

# CONNECTICUT RIVER GATEWAY COMMISSION

## REGULAR MEETING MINUTES

September 23, 2021

### Present/Absent:

<b>Chester:</b>	<i>Tom Brelsford , Jenny Kitsen</i>
<b>Deep River:</b>	<b>Jerry Roberts, (vacancy)</b>
<b>East Haddam:</b>	<i>Crary Brownell, (vacancy)</i>
<b>Essex:</b>	<b>Claire Mathews (until 8:30pm), Misha Semenov</b>
<i>Fenwick:</i>	<i>Newton Brainerd, Borough Warden</i>
<b>Haddam:</b>	<b>Susan Bement, Mike Farina</b>
<b>Lyme:</b>	<b>J. Melvin Woody, Wendy Hill</b>
<b>Old Lyme:</b>	<i>Suzanne Thompson, Greg Futoma</i>
<b>Old Saybrook:</b>	<b>Bill Webb, Diane Stober</b>
<b>Regional Reps:</b>	<b>Raul Debrigard (N), Marilyn Gleeson (N), Judy Preston (S)</b>
<b>DEEP:</b>	<b>David Blatt</b>
<b>Staff:</b>	<b>J H Torrance Downes</b>
<b>Guests:</b>	Katie Peranowski, DEEP; PE Joe Wren, Architect Joe Bergin

### Call to Order

This meeting was called to order by Vice Chairman Woody on the virtual meeting platform Zoom at 7:20pm.

### Approval of Minutes

Woody and Matthews submitted revisions that were added to the draft minutes including minor spelling changes and correction of the amounts of the bills submitted for approval. Gleeson offered spelling revisions as well. Upon a motion by Debrigard, which was seconded by Bement, the minutes were unanimously approved with the included revisions.

Amendment of the Agenda. Upon a motion by Debrigard, which was seconded by Woody, the agenda items were rearranged to allow attending guests to make their presentations prior to other Gateway business. The motion passed unanimously.

Presentation of Special Exception Application for a New Single-Family Dwelling, 46 Cromwell Place, Old Saybrook. Joe Wren presented the design, describing the one and a half-story, "L"-shaped structure located on a rear lot on Saybrook Point that is visible from the Connecticut River. The site is located several thousand feet back from the river being separated by a large parcel of land owned by the Town of Old Saybrook. Members found the design to be consistent with the intent of the Gateway standards and expressed no concerns with the structure or its design. Roberts took the opportunity to talk about the site as one that was central to the location of the original Saybrook Colony fort. He was involved with the archaeological investigation and participated in the unearthing of historical objects associated with the original fort. He asked that, in the event that other artifacts are unearthed during the foundation excavation process, the property owner contact interested parties for the purpose of collecting and preserving any uncovered artifacts. Mr. Wren indicated he would pass that message on to the Navarros, the owners of the property. Staff will prepare a comment letter that includes the Roberts request.

Preliminary Discussion, 201 North Cove Road, Old Saybrook. Architect Joe Bergin appeared for the second time to discuss the project on a preliminary basis with the Commission. The property owner remains interested in constructing a detached garage but will propose it to be one story instead of two. Because of flood plain regulations, the peak of the roof will still top out to be 6 ½ feet above the road level adjacent to the house, resulting in a structure that still maintains a significant height. Bergin noted that the encroachment of the addition proposed to be added to the principal dwelling is minimal and pointed out the footprint of an in-ground pool that is being contemplated in the design as well. The pool and the proposed garage would meet

the 15% coverage requirement for structures in the Conservation Zone. Numerous members continued to express significant concern over the proposal to construct the detached garage, one that is wholly located within the 100-foot structure and required riparian buffer setbacks as it would likely create unacceptable adverse visual impacts to the natural and traditional river scene due to the bulk of the building in this riverfront location. Mr. Bergin thanked the Commission for their comments and guidance.

Regulation Proposals, Town of Old Saybrook, “Housekeeping” to Correct, Clarify and Revise Various Regulations. Numerous regulations, most determined to be of minimal significance to the Gateway mission or protection, were presented for approval pursuant to Section 25-102g CGS. One regulation concerning the revision for the definition of “structure” was discussed at length. The definition is proposed to remove accessory structures including hot tubs, above-ground pools of less than 400 square feet and 125 square foot sheds from the definition of structure. As a result, no zoning permits would be needed nor would any involvement by the Gateway Commission. Concern was expressed about the proliferation of such accessory structures and whether a proliferation – if it would occur – would adversely impact the river scene. Upon a motion to approve the petition by Debrigard, which was seconded by Bement, the regulations were approved by a 7 – 0 vote. Matthews (Essex), Bement (Haddam), Roberts (Deep River) and Brelsford (Chester) abstained from voting. The motion to approve carried as a result.

