

# CONNECTICUT RIVER GATEWAY COMMISSION

## REGULAR MEETING MINUTES

December 2, 2021

### Present/Absent:

<b>Chester:</b>	<b>Tom Brelsford , Jenny Kitsen</b>
<b>Deep River:</b>	<b>Jerry Roberts, (vacancy)</b>
<b>East Haddam:</b>	<b>Crary Brownell, (vacancy)</b>
<b>Essex:</b>	<b>Claire Mathews, Misha Semenov</b>
<b>Fenwick:</b>	<b>Newton Brainerd, Borough Warden</b>
<b>Haddam:</b>	<b>Susan Bement, Mike Farina</b>
<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, 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>	<b>Katie Peranowski, DEEP, Richard Pettinelli, East Haddam</b>

### Call to Order

This meeting was called to order by Chairman Thompson on the virtual meeting platform Zoom at 7:04pm.

### Approval of Regular Minutes

A motion was made by Bement to approve the regular meeting minutes of the 10/28/21 meeting. The motion was seconded by Webb. Bement asked about a clarification in minutes referring to two cannabis-related petitions. Staff will include a change clarifies that both cannabis proposals were from the Town of Essex. The motion and second were approved unanimously.

### Approval of Annual Meeting Minutes

A motion was made by Mathews to approve the annual meeting from the 10/28/21 annual meeting. The motion was seconded by Woody. The motion and second were approved unanimously with no changes.

### Petition Concerning Zoning Regulations impacting Parking for Shopping Centers, Old Saybrook

A proposal was submitted to modify the calculation for parking requirements for shopping centers to allow less parking per square foot of retail space (1 space for 225sf versus 1 space for 175sf, the current requirement). Although there are no shopping centers in the B-2 commercial district, a number of smaller parcels do exist in the Conservation Zone, most of which are not visible from the river or its tributaries. In that there are no shopping centers located in the Conservation Zone, given that its unlikely a shopping center will ever be constructed in the Conservation Zone, because the proposed regulation governs parking *calculations*, and given that any shopping center that might be built would have to comply with Gateway standards, the Gateway Commission voted to approve the proposed parking change. A motion to approve the petition was made by Debrigard and seconded by Brelsford. The motion was passed unanimously.

### Correspondence/Staff Report

Staff summarized items included in the Monthly Staff Notes document adding report items including a short review of a photo taken at a Chester property located on the river at the mouth of Chester Creek. The site was approved in a state permit for disposal of dredge spoils, but no municipal approvals, including a review by the Gateway Commission occurred. It appears that vegetation near the river and within the 50 foot required vegetative buffer was removed without a required variance. It also appears that a long mound of gravel was placed in a location that could require another permit from the CT DEEP. Staff will further investigate to determine if an enforcement action, which would have to be initiated by the town, and an enforcement action initiated by the CT DEEP, might be warranted.

Chairman's Report. Thompson reported on issues including a Gateway-related article submitted for inclusion in the Saybrook Events magazine. The article can be used as a template for submission to other Gateway town Events magazines in the future. The article was reviewed by Futoma as chair of the Communications Committee. Thompson suggested that a Zoom call could be convened with new Gateway town CEOs, and reminded Brownell that a presentation of a "Zoning 101" primer would be warranted because of new members, perhaps in January or February of 2022.

Finance Committee. Matthews reported on a meeting with Gateway financial advisors on September 27, 2021 and reported that the Gateway portfolio in 2021 was referred to as "strong". The portfolio, even with the ups and downs of the market, increased 17.53% over the last year. Committee members also discussed with advisors the success of "ESG" funds – funds related to the environment, social and government-related investments (socially-responsible investments) – and decided to shift substantial funds into ESG funds.

Upon presentation of bill for payment, and upon a motion by Woody which was seconded by Bement, the Commission voted to pay this month's bills. The motion was passed unanimously. The bills included a \$2,500 payment to the CT River Conservancy, a grant provided to support the "Source-to-Sea" cleanup initiative, payment of a \$1,785 invoice to W-Design for website design services, and the payment of invoices from RiverCOG totaling \$5,297.01 for staffing and expenses of the 2021 Gateway boat trip.

