rules of Procedure changes. Some of the proposed changes were presented at the December 3, 2019 meeting and will be voted on at this meeting, while other proposed changes are being presented at this meeting with the intent of voting on the changes at the February 25, 2021 meeting. Members of the Commission asked numerous questions regarding language for the Grants Review Committee. Following additional comments and upon a motion by **Brelsford** and seconded by **Webb**, the proposed language regarding the establishment of the Grants Review Committee was approved unanimously. Discussion then occurred regarding Article I.A.1, Membership. Consensus was not reached on appropriate language which required a resigning member to remain on the Commission until a successor was appointed. Other suggestions for changes were made. Members of the Rules of Procedure Committee offered to work further on the membership language and return to the February 25, 2021 meeting with language to be considered in a vote at the March 25, 2021 meeting.

#### Discussion and Decision on Various Proposed Zoning Regulations, Old Saybrook

Downes presented proposed zoning regulations concerning nonconformities, commencement/completion timelines for approved projects, bed & breakfast parking standards, sign regulations for articulated building facades and clarification of language regarding articulated facades, reporting that the changes would not adversely impact Gateway interests. Upon a motion by **Webb** and seconded by **Brownell**, the regulation changes were unanimously approved pursuant to Section 25-102g of the CT General Statutes.

#### Staff Report

Downes reviewed the staff report, which had been distributed in advanced and is appended to these minutes.

34 Ray Hill Road, East Haddam, "Gentleman's Farm" on 73 acre hillside site. Downes reported on an inquiry from a potential buyer for a 73 acre property at 34 Ray Hill Road in East Haddam. The potential buyer has met with Land Use Administrator Jim Ventres and was eager to have a consultation with staff of the Gateway Commission. The hillside property, which is improved with a highly visible dwelling and a more hidden outbuilding, exists on the East Haddam hillside and beyond the visible crest of that hillside. The potential buyer is interested in establishing a "gentleman's farm" on the primarily unseen rear (eastern) portion of the property. Eventually, the purchaser has plans to demolish the existing structure and moving it further away from the river and up onto the high point of the property. From the description of the intended design and location, then new structure could be less prominent in visibility than the existing structure. Whether or not the Gateway Commission will have an opportunity to review and comment on that possible application will depend on whether the structure would exceed 4,000 square feet. The potential buyer indicated it may not exceed the 4,000 square foot cutoff.

Land use committee and possibility of easements?

Downes passes on ? schedule of a virtual speaking engagement by Andy French of the US Fish & Wildlife Service at the CT River Museum in February.

#### Chairman's Report.

**Thompson** noted that she sat in on three days of the CT League of Conservation Voters Environmental Summit symposium during which issues such as solid waste handling, environmental policy, environmental pollution were addressed. Speakers included Governor Lamont and DEEP Commissioner Katie Dykes.

**Gezo** left meeting at 8:39pm.

#### Finance Committee:

**Matthews** reported on status of portfolio, noting that the Commission finances remain in a strong position.

Upon a motion by **Mathews** and seconded by **Ide**, bills in the amount of \$3,583.11 (staffing) and \$148.00 (Halloran & Sage, opinion on member coverage through CIRMA insurance) were unanimously voted to be paid.

Rules and Procedures Committee.

**Webb** reported that a presentation on the research into lighting regulations and ordinances lead by **Semenov** would be deferred to another time, perhaps the February 25, 2021 meeting. **Semenov** reported that he will be able to present a draft proposal for lighting regulations.

Community Relations/Communications Committee

A written report of status from **Gezo** summarized by Downes. Five RFPs were submitted to the Committee for consideration. Two were chosen by the Committee for further interviewing, which was scheduled to occur on Monday, February 8, 2021 and Tuesday, February 9, 2021.

Land Committee.