Regulation Proposal, Town of Old Lyme The Old Lyme Zoning Commission, after significant workshop consideration, is proposing the establishment of the Halls Road District extending along Old Lyme’s Halls Road commercial area, which is located within the Gateway Conservation Zone. The proposal requires that development be more pedestrian-oriented with new structures being set TO street lines rather than be separated from roadways by parking lots. Other design considerations are included as well. Although not visible from the Connecticut River to the west due to intervening topography, the eastern portion of the Halls Road area is visible from the Lieutenant River, a tributary of the Connecticut River. Members found that the establishment of the district would not be detrimental to Conservation Zone development as any proposals would have to comply with Gateway standards already adopted into the Old Lyme Zoning Regulations. A motion to approve the proposal was made by Debrigard with a caveat stating that the approval is based on the premise that none of the Halls District regulations will supersede or replace minimum Gateway standards and that all existing standards shall still apply. The motion was seconded by Preston and approved unanimously.

Regulation Proposal to Prohibit the Submission of Any Applications for or Approval of Cannabis Establishments (sales or manufacture). A proposal was submitted by an Essex resident requesting that applications, consideration and approval of establishments for the sale or manufacture of cannabis products be prohibited. Upon a motion by Brelsford, which was seconded by Gleeson, the proposed prohibition was unanimously approved by the Gateway Commission pursuant to Section 25-102g CGS.

Regulation Proposal to Establish a Six-Month Moratorium on the Acceptance, Consideration and Approval of All Applications Concerning the Establishment of Cannabis Dispensaries and Production Facilities. This proposal, brought forth by the Planning & Zoning Commission, reestablishes a 6-month moratorium on applications for cannabis establishments pending further review by that Commission. Upon a motion by Brelsford, which was seconded by Gleeson, the proposed prohibition was unanimously approved by the Gateway Commission pursuant to Section 25-102g CGS.

#### Correspondence/Staff Report

Downes summarized items included in the Monthly Staff Notes document. The Monthly Report is appended to these minutes.

Chairman’s Report. In that Thompson was not in attendance, no Chairman’s Report was made.

## Committee Reports

### Finance Committee.

In Matthews absence, Downes presented bills for payment. The bills included (1) \$5,360.23 for RiverCOG operations, (2) \$312.52 for RiverCOG services related to mapping and the communications and outreach special project, (3) \$3,307.50 for the consulting services of Community Consultants (Judy Anderson), (4) \$370 for legal services provided by Halloran & Sage (Matt Willis), and (5) \$281.00 to reimburse Susan Bement for expenses incurred in the preparation of food for the October 7, 2021 annual boat trip. The amount of the bills presented totals \$9,631.25. Upon a motion by Brelsford, which was seconded by Gleeson, the payment of the submitted bills was approved unanimously.

Communication/Public Outreach Committee. Having discussed committee activities in the Annual Meeting (report attached to those minutes), Futoma expressed his appreciation for the efforts of numerous participants including staff, Bement, Gleeson and Roberts.

Rules of Procedure Committee. Webb indicated that the committee hasn't met since the last meeting of the Gateway Commission in September, but intends to meet prior to the next meeting on December 2, 2021.

Land Committee. Woody voted to enter Executive Session at 9:02pm. The recording of the meeting was paused. At 9:22pm, Woody voted to exit Executive Session. The topic was cited as discussion of potential land acquisition opportunities in the Conservation Zone. No decisions or motions were made in the Executive Session.

Grants Committee. A report on status had been provided during the Annual Meeting (report attached to those minutes). No further report provided at this time,

Old Business. None.

New Business. Gleeson expressed the need for a consistent display of Gateway activities to be used at fairs and other outreach opportunities. Woody supported that need and asked that that be tasked to the Communications Committee as a part of the ongoing project. Futoma highlighted a documentary on osprey and the Connecticut River that was exemplary. The documentary is an example of what can be posted or "shared" by Gateway in social media accounts. Gleeson expressed interest in meeting with the Rules of Procedure Committee to discuss policies regarding what is "acceptable" development in the Conservation Zone.

### Adjournment

A motion was made to adjourn the meeting at 9:28pm by Brelsford, which was seconded by Bement. The motion was unanimously approved.

