

CONNECTICUT RIVER GATEWAY COMMISSION

REGULAR MEETING MINUTES

September 22, 2022

Present/Absent:

Chester:	Tom Brelsford, Jenny Kitsen
Deep River:	<i>Jerry Roberts, (vacancy)</i>
East Haddam:	<i>Crary Brownell, (vacancy)</i>
Essex:	Claire Mathews, Misha Semenov
<i>Fenwick:</i>	<i>Newton Brainerd, Borough Warden</i>
Haddam:	Susan Bement, Mike Farina
Lyme:	J. Melvin Woody, Wendy Hill
Old Lyme:	Suzanne Thompson, Greg Futoma
Old Saybrook:	Bill Webb, Diane Stober
Regional Reps:	Raul Debrigard (N), Judy Preston (S), (vacancy[N], vacancy [S])
DEEP:	Katie Perzanowski
Staff:	J H Torrance Downes
Guests:	Ben Lovejoy, Jim Sipperly, Gina Kolb, Patrick and Susanna Smith, Todd Dipentima, Ed Cassella, Chris Costa, Denise Von Dassel, Mike Riccio, Chuck Gadon

Call to Order

This meeting was called to order by Chairman Thompson on the virtual meeting platform Zoom at 7:01pm.

Approval of Regular Minutes

A motion was made by Futoma to approve the August 25, 2022 meeting minutes. The motion was seconded by Webb and was unanimously approved by the members of the Commission.

Discussion, Old Saybrook Gateway Standards

Town Planner Chris Costa was present to discuss the proposed standards and to answer questions. The discussion focused on two particular proposals that were in addition to the minimum Gateway standards provided to the Zoning Commission by staff of the Gateway Commission. One standard, thought to be in excess of Gateway minimum standards, will require upland properties in the Conservation Zone to remain under the authority of the Gateway Commission even in the event that the waterward most portion of such a property were severed in order to remove the property from the Conservation Zone. Gateway members expressed support for this change as it favors Gateway's mission of protection.

The second proposal would allow properties in the Conservation Zone to have 20% coverage, above the 15% Gateway minimum for circumstances where a property has an area of less than 20,000 square feet and cannot be seen from the river by virtues of topography or other buildings.

After much discussion, Gateway members indicated the willingness to consider providing the flexibility desired by the Zoning Commission through the development of new standard language, perhaps consistent with that proposed by the Zoning Commission. The Rules Committee chair, also the representative from the Town of Old Saybrook, committed to schedule a committee meeting prior to Gateway's October meeting to push the discussion forward in a timely manner.

Variance Application, Proposal to Construct a Greenhouse and Pergola, 50 Crosstrees Hill Road, Essex.

Property owners Patrick and Susanna Smith were in attendance to provide additional information that they hope will have Gateway members reconsider their initial July, 2022 recommendation for the Essex ZBA to deny this application. The application proposes the construction of a 15 foot by 20 foot "kit" greenhouse on a recently terraced portion of the property. Also proposed is the construction of a pergola. Both improvements would be located within the 100 foot Gateway "buffer" – the setback for structures. After much discussion, the Commission members made the decision to send a second letter to the Essex ZBA which

repeats the Gateway recommendation to deny the required variances necessary to construct the greenhouse, the reasons for which were stated in the letter from the Gateway Commission dated August 4, 2022. That letter is a part of the record of the ZBA proceeding, which has been continued so that the Smith's could come before Gateway at its September 22, 2022 meeting. Members of the Gateway Commission found that they would not object to the approval of the variances necessary to construct the pergola on the condition that (1) the pergola is not lit and upon which vines are grown (the intent of the Smiths), (2) the surface upon which the pergola is constructed is pervious surface, and (3) riparian buffer vegetation is planted inland of the 50 foot Required Riparian Vegetation so as to stabilize the slope in that location. The motion, made by Webb and seconded by Woody, was unanimously approved.

Variance Application, Installation of a 437 Square Foot In-ground Pool and Retention/Improvement of an 80 Square Foot, Second story Balcony, 5 Lighthouse Lane, Old Saybrook.

The applicant, assisted by James Sipperly, came before the Gateway Commission for a third time to provide information regarding coverage statistics that were not available at the two previous meetings. The Gateway Commission had previously sent a letter to the Old Saybrook Zoning Board of Appeals recommending the denial of the variances required due to the inconsistency of the project with Gateway's protective mission based upon the already-significant amount of encroachment that exists at the property. The property owner has come before the Gateway Commission to request members make revised findings that would allow construction of the pool and balcony.