Communications Committee. Futoma provided an update on status of the efforts to redesign Gateway's public outreach message and redesign of its website. Gezo, former Gateway member and current member of the Communications Committee, presented a social media policy document that will guide Gateway's use of social media applications going forward. Upon a motion by Preston, which was seconded by Futoma, the policy document was unanimously approved by the Commission. The approval gives staff the authority to start a posting campaign starting in January, 2022.

Staff reported that GIS Specialist Kevin Armstrong of RiverCOG has forwarded the final map link to Dorene Warner of W-Design for inclusion in the new website. Staff also reported that he has received varying levels of information on open space located in the Conservation Zone, parcels that will be placed on a second "layer" for access on the Gateway website. Matthews thanked the committee for its hard work and comments that the new information will be good for the entire river community. Futoma commented that between December 2, 2021 and the next Gateway meeting on January 27, 2022, committee members will be reaching out to their Commission colleagues looking for more website content.

Rules of Procedure Committee. Webb indicated that the committee hasn't met since the last meeting of the Gateway Commission in October, but intends to meet. Webb also alerted members that a co-chair to help moving the work of the committee forward would be appreciated.

Land Committee. Woody voted to enter Executive Session at 8:10pm, a motion that was seconded by Bement. The recording of the meeting was paused. At 8:19pm, 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 following the Executive Session.

Grants Committee. Roberts reported that the committee plans to meeting in the coming weeks to finalize grant review documents indicating a hope to make a presentation at Gateway's January 27, 2022 meeting.

Old Business. None.

New Business. None

Adjournment

A motion was made to adjourn the meeting at 8:21pm Bement, which was seconded by Brelsford. The motion was unanimously approved.

Respectfully submitted,  
J H Torrance Downes

**Staff Report**  
**December 2, 2021**

**NEXT MEETING: Thursday, January 27, 2022. No late-December meeting.**

**Proposed Regulations**

**Old Saybrook Zoning Regulation Proposals.** Two proposals submitted by owners of the Big Y off Route 166 in western Old Saybrook. Both petitions are summarized because they are related. Only petition #2 will come before the Gateway Commission for the required review and decision.

- (1) Petition #1 proposes to add “gas service station” as an accessory use to the “shopping center” use for the *B-4 commercial zone only* (the B-4 district does not exist in the Gateway Conservation Zone, so this petition doesn’t require a Gateway “approval”. The only commercial district in the Conservation Zone is the B-2 district). **No Gateway review or decision necessary.**
- (2) Petition #2 proposes a town-wide reduction to parking requirements for all parking related to “shopping centers” wherever they exist in town. With several small commercial properties in the Gateway Conservation Zone, this proposal needs the “approval” of the Gateway Commission to become effective because they would apply to these properties IF there was a “shopping center” on them. No “shopping centers” exist on these B-2 properties, so this change wouldn’t impact any Conservation Zone properties. Further, the properties are small and each of them is already developed; none would accommodate a “shopping center”. Finally, even if the several commercial properties were to be combined (tremendously unlikely) and a “shopping center” built, the area where the properties exist cannot be seen from the river or its tributaries. **RECOMMENDATION: Approve second petition as implementation of the changes will have no impact whatsoever on Gateway interests.**