Respectfully submitted,  
J H Torrance Downes

**Staff Report**  
**October 28, 2021**

**Annual Meeting.** Bylaws require that the Commission hold an annual meeting in October of every year. Among other issues, the Commission will approve the minutes of last year's annual meeting, remind members of the need for submitting conflict of interest forms and review written reports from each of the committees and conduct any other "new" or "old" business as may be required. The Conflict of Interest Form and the Conflict of Interest policy are included at the end of this report.

**Regular Meeting.**

**Proposed Regulations (four in total)**

- Old Saybrook Zoning Regulation Proposal. Various regulations, summarized in document previously sent to Commission members on 10/26/2021. Original petition sent as well. None of the various corrections, clarifications, additions and deletions have any significant impact on Gateway interests.
- Old Lyme Zoning Regulation Proposal, Establishment of New Halls Road District between Route 156 and Route 1. Although blocked from view from the Connecticut River, the Lieutenant River, a tributary of the Connecticut River, passes through the eastern part of the district. This means that properties within this district are subject to Gateway standards (100 foot Gateway structure setback, 50 foot required vegetative buffer setback, 35 foot height maximum). None of the regulations that are associated with this new district will supersede or have elevated standing over Gateway standards. No significant impacts on Gateway interests expected as any structures would have to comply with all Gateway standards.
- Essex Zoning Regulation Proposal, Cannabis, 6-month Moratorium. Brought forward by the Essex Planning & Zoning Commission. Up until January 1 of 2015, Essex had a one-year moratorium on marijuana-related applications. That moratorium has long-since lapsed. The current proposal is to reestablish the moratorium – for 6 months - which prohibits the submission, consideration and approval of such applications. The reason stated is that the P&Z will research what other towns will do with applications for cannabis establishment applications.
- Essex Zoning Regulation Proposal, Cannabis Prohibition. At the same time, a private property owner has taken it upon himself to propose an outright prohibition on the submission, consideration and approval of any application associated with cannabis sales and cultivation.
- Follow-up Report: Old Saybrook Zoning Regulation Proposal, Floating Zone, Planned Development District (91 Sheffield Street) On Monday, October 18<sup>th</sup>, the Old Saybrook Zoning Commission denied the petition to establish an Planned Development District overlay process, targeted at the property located at 91 Sheffield Street. This application would have allowed four residential dwellings on a lot that is currently zoned "Marine Industrial". The Zoning Commission, among other things, was concerned how this process might impact other areas in Old Saybrook. Members may recall that Gateway opted to send comments but not "approve" or "disapprove" the petition at the time of review.

**Other Items of Interest**

- Lyme, 100-1 Joshuatown Road, Peter and MyLan Sarner. On October 25, 2021, ZEO Ross Byrne, Assistant ZEO Jen Crane and JHTD met at the Sarner property with property owner Peter Sarner. ZEO Byrne went over what was expected in order to correct the violation (removal of all vegetation with the exception of a manicured lawn within the 50 foot required riparian buffer). The initial step requires the property owners to submit a proposed restoration plan that is to include a "swale" or rain-swale and potentially a berm, all to interrupt and prevent the flow of stormwater into Hamburg Cove. The berm and swale are to be planted with native, non-invasive plants so that the area has a

similar appearance to the 50 foot area on the adjacent property. The restoration plan is required to be submitted by November 5<sup>th</sup> for approval by the Town. It is hoped that the property owner will not "drag their feet". Byrne has told them he received direction to send the violation to the Town attorney. He is giving them the chance to come into compliance. If the November timeline isn't met, the violation will be sent to the attorney.

- Chester, Letter to Request Enforcement Action on Riverfront Parcel, Clearing of Required Vegetative Buffer. In a situation similar to the Hamburg Cove violation, a clearing of the required vegetative buffer directly on the Connecticut River occurred within the last two months. The issue was raised with the contracted ZEO who was unaware of the violation and unaware of the circumstances surrounding it. The tree and riparian buffer cutting, discovered by Tom Brelsford, was investigated and

discovered to be associated with a state-permitted dredging project in Chester Creek where dredge spoils were permitted to be placed in an upland location. Under some circumstances such upland placement requires municipal approvals. In this case, none were sought. The riparian clearing occurred to give the property owner on which the spoils were placed a view through to the river. Staff of Gateway offered to write a letter requesting the resolution of the violation, suggesting that an order should require the submission of an acceptable restoration plan and the implementation of the plan once the town (with assistance from the Gateway Commission) approves. Staff of Gateway offered to write the letter which the town staff welcomed (the letter will cite the appropriate recommendations and will likely be used as the basis for the restoration order).

