

CONNECTICUT RIVER GATEWAY COMMISSION

REGULAR MEETING MINUTES

June 24, 2021

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

Chester: *Tom Brelsford , Jenny Kitsen*
Deep River: **Jerry Roberts, (vacancy)**
East Haddam: *Crary Brownell, Joel R. Ide*
Essex: **Claire Mathews, Misha Semenov**
Fenwick: *Newton Brainerd, Borough Warden*
Haddam: **Susan Bement, Mike Farina**
Lyme: **J. Melvin Woody, Wendy Hill**
Old Lyme: **Suzanne Thompson, Greg Futoma**
Old Saybrook: **Bill Webb, vacancy**
Regional Reps: **Raul Debrigard (N), Marilyn Gleeson (N)**
DEEP: **David Blatt**
Staff: **J H Torrance Downes**
Guests: Katie Perzanoski, CT DEEP, Communications and Outreach Committee member Tom Gezo (arr. 7:48pm)

Call to Order

This meeting was convened using the Zoom online platform. The agenda was formally posted in all eight Gateway member towns and on the CT River Gateway Commission website 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 7:06pm.

Approval of Minutes

Ide moved approval of the 5/27/21 meeting of the Commission. Bement seconded the motion, which was passed unanimously.

Executive Session

At 7:09pm and upon a motion by Woody, which was seconded by Bement, the Commission entered Executive Session. The discussion entailed potential land acquisitions in the Gateway Conservation Zone. The recording was paused.

At 7:45pm and upon a motion by Woody, the Commission exited the Executive Session. No motions were made during the Executive Session. The recording was then resumed.

Communications and Public Outreach Committee Report. Member Tom Gezo reported out on the progress being made by the two marketing/website work groups. A draft of progress will be shared with the Commission at the July meeting. Gezo commented that, due to the pace of work, an ongoing commitment needs to be made throughout the summer. The work groups are at the point where content such as images, maps and articles, will be needed shortly. Chairman Fotuma asked that commission members forward content to Gezo, Futoma and Downes. Finally, Futoma thanked Gezo for all of his work on this marketing project, from developing the RFP to hiring the consultants to getting the project off the ground so quickly.

Informal Presentation of Zoning Regulation Petition concerning Encroachment of Accessory Structures within Side Setbacks, Essex. This informal review follows a similar review of the proposed regulation at the May 27, 2021 meeting. Staff presented revised language that modified the method of measurement of the footprint of eligible accessory structures (new language proposes a 200 square foot maximum for consideration of encroachment). Upon a motion to approve by Debrigard, which was seconded by Matthews, the proposed

regulation was approved unanimously.

Chairman's Report.

Thompson thanked commission members for their efforts throughout the pandemic and noted that the Commission will be meeting in-person at the offices of RiverCOG for the July 22, 2021 meeting. The Rules of Procedure Committee was thanked for its ongoing efforts on the Rules of Procedure, the FOI front and potential new standards on lighting and other initiatives. Gateway was well-represented in publicity materials for the recent online CLCC workshops and in materials for the CT River Conservancy's "Source to Sea" effort. For those that registered, recordings of the CLCC workshops will be available for viewing online.

Finance Committee:

Matthews presented the draft budget for FY2021-2022, explaining the modifications. Upon a motion by Ide which was seconded by Roberts, the budget was passed unanimously (attached to these minutes). Matthews reported out on the committee's recent meeting with its financial consultant. The "news" on the portfolio is "all good". Equities continue to be strong (Gateway maintains a 70/30 balance of Equities to fixed instruments). The consultants expect continued growth and recommended no changes to the balance. Bills were presented for payment, including the first invoice from consultant Dorene Wagner of W-Design. Bill totaled \$2,960 for W-Design consulting services, and \$3,401.25 for RiverCOG staffing services. Bills total \$6,361.25. Upon a motion by Matthews which was seconded by Ide, the bills were approved for payment. Downes noted that he received a request for reimbursement of appraisal costs from the Middlesex Land Trust. That bill would be presented for payment at the July, 2021 meeting.

Rules and Procedures Committee.