**Other Items of Interest**

- **Lyme, 100-1 Joshuatown Road, Peter and MyLan Sarner.** ZEO Ross Byrne is close to finishing negotiations with the Sarners where an agreement will be approved to replant the riparian buffer on Hamburg Cove, including what plants will be used (plants that stabilize the buffer, match adjacent “wild” vegetation and are native and non-invasive). Byrne has also required the planting of a “rain garden” on the upslope side of the plantings to catch and detain/retain stormwater to aid in efforts to maintain water quality of any effluent making its way into the Cove. The planting and minimal excavation required to establish the rain garden will be required to be completed by April 30, 2022.
- **Haddam Regulation Proposals.** Both of these proposals are simple and would have no significant impact on Gateway interests. The petitions came in on Tuesday, November 30, 2021 after the agenda has been posted, so Gateway review will wait until the January 27, 2022 meeting, which is satisfactory to the Town Planner Bill Warner.
  - (1) **Adult-Oriented Businesses.** Courts have found that towns *must* make provisions to allow for adult-oriented businesses as a matter of Constitutional law (First Amendment rights). Most towns have adopted such regulations including seven of the eight Gateway towns. Haddam has not. Haddam is proposing to allow such businesses by Special Exception on the one property identified as “Industrial I-2 District”. That property is currently occupied by the Connecticut Yankee in Haddam Neck, a site located within the Conservation Zone. This regulatory strategy satisfies legal requirements but requires Gateway “approval” to become effective. The town has made provision for this “free speech” use, although in reality it could never be established on that site, at least not under present conditions. It is up to a potential applicant to find a way to establish such a use on the property where the use is allowed.
  - (2) **Town-wide Prohibitions.** Proposed regulations also include new language regarding town-wide prohibitions. Specifically, tattoo parlors, currently prohibited, will be removed from the prohibition list as the town plans to allow them. In this case, an existing nonconforming tattoo parlor which exists in Tylerville in the Conservation Zone will relocate to Higganum Center, and the town wants to facilitate this move.
- **201 North Cove Road, Saybrook Point, Old Saybrook.** The Commission has seen two preliminary presentations (presentations before the application is submitted to the ZBA where Gateway is providing input but not making any official decisions) for a detached garage located within the 100 foot required vegetative buffer and structure setbacks as well as a large home addition that encroaches minimally into the same two setbacks. Architect Joe Bergin is working on another design, one that moves the structure completely out of the aforementioned setback/buffer, but into the street setback up by the road. The garage would therefore be further away from the river’s edge, but still in the flood zone and still be in need of a variance, although from a different regulation. His thought was that Gateway would be satisfied that variances of Gateway standards wouldn’t be required. He was informed that the regulations from which variances are required isn’t germane to visual impact analysis. Any variance brings the project into the Gateway purview, not just variances of Gateway standards. Bergin requested that the Commission hold another preliminary meeting to discuss this new design. In

consultation with Suzanne, staff informed Bergin that the Commission is pretty familiar with the lay of the land there based upon the two previous discussions, and Bergin is pretty familiar with Gateway's feelings about this project. He was told that the next time Gateway reviews this proposal, it should be through the official referral from the ZBA after the application has been submitted to the land use office. Staff mentioned to Bergin that if the relocation of the garage requires the construction of a substantial retaining wall to hold up the slope adjacent to the road, he may be trading one problem for another as Gateway can have significant concerns about the appearance of retaining walls in some circumstances. **Joe Bergin has subsequently informed staff that the proposal won't move the garage completely out of the 100 foot setbacks but will be smaller. Plans have yet to be seen.**

- **Old Saybrook.** A local decision on this regulation will be made in December with the "decision" forwarded to the Gateway Commission for review at its January 27, 2022 meeting.  
**Regulation proposal to include a middle category for commercial building size caps.** In the B-2 Shopping Center District regulations (limited B-2 District exists in the Conservation Zone, hence the need for Gateway approval), building footprints are capped at 25,000 for properties up to 12 acres in size. The cap on buildings for properties over 12 acres is 88,000 square feet. The proposal calls for a middle category: for property OVER 5 acres by less than 12 acres, the cap will be 35,000 square feet. The only properties 5 acres or more in the Conservation Zone are in the area of the La Marea restaurant just past Route 9, an area that cannot be seen from the river or its tributaries. The area of B-2 that exists further up Essex Road in the area of the Ferry Point marinas include no properties over 5 acres. For that reason, this proposed change would have no impact on Gateway interests.
- **Chairman's Report.** As presented.
- **Finance Committee:** Presentation of bills: Dorene Warner (W-Design) \$1,785; CT River Conservancy "Source to "Sea" Cleanup, \$2,500; Staff billing (\$ )
- **Rules of Procedure Committee:** Report as necessary.
- **Community Relations/Communications Committee:** Status of committee work on the marketing and website project. Possible discussion of planning for 2022 boat trip.
- **Land Committee:** Update on Land Committee initiatives (Executive Session).
- **Grants Review Committee:** Update on status.