

CONNECTICUT RIVER GATEWAY COMMISSION

REGULAR MEETING MINUTES

February 24, 2022

Present/Absent:

Chester:	Tom Brelsford (arrived late), Jenny Kitsen
Deep River:	Jerry Roberts, (vacancy)
East Haddam:	<i>Crary Brownell, (vacancy)</i>
Essex:	Claire Mathews, Misha Semenov (arrived late)
<i>Fenwick:</i>	<i>Newton Brainerd, Borough Warden</i>
Haddam:	Susan Bement, Mike Farina
Lyme:	J. Melvin Woody, Wendy Hill
Old Lyme:	<i>Suzanne Thompson, Greg Futoma</i>
Old Saybrook:	Bill Webb, Diane Stober
Regional Reps:	<i>Raul Debrigard (N), Marilyn Gleeson (N), Judy Preston (S)</i>
DEEP:	Katie Perzanowski
Staff:	J H Torrance Downes
Guests:	Joe Wren, PE.; Denise Von Dassel, Architect; Terry Lomme; Bob Doane P.E.; Attorney Michael Sweeney; Robert Olson, property owner of 39 North Cove Road, Chuck Wehrly, nearby property owner to 39 North Cove Road property.

Call to Order

This meeting was called to order by Vice Chairman Woody on the virtual meeting platform Zoom at 7:05pm.

Approval of Regular Minutes

A motion was made by Kitsen to approve the January 27, 2022 minutes. No second was offered as Woody expressed a "second" wasn't necessary to approve the minutes. The motion approved unanimously.

Variance Application, 39 North Cove Road, Old Saybrook. Engineer Joe Wren and Architect Denise Von Dassel were in attendance to discuss the proposal to demolish an existing residential structure and replace it with a new structure. The location is at the far western extent of the Conservation Zone as it is designated on the west side of Saybrook Point. The property is also located at the far western end of North Cove. The footprint of the new structure, although existing within the 100-foot Gateway setback and Required Vegetation Buffer, is to be moved outside of the 50 foot "tidal wetlands setback" and into a more conforming location but will still encroach within those setbacks. Members of the Commission asked questions relating to architectural lighting including the lighting of a proposed cupola (the owner has no intent to light the exterior of the building or the cupola), the location of the septic system in relation to the marsh, the size of the footprint of the existing structure versus the new structure (the new structure was said to have a 3 to 4% larger footprint), a new dock (the site already has an existing dock) and proposed structure height (the proposed height will be 29 feet, 6-feet under the 35-foot height maximum) as it relates to height of the existing structure. Webb reported that he and Stober visited the site and expressed concerns that this enlargement will add to the visual impact of the three existing large structures nearby. Webb proposed a motion to "oppose" the granting of this application because of the "significant" increase in size of the house within Gateway standard setbacks, which was seconded by Roberts. Upon a roll call vote, the motion to "oppose" the granting of the required variances was defeated. Following more discussion, Webb proposed a motion to "not oppose" the granting of the variances with "conditions", which was seconded by Roberts. Following further discussion on what "conditions" should be applied, a consensus was reached to include a statement reporting that this application is another example of an enlarged residential structure and that larger structures will adversely impact the "natural and traditional riverway scene". The second motion with the statement included was approved unanimously.

Petition to Opt-Out of Provisions of Public Act 21-29 and to Revise Regulations regarding State Uses, Borough of Fenwick. Following a brief introduction regarding the Borough's position that it is of the opinion that they are

not within the Gateway jurisdiction including a description what Gateway counsel and the Gateway Commission is of the opinion that the Borough IS under the jurisdiction of the Gateway authority, staff presented the regulation proposal to members of the Commission. As the members found that the proposed regulations regarding “opting out” of accessory dwelling unit language in PA 21-29 and that Gateway doesn’t regulate uses, and that adoption of the proposed regulations would not adversely impact the “natural and traditional riverway scene”, a motion was put forth by Webb which was seconded by Roberts to “approve” the regulations pursuant to Section 25-102g of the Connecticut General Statutes. The motion was passed unanimously. A text version of the letter submitted to the Borough Planning & Zoning Commission is included at the end of these minutes.

Petition Concerning the Rezoning of a Single Parcel of Land, 3 Pratt Street in Essex Village. Engineer Joe Wren made the presentation on behalf of the owner of two adjacent Village lots, including the 3 Pratt Street property. One of the lots – 3 Pratt Street - is zoned Village Residential while the other property is zoned as Essex Village District. The property owner would like to shift the zoning district boundary line one lot so that both lots will be designated as Essex Village District. After it was pointed out neither of the properties in question can be seen from the river or North Cove due to surrounding development, a motion was made by Webb to “approve” the rezoning of 3 Pratt Street to Essex Village District pursuant to Section 25-102g CGS, which was seconded by Matthews. The members found that the rezoning would have no impact on the “natural and traditional riverway scene” as the properties aren’t visible from the water. The motion was passed unanimously.