National Estuarine Research Reserve (NERR) Letter of Support. As requested, Judy Preston wrote and circulated the letter of support issued by the Gateway Commission in favor of the National Estuarine Research Reserve. It was submitted by the October 18, 2021 deadline and is included at the end of this report.

- Chairman's Report. As presented.

#### Committee Reports

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

- Finance Committee: Presentation of bills: Judy Anderson (\$3,307.50), Halloran & Sage (\$370), RiverCOG purchases for boat trip (\$235.91), Bement purchases for boat trip (\$281.20). Total boat trip cost, \$1,817.11.
- Rules of Procedure Committee: Report as necessary.
- Community Relations/Communications Committee: Status of committee work on the marketing and website project. Brief out on fall river trip.
- Land Committee: Update on Land Committee initiatives (Executive Session).
- Grants Review Committee: Update on status.

**FINAL LETTER OF SUPPORT, National Estuarine Research Reserve**

October 18, 2021

Erica Seiden, Ecosystems Program Manager<sup>[1]</sup>  
Management<sup>[SEP]</sup>  
National Oceanic and Atmospheric Administration<sup>[1]</sup>  
Spring, Maryland, 20910

Office for Coastal  
National Ocean Service<sup>[1]</sup>  
1305 East-West Highway, Silver

ATTN: CT NERR

Dear Erica,

The Connecticut River Gateway Commission enthusiastically supports the nomination of a Natural Estuarine Research Reserve in Connecticut. The Commission especially supports the establishment of the reserve within the estuary of the lower Connecticut River, the area within which the Gateway Commission has its statutory authority (Section 25-102a through Section 25-102s CGS).

In light of the stated goals for the proposed NERR, specifically to:

*Strengthen stewardship, protection, and management of estuaries and their watersheds through place-based approaches to training and education in order to maintain and enhance natural environments (Goal 2), and Advance environmental appreciation and scientific literacy utilizing a place-based approach, to enhance people's ability to make science-based decisions that positively affect estuaries, watersheds, and coastal communities (Goal 3),*

the Gateway Commission would like to comment on, and suggest the following:

- Don't split the estuary, something that former executive director of the CT River Estuary Regional Planning Agency, Linda Krause, worked hard to ensure as the state's regional planning agencies were being consolidated, resulting in the present day Lower Connecticut River Valley Council of Governments (*RiverCOG*).
- The Gateway Commission evolved in the face of a proposal to make the Connecticut River a national recreation area. The lower CT River towns came together in their opposition and established the locally administered Connecticut River Gateway Conservation Zone. The eight towns voted at town meetings to join together to protect the unique estuary region that encompasses both shorelines. Representatives of each town, the two former planning regions and of the State Department of Energy and Environmental Protection form the Gateway Commission to administer the Conservation Zone in order to protect the historic, scenic *and environmental values* of the estuary. Both the NERR and the Gateway Commission would benefit from working with the Commission and member communities to further enhance a sense of pride and stewardship in the estuary.
- Dividing the estuary creates an arbitrary boundary that works against the effort to educate the public – noted in the draft EIS as *the ability to enhance and advance estuarine awareness with broad local support* – about the importance of connectivity
  - between the salt, brackish, and freshwater tidal marshes and coves that make this estuary noteworthy.
  - Operational boundaries on just one side of the Connecticut River also misses the opportunity to engage higher density River communities, such as Old Saybrook and Essex village, about issues including excess fertilizer use, failing septic systems, and the importance of vegetated buffers.
  - The inclusion of a greater portion of the Connecticut River main stem gets closer to capturing the *“Wide array of habitat types and freshwater [tidal] marshes”* that would tap into a local network of Land Trust stewards and groups such as the *Friends of Whalebone Cove*, in Hadlyme. Pride in one's local piece of the greater whole of the estuary ecosystem is a powerful tool for involvement.

To this end, the Commission favors a greater inclusion of lower Connecticut River sites as illustrated in Alternative B or Alternative C. Specifically, to extend the NERR boundary to include the main stem of the Connecticut River north, capturing the important Salmon River cove and wetlands and accompanying uplands (Machimoodus State Park); Ferry Point (with a potential and unique opportunity for accommodating marsh migration), a major Connecticut River access point at Baldwin Bridge State Boat Launch, Ragged Rock Marsh and North Cove and South Cove in Old Saybrook.

The Connecticut Gateway Commission has partnered with many environmental organizations through the years, and looks forward to working with the new and existing partners that will bring the NERR to the Connecticut River Estuary. The NEER's research will be essential to its preservation.

Thank you for your consideration.