Chairman Webb reviewed several topics on which the committee is working, including

- processing procedures for local regulation proposals
- a formal request being made to have Gateway attorneys address Gateway's ability to fund projects other than land acquisition
- a Deep River Planning & Zoning request to amend the Conservation Zone boundary,
- work on a "do-s and don'ts" FOI document for Commission use, and
- the adoption of Branse-initiated changes to the recently adopted Gateway Standards.

On the question of adoption of Branse changes, a motion was made by Woody, which was seconded by Matthews to adopt the Branse recommended changes. The motion was approved unanimously. In a roll call vote, representatives from the eight towns voted yes to approving the changes. Debrigard and Gleeson, as regional representatives voted yes as did Commissioner's representative Blatt.

Land Committee.

Woody reported that he has taken on the chairing duties for the land committee.

Grants Review Committee.

Chairman Ide reported that a letter requesting information and clarifications was developed by the committee and sent to Alisha Milardo of the Roger Tory Peterson Estuary Center. Responses had not been received by meeting time. Ide reported that it is the recommendation of the committee for the communications committee to work on and adopt a "mission" statement. The often-cited statement in Section 25-102a CGS is a "legislative finding", the committee notes. Finally, Ide noted that the committee continues to work on the grant application documents. Roberts asked if the statutory "finding" could be forwarded to Communications chair Futoma and Rules chair Webb.

Old Business. Downes reported that numerous late summer/early fall dates for RiverQuest availability (river trip) were provided by Mindy Yuknat of RiverQuest. The fee is now \$1,350. The issue of inviting possible speakers was raised (Greg Bugbee, Jerry Roberts).

Adjournment: Bement moved that the meeting adjourn. Roberts seconded the motion which passed unanimously.

The meeting adjourned at 8:55pm.

Staff Report
June 24, 2021

- Essex Zoning Regulation Proposal, Accessory Structures. A letter (attached) was sent to the Essex Planning & Zoning Commission providing comments regarding the proposed zoning text change. The proposed language would allow additional encroachment into side property setbacks for accessory structures under certain conditions. In the comment letter, Gateway recommended that a fixed footprint size be used for the purpose of determining which accessory structures would be entitled to the setback benefit. The first proposal used a percentage calculation based on the area of both the rear and side setbacks. Under some circumstances, that area calculation could be over generous, allowing unacceptably large accessory structures to exist within 5 feet of a property line. The existing regulation allows this encroachment in *rear* setbacks but prohibits such encroachments in the “Gateway Buffer Area”. A new encroachment into the side setback would not be counter to any existing Gateway standard as there are no such standards for side setbacks. The Gateway comment letter was discussed with ZEO Carey Duques, who also expressed skepticism about the proposed footprint calculation methodology, both because of possible confusion and because of potential enforcement challenges.
- Hamburg Cove Violation Downes is working on an ongoing violation of Gateway standards on Hamburg Cove. The property owner cleared vegetation down to the water and has placed sod to the cove edge. An illegal deck was built that encroaches within the jurisdiction of the DEEP. An notice of violation has been issued by the DEEP; the property owner is working through the requirements of that order. The Town of Lyme has issued notices of violation but has not issued a Cease & Desist, which carries requirements for carrying out corrective measures under a time schedule. Gateway has received and inquiry from a Lyme resident who is frustrated that this situation isn’t resolving quickly. Downes is investigating the circumstances and has engaged with ZEO Ross Byrne in an effort to get this violation corrected. It is VERY visible and has raised questions among some town residents regarding whether regulations should be followed or not. This, it can be described, as quite an egregious violation of Gateway standards, one that needs to be remediated under the strongest of terms. Staff of Gateway only found out about this the week of June 14th. The violation has been ongoing for much longer than that. Although not the authority of the Gateway Commission, Downes plans to ask ZEO Byrne to issue a Cease & Desist order in order to “turn up the heat”.
- Deep River Request
Some members will recall that, several years ago, there was an informal request for First Selectman Angus McDonald of Deep River to move the Conservation Zone boundary in southern Deep River to eliminate a number of properties from the Zone, properties that were substantially hidden from river view by topography. Nothing built in this industrially-zoned area can be seen from the river because of intervening hills (that said, depending upon circumstances, the *tops* of 40 or 50 foot buildings *might* be visible). McDonald asked GW to consider going to the legislature to request modifying the statutory boundary, and when Gateway expressed reluctance, Deep River indicated it might do it on its own. After original discussion between former GW member and Deep River representative Nancy Fischbach, the request was set aside both by GW and the Town. Within the last month, the P&Z asked Gateway to again take up this issue with the request being forwarded to the Rules of Procedure Committee for consideration. The RoP Committee will report out on this issue.
- East Haddam Village Presentation, Centerbridge Associates. On Wednesday, June 23, 2021, Jeff Riley of Centerbrook Architects (co-founder in 1972) provided a PowerPoint presentation of the changes contemplated for the East Haddam Village Area. Although not discussed at great length, the presentation was positively received. A request will be made for Mr. Riley to make a similar presentation to the Gateway Commission. It would appear from the presentation that there will likely be regulation changes necessary that would require Gateway approval before they can become effective. At the very least, it would appear that variances of existing regulations would be required. Either way, the Gateway Commission will have a say in what the development looks like. Cray Brownell suggested the possibility of a collaborative meeting with the developer, the P&Z and the Gateway Commission.
- Status of Smoke on the Water Application Process
Attorney Ed Cassella, representative of the applicants for the Smoke on the Water outdoor restaurant reported that an