Petition to Revise Section 40L Concerning Lots that are Split by Separate Zoning Districts. Engineer Bob Doane and Attorney Michael Sweeney presented the petition for the applicant. Doane described that, because of the existing language of Section 40L, development at a property at 49 Plains Road (outside of the Gateway Conservation Zone) would be hindered because of the lot being split by two zoning districts, one district with a lower maximum coverage allowance than the other. Further, Section 40L requires that in such cases, the *lower* and more restrictive coverage limit must be used for the *entire* lot. Following discussion, it was recognized that Gateway’s concern is for how the proposed language would impact similarly district-bisected properties in the Conservation Zone, most prominently those in Essex Village. If the new language would possibly allow the *larger* of the maximum coverage limits to be used on a Conservation Zone property (and a potential increase in development density), Gateway would not be in favor of the proposed change. Because of that concern, members of the Gateway Commission “preliminarily” approved the petition on the condition that a line of text was added to the proposal that stated that the new provision of Section 40L shall *not* apply to any lot “partially or wholly” located within the Gateway Conservation Zone. This condition satisfied both the petitioner and members of the Gateway Commission with a motion being put forth by Webb to “approve” and Brelsford seconding the motion. The motion to approve with the addition of the conditional language passed unanimously.

Revision of Agenda. Upon a motion by Bement which was seconded by Brelsford, it was voted to revise the agenda to include the preliminary review of a petition to rezone a parcel of land at 54 Main Street. With unanimous approval, the petition was added to the agenda.

Petition to Rezone a Parcel of Land at 54 Main Street in Essex Village from Waterfront District to Essex Village District. Attorney Terry Lomme presented the petition on behalf of new owner Annalisa Santoro, owner of the nearby Main Street residential property at 48 Main Street commonly referred to as the “Foot of Main”. The riverfront site in question is a 0.14 acre property zoned as “Waterfront District” located immediately adjacent to and south of the Main Street boat ramp. The property to the north of the boat ramp, also designated as Waterfront District, is occupied by the Connecticut River Museum. To the immediate south of the site in question is a large property located at 52 Main Street owned by the Dauntless Club which includes an expansive manicured lawn. The adjacent lawn portion of the 52 Main Street property is designated as

Waterfront District while the Dauntless Club structure is located on the Essex Village District portion of this split-district property. Including the 54 Main Street property, the entire riverfront of this area of Essex is designated as Waterfront District.

The 54 Main Street property in question is occupied by an almost 100-year old single story, single car garage. Significant discussion about the riverfront zoning in that part of Essex Village occurred, including the history of the garage, a use that the owner could be interested in pursuing (but for which an application has not been submitted as a part of this petition), the ability of the new owner to retain the use of the garage as a legally-existing non-conforming use, and what the best possible zoning designation for this property might be from the perspective of Gateway's mission to preserve and protect the "natural and traditional riverway scene".

As a result of the discussion, members decided by consensus and by a motion of Roberts which was seconded by Matthews, that advisory comments should be provided to the Essex Planning & Zoning Commission which indicate that it would be unlikely that the Gateway Commission would "approve" the petition to rezone the parcel as Essex Village District if such a proposal came to it under the provisions of Section 25-102g of the Connecticut General Statutes. Through discussion, it was clear that Commission members felt that the current Waterfront District designation is more consistent with the preservation and protection of the "natural and traditional riverway scene" than would be the case if the property were to be rezoned as Essex Village District.

Correspondence/Staff Report

Staff summarized report items as necessary. Included was a brief description of an application that would be coming forward for the construction of a new boat storage/maintenance structure to replace an existing "temporary" hoop-house structure at the Chester Point Marina in Chester. The building will require the approval of a variance to allow it to be located at grade, which is below the Base Flood Elevation prescribed by FEMA standards. Downes also informed the Commission that after the site meeting at Chester Point Marina, he intended to have Land Use Administrator John Guskowski accompany him over to the parcel adjacent to the Connecticut River and the Chester Creek that has been the subject of enforcement discussions. That site was approved by the DEEP for the disposal of dredge disposal from Chester Creek but no local application had been submitted or reviewed for that upland use. Further, it was recognized by Chester alternate representative Brelsford and confirmed on the October 2021 Gateway boat trip that some tree removal had apparently occurred in the 50-foot Riparian Vegetation Buffer without approval. Finally, an embankment of gravel that appeared to have been placed below the Coastal Jurisdiction Line (CJL) may have occurred without benefit of a required Structures and Dredging Permit from the DEEP.

Finance Committee. Matthews reported the Gateway portfolio performance, as is the case with most stock market-related investments at this time, have not performed well due to domestic and international uncertainties that exist at present time. Matthews reported that the only action to be taken is the payment of the RiverCOG bill which includes \$1642 for Downes, \$150 for Fernald, \$168 for Armstrong, \$6.76 for a mailing cost, and approximately \$2,476 for "overhead" charged by RiverCOG. The bill totals \$4,444.00. A motion was made by Matthews, which was seconded by Brelsford, to approve the payment of the RiverCOG bill. The motion passed unanimously.