For the Gateway Commission,

A handwritten signature in black ink, appearing to read "J H Torrance Downes". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

J H Torrance Downes, Deputy Director  
Lower CT River Valley Council of Governments

**CONNECTICUT RIVER GATEWAY COMMISSION**

Commissioner Disclosure Form – FY 2021-2022

The following is to be completed annually in accordance with Article II of the Commission’s Conflict of Interest Policy (attached).

Commissioner’s Name: (please print) \_\_\_\_\_

IV. In accordance with the Conflict of Interest Policy of the Connecticut River Gateway Commission, I affirm the following:

- a. I have received a copy of the Conflict of Interest Policy;
- b. I have read and understand the policy;
- c. I agree to comply with the policy;
- d. I understand the Gateway Commission must engage primarily in activities which accomplish one or more of its statutorily defined purposes; and
- e. I believe  I have no conflicts of interest.  
 I may have a conflict of interest as disclosed below.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
\_\_\_\_\_

**I. Personal Involvements**

Organization	Person/Involvement

**II. Immediate Family Member Organizational Involvements**

Organization	Person/Involvement

**III. Family relationship or a business relationship with any other Commissioner or staff member**

Organization	Person/Involvement

CONNECTICUT RIVER GATEWAY COMMISSION  
CONFLICT OF INTEREST POLICY

- I. The Connecticut River Gateway Commission recognizes that the Commission must avoid conflicts of interest and the appearance of conflicts.

A conflict of interest exists whenever a member of the Commission (including spouse/partner/significant other, siblings, parents or children of a member) has a material interest in a transaction or project under consideration by the Connecticut River Gateway Commission. A conflict of interest also exists whenever an organization that employs or retains a member of the Commission to which that member formally provides advice, direction or counsel is known to have a material interest in a transaction or project under consideration by the Commission. A material interest also includes payment by Gateway for any services which may be rendered by a member of the Commission to advance a project or a transaction.

- II. The Commission recognizes that its staff, commissioners, and members of its standing committees, and their respective families, serve as employees, volunteers and consultants for organizations that may seek funding or other consideration from the Commission or receive its investment funds.

To avoid conflicts of interest and to minimize the impact where conflicts are unavoidable, staff, members of the Commission, and members of all standing committees including non-board volunteers, are required to:

- A. Disclose participation by themselves or members of their immediate families as a board member, employee, consultant or representative for any organization that seeks funding or other consideration from the Commission, or any entity with which the Commission is investing or contemplating investing funds.
- B. Disclose any family relationship or a business relationship with any other member of the Commission or staff.
- C. The member of the Commission and any member of a standing committee who has such a conflict of interest shall abstain from participating in discussion concerning and from voting the matter involved, unless such recusal and abstention is waived by the following votes of the commissioners present at a meeting at which a quorum exists:
  - 1. of two-thirds in the case of a conflict involving the member of the Commission or committee member personally, or
  - 2. by a vote of a simple majority in the case of a conflict involving a member of the family of a member of the Commission or committee member.

- III. Among the policies adopted to avoid conflicts of interest are:

- A. Paid staff members are prohibited from serving on the Commission.
- B. No member of the Commission or any committee shall be compensated for work performed on behalf of the Commission or for services provided to the Commission. However, members may, as individuals or through their companies, donate services

for the Commission's benefit for which no compensation or other consideration is provided.

- C. The Commission may not buy land from, sell land to or exchange land with any member of the Commission, commissioner's immediate family, or staff member. However, the Commission may accept donations of land or interests in land from members of the Commission, their immediate families, or staff if such donation meets the existing criteria for land acquisitions and acceptance of donations.
- IV. The Commission shall keep a list, to be updated annually, of the organizations in which members of the Commission, committee members, staff and their immediate families serve as noted in Section IIA. above. Immediate family means spouse/significant other/partner of a civil union, children and parents. In the interests of minimizing the potential for conflicts of interest, it is desirable, but not required, that no more than two members of the Commission serve on any one community board/agency or serve as fund-raisers for the same organization.
- V. Lobbying by grant applicants or those seeking Commission consideration of a development proposal or application is considered inappropriate and unacceptable. When such contact is made, the member of the Commission is expected to notify Gateway staff and refer the applicant to staff for discussion of the issue or application.
- VI. Members of the Commission and staff may not accept gifts from applicants for grants, those seeking for development review or those seeking investment funds from the Commission.
- VII. Any member of the Commission, committee, or staff member who becomes aware of a possible violation of these provisions shall report it to the Commission chairman or senior staff. The Commission shall determine, by simple majority vote, whether a violation has occurred and if so, what if any action should be taken.

\* All references to the Commission include any committees of the Commission, including those with non-board members.

7/22/2010