



**CT River Gateway Commission  
Regular Meeting Minutes – Hybrid  
Meeting Thursday, September 28, 2023,  
7:00 PM RiverCOG Conference Room  
and via Zoom**

**Present: Chester:** Misha Semënov-Leiva; **Deep River:** Jerry Roberts; **Haddam:** Erin Ortega (Alternate); **Lyme:** Melvin Woody (Vice Chair, arrived at 7:30 PM), Susan Fox (Alternate); **Old Lyme:** Suzanne Thompson (Chair), Greg Futoma (Alternate); **Old Saybrook:** Diane Stober (Treasurer); **RiverCOG North:** Raul de Brigard, Alan Ponanski (Alternate; Voting for E. Haddam tonight); **CT DEEP:** Kathleen Perzanowski

**Absent: Chester:** Tom Brelsford (Alternate); **East Haddam:** Crary Brownell; Debbie Langdon (Alternate); **Fenwick:** Newt Brainard; **Haddam:** Mike Farina; **Old Saybrook:** William Webb (Secretary); **RiverCOG South:** Judy Preston

**Staff support present:** Susie Beckman (RiverCOG), Amy Huot (Clerk)

### **I. Agenda**

1. Call to Order: Chair Thompson called the meeting to order at 7:03 PM.

2. Approval of Agenda

A **motion** was made by J. Roberts, seconded by G. Futoma to add agenda item “5h”, 25 North Cove, Old Saybrook, to the agenda.

**Voting in favor:** M. Semënov-Leiva, J. Roberts, A. Ponanski, E. Ortega, S. Fox, S. Thompson, D. Stober, R. de Brigard, K. Perzanowski; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 9-0-0.

3. Approval of 8/24/2023 Regular Meeting Minutes

A **motion** was made by J. Roberts, seconded by D. Stober, to approve the meeting minutes August 24, 2023 Regular Meeting Minutes.

**Voting in favor:** M. Semënov-Leiva, J. Roberts, A. Ponanski, E. Ortega, S. Fox, S. Thompson, D. Stober, R. de Brigard, K. Perzanowski; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 9-0-0.

4. Update on Referrals Considerations by the CRGC

Ms. Beckman noted that she spoke with Attorney Matt Willis and sent Commissioners “The Connecticut River Gateway Commission Commenting on Variances”. This document describes roles and responsibilities for the CRGC and the role of the member towns’ Zoning Board of Appeals (ZBA) for receiving and acting upon a CRGC determination.

Mr. de Brigard reinforced the document’s contents by noting that the CRGC does not approve or disapprove referrals, it only reviews the referral to assess if the application violates the Gateway Standards, which protect the traditional river view scene and the ecology of the river and its tributaries. He also noted that the statute requires town ZBAs to include the Gateway Standards in their decisions. Chair Thompson noted that a reminder to the town ZBAs about the CRGC and ZBA roles in these applications would be helpful, especially after the upcoming Municipal Elections in November, which

may result in new ZBA and ZC members in the 8 member towns.

Before moving onto the next agenda item, Chair Thompson introduced the newest Commissioner, Ms. Erin Ortega, Haddam alternate. Mr. Carl Thompson, a candidate for the Essex Commissioner role, visited to learn more about the CRGC.

#### 5. Review of Referrals

##### a. Essex – 17 West Street Variance

A **motion** was made by Mr. de Brigard, seconded by Mr. Roberts, to make a determination that the update does not violate the standards.

**Voting in favor:** M. Semënov-Leiva, J. Roberts, A. Ponanski, E. Ortega, S. Fox, S. Thompson, D. Stober, R. de Brigard, K. Perzanowski; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 9-0-0.

##### b. Lyme – Proposed Amendment to Lyme Zoning Regulations

Ms. Fox noted the property is not within the Gateway Zone, however, a town wide regulation change might negatively affect properties within the Gateway Zone in Lyme and other member towns. Mr. de Brigard commented that a zoning change is problematic because the CRGC does not know what it could lead to in the future.

A **motion** was made by Mr. Ponanski, seconded by Mr. de Brigard, to draft a letter expressing disapproval of the proposed zoning amendment in Lyme and to send it to all Commissioners as the proposed amendment could affect all towns.

**Voting in favor:** M. Semënov-Leiva, J. Roberts, A. Ponanski, E. Ortega, S. Fox, S. Thompson, D. Stober, R. de Brigard, K. Perzanowski; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 9-0-0.

##### c. Old Lyme – 71 Shore Road Special Exception

Mr. Futoma and Ms. Perzanowski recused themselves from the discussion as they work directly with Ms. Rachel Gaudio, property owner of 71 Shore Rd. in Old Lyme. Ms. Gaudio stated that out of an abundance of caution, she advised that she has served with several of the CRGC Commissioners through various other commissions and case work.

Ms. Gaudio confirmed that the house has been set far back from the river, however it will still be seen from the river. The land between the property and the river is owned by the Nature Conservancy and is only mowed once per year for habitat management. Ms. Gaudio also noted there is another property between their property and the river.

Ms. Gaudio said they are looking to build a 4800 SF home for ADA compliance purposes. She further noted that there will be no uplighting for light pollution avoidance purposes and lighting in the parking area is completely obstructed from the river with no flood lights proposed. Mr. de Brigard noted he would like the lighting specifications added to the plan that will be approved.

Ms. Gaudio stated the house will be set at an angle to minimize the view from the river.

A **motion** was made by Mr. Woody, seconded by Ms. Stober, to draft a letter stating the house appears

to conform with the Gateway Standards.