Communications Committee. A written report prepared by committee chair Futoma was presented in his absence. The report is included here:

Communications Committee Report, February 24, 2022

Progress was made on the communications project, with a focus on the new website. The new site will be dynamic with content added regularly. Given that there will not be a "final" version, the guidance team and consultants will work to have ample content completed by May 1, and coding finished roughly a month later, to take the site live in early June 2022.

In addition to work by the guidance team of Suzanne, Torrance, and Greg, we thank Melvin, Judy, Jerry and Misha for agreeing to provide page content and Marilyn for her work on mapping. Tom Gezo, well after his resignation from the Commission, has stepped back from regular participation, but will still help Torrance with social media.

As previously reported, the Commission has established a new social media presence. Additional project tasks will be a finalized strategy document for member reference, design of two brochures, a revamped PowerPoint presentation, adaptable for varying audiences, and the creation of an e-Newsletter template for future distribution.

Rules of Procedure Committee. Committee chair Webb updated members on work that is progressing on the effort to have the eight member towns adopt the most recent 2018 standards that have been reviewed by Attorney Mark Branse and adopted by the Commission as of June of 2021. Included is the report that Branse has reviewed and concurred that the new standards language for control of light pollution is intended to be included in the standards packages that are delivered to member towns for consideration. Staff has redrafted the Gateway sections of the eight towns to include the changes in a way that will allow each town to immediately schedule a public hearing without having the need to have their own staff take the time to do their own revisions. Webb also indicated that work is still being done on an effort to develop tree cutting regulations.

Land Committee. Woody reported on recent considerations impacting the Mount Saint John property. Of most interest is the fact that it has been reported that another potential buyer, at this point unknown, has come forth to the Norwich Diocese, which will further throw the issue into “limbo”.

Grants Committee. Roberts reported that two documents that have been drafted by the committee have been distributed to Commission members for consideration. The documents will be sent again.

Old Business. None.

New Business. None

Adjournment

A motion was made to adjourn the meeting at 8:56pm Bement, which was seconded by Brelsford. The motion was unanimously approved.

Respectfully submitted,

J H Torrance Downes

March 2, 2022

Mr. Chuck Chadwick, Chairman
Borough of Fenwick Planning & Zoning Commission
580 Maple Avenue
Old Saybrook, CT 06475

SUBJECT: Zoning Regulation Petition concerning Uses Allowed by State Law and ADUs
Petitioner: Borough of Fenwick Planning & Zoning Commission

Dear Mr. Chadwick:

The Borough of Fenwick Planning & Zoning Commission has submitted a petition for review for intermunicipal impacts to the RiverCOG Regional Planning Committee (RPC) for review pursuant to Section 8-3b of the Connecticut General Statutes. The petition was not referred, however, to the Connecticut River Gateway Commission for review as required under Section 25-102g of the general statutes. As a result, staff of the RPC forwarded the petition to the Gateway Commission for its review and decision pursuant to state statutes.

It is understood that the Borough has taken the position that the land within the Borough is not under the jurisdiction of the Gateway Commission because the municipalities named in Section 25-102d CGS of the Gateway enabling statutes includes the Town of Old Saybrook but doesn't specifically name the Borough as a member municipality. As understood by Gateway, the Borough holds that that omission means the Borough is not a member municipality. Gateway believes, however, that since the Gateway Conservation Zone boundary, codified in Section 25-102c of the Connecticut General Statutes, clearly includes the entire Borough and *is* therefore under Gateway jurisdiction and that the inclusion of the Town of Old Saybrook means that the Borough is considered a part of Old Saybrook for the purposes of this section of the state statutes. It is with this understanding that the following comments are offered for the record of the March 9, 2022 public hearing:

Findings

At its monthly meeting on February 24, 2022, this petition was reviewed by the Gateway Commission to determine if its approval would be contrary to the preservation and protection of the "natural and traditional riverway scene" in the Conservation Zone. The petition proposes the addition of two new sections concerning Uses Allowed Under State Law, and Opting Out of Certain Provisions of Public Act 21-29, and act concerning Accessory Dwelling Units. Further, Section 5.2.1 concerning first floor area for living quarters, is being deleted with the section being "reserved for future use".

Members of the Gateway Commission determined that the proposed regulation amendments, if approved by the Fenwick Planning & Zoning Commission, would not adversely impact the "natural and traditional riverway scene" of the Gateway Conservation Zone. As a result, the Gateway Commission preliminarily "approves" the petition pursuant to Section 25-102g of the Connecticut General Statutes. If no significant changes are made to the proposed language, this letter can be considered as the "approval" required under the aforementioned section of the State Statutes.

Thank you for your consideration of this finding. It is assumed that this letter will be submitted for the record of the public hearing.

For the Commission,



J. H. Torrance Downes
Deputy Director, LCRVCOG
Staff, CT River Gateway Commission

Copies to:

Mr. William Webb, Old Saybrook Representative to the Gateway Commission
Ms. Diane Stober, Old Saybrook Alternate Representative to the Gateway Commission
Ms. Suzanne Thompson, Chairman, Gateway Commission
Mr. Mark Branse, Gateway Counsel
Mr. Matt Willis, Gateway Counsel