**Futoma** deferred discussion of the Mount Saint John property to Executive Session. Prior to the executive session, **Futoma** briefed the commission on the status of the US Fish & Wildlife Service land program in the Salmon River Preserve and a particular hillside property of interest for conservation. It was reported that by ? **Debrigard** reached out to Andy French of the USF&WS about potential expansion of the Salmon River Preserve model to areas of Lyme near Whalebone Cove and nearby. **Blatt** reported that a bill concerning Valley Railroad was being discussed; Commission members should keep an eye out for it.

**Kitsen** left meeting at 8:54pm.

Executive Session

Upon a motion by **Mathews** and seconded by **Debrigard**, the Commission entered into Executive Session. Land conservation efforts and potential property acquisition were discussed. Motion to exit Executive Session by **Woody** at 9:24pm.

Adjournment: A motion to adjourn was made by **Roberts** and seconded by **Brelsford** and unanimously approved. Meeting adjourned at 9:26pm.

# Staff Report

January 28, 2021

## A. Correspondence/Staff Report

Proposed Old Saybrook Zoning Regulations – six (6) proposed changes. Hearing commenced on January 20<sup>th</sup> and was continued as the Zoning Commission continues to “tinker with” the language for “Articulations in Façade”.

1. Articulations in Façade - No Gateway impacts  
Clarify language to reinforce that facades must be articulated every 40 feet with a two foot offset in the same wall. No long, unbroken facades greater than 40 feet without the two-foot offsets.
2. Sign Area Calculations – No Gateway impacts  
Clarify sign calculation language to conform to the façade articulation requirements. Current sign size regulations don't take into account that facades may have several sections that sign calculations must take into account.
3. Nonconformity to Allow Demolition and Rebuild When All Bulk Requirements Met - No Gateway impacts  
Revision to allow for new construction on non-conforming lots when all setback, coverage and gross floor area requirements are met. Under current regulations, a variance of substandard lot size would be required. *Proposed language would eliminate that variance requirement IF setback, coverage and floor area requirements are met. If one of those standards isn't met, it appears that a variance of the substandard lot size would also be required.*
4. Commencement/Completion of Construction to Extend to 5 years - No Gateway impacts
  - Current regulations require that approved projects be commenced within two years of Commission approval and that any plan not commenced within this two-year period will become invalid. Further, no building permit will be approved until a new site plan is approved. *Proposed language will eliminate these time limits requirements.*
  - Current regulations state that projects not completed within five years will become null and void. *Proposed language will eliminate this time limit.*
5. Drive-thru Windows for Indoor Restaurants in the B-2 Business District - No Gateway impacts  
B-2 District properties in the Conservation Zone are limited to a small area on Essex Road near the Floral Park neighborhood. Proposal eliminates or clarifies onerous limitations for drive-thru windows. In the past, the Zoning Commission was very strict about installations of drive-thru windows. With more and more businesses relying on them, the Commission is selectively backing off on some of the existing limitations. Note that most of the B-2 District is *not* located in the Conservation Zone and the properties that are only have limited visibility from the river.
  - Amend section H to state that a minimum lot size of 80,000 square feet (two zoning acres) is required for an indoor restaurant to also have a drive-thru window. Omitted is language that requires a building with an indoor restaurant to have at least 2,000 square feet.
  - Eliminate subsection I which requires a building or building with multiple non-indoor restaurant uses to be at least 10,000 square feet in excess of the size of the indoor restaurant. Most, but not all, drive-thru windows are in stand-alone buildings where this regulation wouldn't apply – McDonalds, CVS, Burger King, Banks
  - Eliminate standard that requires the public entrance to an indoor restaurant having a drive-thru window to be 50 feet *or less* from the street line providing access to that restaurant. Such public entrances could be *more* than 50 feet from the street, if approved.
  - Eliminate standard that says no building with a drive-thru window shall be located within 100 feet of a residential district boundary line. No limitation to how close drive-thru window can be to a residential *district boundary line*.
6. B&B Section 3 to Clarify Parking Spaces Location on Same Lot - No Gateway impacts  
Clarify that parking for a Bed & Breakfast use shall be located on the same lot as the B&B use itself.