application will be coming forward “soon”. They recognize the need for a setback variance if the open-air cooking pavilion is to remain in the location in which it was proposed in the original application. It is not known if they will be seeking the variance or proposing a revised location for that structure.

- 100-5B Joshuatown Road, Lyme. The Land Acquisition Unit of the CT DEEP rendered a decision that the proposed plan to demolish several small outbuildings and replace them with on larger, two-story carriage house structure with living quarters is consistent with the scenic easement established on the property. The easement was established by Ken and Diana Milne in 1975 in favor of the State of Connecticut with the help of the Gateway Commission. This is the first easement facilitated by the newly-formed Gateway Commission (established in 1973). The easement language limits what construction can occur at the Hamburg Cove and CT River waterfront property. Locally, the special permit application has to be approved by the Lyme P&Z. A comment letter was provided by Gateway staff indicating that the proposed structure posed no risk to the “natural and traditional river scene” as long as existing tree cover to the north northwest (on an embankment of the CT River) is kept intact.

Committee Reports

Committee agendas and minutes are now posted in the right column of the Gateway website (www.ctrivergateway.org) in order to fulfill requirements of the Freedom of Information Act (FIOA)

- Finance Committee: Presentation of draft budget. Bills.
- Rules of Procedure Committee: Report on FOI “do’s and don’t’s” document, the process of moving forward with amended Gateway standards, a possible recommendation for the review process currently used for regulation change proposals and other related topics.
- Community Relations/Communications Committee: Status of committee work on the marketing and website project. Update on possible fall river trip.
 - August: 19 or 23 or 24
 - September: 1 or 2
 - October: 6 or 7 or 8 or 14 or 15. Note: For October it would be best to leave the dock about 4:00pm.
 - \$1,350
 - Refreshments can be provided per usual practice
- Land Committee: As necessary.
- Grants Review Committee: Update on review of the RTPEC grant application.

2021/22 Approved Budget

General Fund Expenses	FY 2017/18	FY 2018/19	FY 2019/20	FY2020/21	FY2021/22
RiverCOG Staffing	\$23,000	\$28,000	\$28,000	\$28,000	\$33,000
Investment Fees	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000
Accounting Services	\$2,500	\$5,500	\$5,500	\$1,000	\$0
Commissioner Development (formerly “Contributions”)	\$2,500	\$2,500	\$2,500	\$100	\$100
Legal Fees/Misc.	\$3,000	\$1,000	\$1,000	\$1,000	\$3,300
Outreach/River Trip	\$3,000	\$3,000	\$3,000	\$2,500	\$1,600
Total	\$48,200	\$53,700	\$53,700	\$44,600	\$50,000