After much discussion, the Gateway Commission voted to send a revised letter to the Old Saybrook ZBA reporting a new finding stating that members would not object to the granting of the variances on the condition that an equal amount of impervious surface to that of the 437 square foot pool is removed from within the 100-foot Gateway buffer/100 foot Required Vegetation Buffer within which the pool and the balcony will be located. A second condition is that the property owner must plant native and non-invasive riparian buffer vegetation consistent with the vegetation existing in the tidal wetlands adjacent to the property and as shown on a plan presented to the Gateway Commission entitled "Plot Plan Proposed Pool Prepared for Gina Kolb, Sheet No. 1 of 1, 18045-4.dwg" dated 12/12/2018 and revised to 9/9/2022. The area to be planted is located in the corner of the lawn in the southeastern part of the lawn delineated by Tidal Wetlands Flags TW#9, TW#14, TW#12 and TW#11 and marked with triangle notations. The concerns that led to the initial recommendation are included in a letter dated August 26, 2022 which is a part of the record of the continued hearing for this application.

The motion for the decision was made by Webb, which was seconded by Woody. The motion and second were approved unanimously.

Variance Application, Construction of a Second Story Addition on Existing Cottage, 16 Cove Street, Old Saybrook. Todd Dipentima, the property owner, was present to answer questions. Staff displayed application elevation drawings and a plot plan, and a photo showing the proposed location for the addition. No increase in footprint or impervious surface is proposed. Upon a motion by Bement, which was seconded by Woody, Commission members voted to have a letter sent to the Old Saybrook ZBA stating that they do not object to the granting of the variances for this small addition that will have no significant impact on the Gateway protective mission. The motion was approved unanimously.

Correspondence/Staff Report

Staff summarized report items as requested, noting that several local enforcement actions are still ongoing in Chester and Lyme.

DEEP Commissioner's Representative Katie Perzanowski briefed members on the status of an ongoing enforcement action taking place at property located at 1242 Saybrook Road in Haddam. Debrigard reported

on seeing the site and recognizing the area of unstabilized soils existing. Staff indicated it would contact the town (after coordinating with the DEEP) on whether or not the Town Planner could urge the property owner to stabilize the site with Soil Erosion & Sediment Control and the planting of grass.

A report was provided informing the commission that a 30 acre parcel located above the Lyme side of the Chester Ferry was coming on the market, a parcel that appears to have tremendous visibility. Staff will investigate. Roberts reported a conversation with a Lyme resident who looks back on the Deep River side of the river. The property owner reported distress at the amount of development that has occurred in the past ten years. Members of the Commission asked staff to visit the property owner and take photos of the Deep River hillside.

Chairman's Report

Thompson announced that Marilyn Gleeson, the north regional representative, has resigned from her position as she has reported that she has too many responsibilities to carry out. Thompson reported that she will meet with Sam Gold, Ben Lovejoy and Torrance Downes to discuss transition to the new staffing by Mr. Lovejoy.

Finance Committee.

Claire Matthews reported that the RiverCOG billing now includes four staff people. Downes, Fernald, Lovejoy and Armstrong. The total staffing bill is reported as \$3,622.73. An invoice from Halloran & Sage for legal services rendered regarding the 50 Crosstrees Hill Road variance decision was presented along with the need for the issuance of a \$25 check to support the attendance of Futoma at a conference. A motion was made by Matthews, which was seconded by Bement to pay the bills. The motion was passed unanimously.

Land Committee. Chairman Melvin Woody reported that there were no new updates to provide.

Communications Committee. Chairman Greg Futoma reported that the website construction is still ongoing. Commission members then held a discussion about attendance on the Annual Gateway Boat Trip. Several additional ideas for attendees were presented.

Rules Committee. Chairman Bill Webb reported that the committee will convene a meeting within the next couple of weeks to discuss the proposal put forth by the Old Saybrook Zoning Commission and report back to the entire Commission at its October 27, 2022 meeting.

Grants Committee. With the absence of Jerry Roberts, there was no report for the Grants Committee.

Old Business. None.

New Business. Add Ben Lovejoy's email address to all communications. blovejoy@rivercog.org

Adjournment. A motion was made to adjourn the meeting at 9:26pm by Bement. The motion seconded by Woody and was unanimously approved.

Respectfully submitted,
J H Torrance Downes