### Bombaci Dock Application, Great Meadows, Essex

The Bombacis will be presenting a modified plan for their commercial dock to the Essex Harbor Management Commission at that Commission's January 28, 2021 meeting (same night as Gateway). Plans have not been submitted for distribution as of yet (1/25/21).

### Old Saybrook Zoning Board of Appeals, January 26, 2021, Informational Special Meeting

On Tuesday, January 26, 2021, Bill Webb, Tom Gezo and JHTD spoke to Old Saybrook ZBA members about the interaction of the Gateway Commission and a member-town ZBA. The map of Old Saybrook showing the Conservation Zone boundary and several photos of side-by-side properties where trees have been removed, limbed up and retained was shown to demonstrate the importance of conditioning of variance approvals to minimize tree removal.

### Dock and Dine Property, Saybrook Point, Old Saybrook

The CT Examiner recently reported on an effort to place seasonal food/drink trailers and an outdoor seating area in the parking lot of the former Dock & Dine restaurant along the riverfront in Old Saybrook. The following link will take you to the Examiner (you may have to scroll down a bit) <https://ctexaminer.com/category/by-topic/in-the-region/old-saybrook/> Attorney Ed Cassella would like to come before Gateway to discuss the possible project. He was told that the February 25, 20221 meeting would be the best date for that discussion. The reason Gateway would be involved is that, when the idea was recently discussed with the Old Saybrook Zoning Commission, the chair said he thought that a regulation change for the extended use of a trailer used for this purpose would be needed. In that case, Gateway would have to “approve” such a regulation change before the regulation could become effective.

Email (1/25/2021) from John Forbis of the CT NERR Steering Committee to Raul Debrigard, Regarding a Series of Meetings to Gather Public Feedback, CT National Estuarine Research Reserve (NERR)

A series of meetings is planned to gather public feedback on developing the priorities and goals for the proposed CT NERR. Outcomes from the meetings will be used to inform the Draft Management Plan for the Reserve.

Ten meetings are planned, occurring between February 3, 2021 and March 12, 2021. These meetings seek to identify ideas and will be used to assess priorities in preparation for writing the Draft Management Plan. All meetings will be recorded and those recordings will be available to the public; comments on these meetings will be accepted through the end of April. There will be multiple additional opportunities during 2021 to provide comments on the Draft Management Plan, beyond this series of idea-generating meetings.

#### OVERVIEW OF THE MEETINGS

Meeting dates are shown below. The times for the meetings and access information will be forward during the next week.

We encourage everyone to attend the first meeting virtually via Webex; this meeting will provide an overview of the Reserve and the process we will use to develop the management plan. Beyond this first meeting, we anticipate people will self-select which subset of meetings is most important to attend.

- (1) Wed, Feb 3 -Overview/Kick-off Meeting
- (2) Thu, Feb 4 - Overall Strategic Plan
- (3) Wed, Feb 17 - Coastal Training Program
- (4) Fri, Feb 19 - Research & Monitoring Program
- (5) Wed, Feb 24 - Education Program
- (6) Fri, Feb 26 - Stewardship; Resource Management, Visitor Access, Allowed Uses
- (7) Wed, Mar 3 - Partnerships: Friends group, NERR Advisory Board development
- (8) Fri, Mar 5 - Administration Plan (staffing, roles & responsibilities), Volunteer Plan, Communications Plan
- (9) Wed Mar 10 - Facilities and Properties Development and Improvement Plan
- (10) Fri, Mar 12 - Diversity, Equity, Inclusion and Justice Strategic Plan - this topic will be addressed during all other subject-area meetings and synthesized into a plan during this meeting

Thank you for your interest in the proposed Connecticut National Estuarine Research Reserve and we hope to see you at some of these meetings.

John Forbis CT NERR Steering Committee (860) 434-0809