**Voting in favor:** M. Semënov-Leiva, J. Roberts, A. Ponanski, E. Ortega, S. Fox, S. Thompson, D. Stober, R. de Brigard; **Opposed:** None; **Abstaining:** K. Perzanowski. The motion **passed**, 8-0-1.

Mr. Futoma noted that in Old Lyme, the other rivers in the Gateway Zone should be considered to ensure the standards are met there as well.

d. Haddam – Zoning Map Change

Ms. Beckman stated the change has already been approved by the Haddam Planning and Zoning Commission, and now the CRGC can approve or disapprove the zoning map change.

Ms. Beckman noted that the zoning change was being made to build more single-story apartments for residents 55 and older. Ms. Ortega confirmed it will not be visible from the river. Ms. Beckman noted the project will come back before the CRGC again because the total living space will be over 4,000 SF.

Mr. de Brigard made a **motion**, seconded by Mr. Ponanski, to draft a letter that the CRGC does not object to the zoning map amendment, but applicants must be aware that the development will need to come before the CRGC if it exceeds 4000 SF per Section J of the Gateway Standards.

**Voting in favor:** M. Semënov-Leiva, J. Roberts, A. Ponanski, E. Ortega, S. Fox, S. Thompson, D. Stober, R. de Brigard, K. Perzanowski; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 9-0-0.

Ms. Stober left the meeting at 8:00 PM.

e. Essex – 15 Novelty Lane Variance

Mr. Nate Misbach from Alliance Designer Products presented the plan on behalf of the property owner. The owner is looking to install a pool plus a permeable bluestone patio. There will be no fence around the pool because it will have an automatic cover. The pool has one low voltage light that will face towards the house, but it will be off when the pool is not in use.

When asked about a riparian buffer zone, Mr. Misbach said the owner had planned to create a 50 FT long vegetative buffer line with local vegetation.

Mr. Misbach said the pool will be saltwater, no chemicals will be added, and the pool equipment will not be visible from the cove or river. Mr. Semënov-Leiva noted that other properties with similar characteristics have been disapproved by CRGC and urged consistency.

The Commission determined that Mr. Ponanski, Mr. Roberts, and Ms. Beckman will draft a letter stating the CRGC does not object to the referral and will include a very detailed explanation as to why it is not objecting to this application.

A **motion** was made by Mr. de Brigard, seconded by Mr. Ponanski, to draft a letter stating the CRGC will not object to the proposal subject to a detailed explanation as to why the Commission is not objecting despite it being a violation of the **Section C** in the Gateway Standard (No building or structure can be constructed, reconstructed, enlarged, extended, moved or structurally altered within 100 FT of the

Coastal Jurisdiction Line). The language as follows: We do not object to this specific application on the grounds it is in the cove area, the property is surrounded by impervious surfaces, the pool is flush with the natural grade, it cannot be seen from the river, it has one light that goes on and off, but the Commission would like to see a natural riparian buffer with native plants planted between the pool and wall of the cove and ask for improvements for a more natural setting.

**Voting in favor:** A. Ponanski, E. Ortega, S. Fox, S. Thompson, R. de Brigard, K. Perzanowski; **Opposed:** None; **Abstaining:** M. Semënov-Leiva, J. Roberts. The motion **passed**, 6-0-2.

f. Essex - 15 Maple Ave Variance

The variance requested is to add a structure addition, which violates the Essex side yard setbacks.

After discussion, an **amended motion** was made by Mr. Roberts, seconded by Mr. Ponanski, to draft a letter stating this does not violate the Gateway standards so the CRGC does not object, but the Commission expects that the owner will follow best practices including but not limited to avoiding night light pollution, decreasing impervious surfaces, adding native vegetation, and avoidance of water infiltration.

**Voting in favor:** M. Semënov-Leiva, J. Roberts, A. Ponanski, E. Ortega, S. Fox, S. Thompson, R. de Brigard, K. Perzanowski; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 8-0-0.

Mr. Semënov-Leiva requested that the letter also include standard language with the expectation that the property owner acts to improve the property through preservation of large trees, the replacement of dead trees, minimization of use of impervious surfaces, increase infiltration as much as possible, and minimization of outdoor lighting that causes light pollution.

The Commission requested that Ms. Beckman create general and consistent boilerplate language for the letters to referral applicants.

g. Old Saybrook – Zoning Regulation Change Drive-Through Moratorium

A **motion** was made by Mr. Roberts, seconded by Mr. Ponanski, to draft a letter stating the CRGC does not object to this proposal.

**Voting in favor:** M. Semënov-Leiva, J. Roberts, A. Ponanski, E. Ortega, S. Fox, S. Thompson, R. de Brigard, K. Perzanowski; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 8-0-0.

h. Updated agenda item: 25 North Cove, Old Saybrook

Ms. Jessica Palazzo and Mr. Joe Wren, PE of Indigo Design, presented the application. Mr. Wren reviewed the changes made since the design was last presented to the CRGC. Mr. Wren showed that the riparian buffer was updated with native vegetation, the pool was downsized and will be located closer to the house, and the patio was minimized.

Ms. Palazzo said a plunge pool is not an option because her daughters swim and need to practice. Mr. Wren pointed out that it will be nearly impossible to see the pool from the river due to the distance from the river and structure of the pool.

Chair Thompson noted different groupings of a variety of native plants would work better as a riparian buffer than singular row of individual shrubs proposed and a buffer of 10 FT to 15 FT would help keep fertilizers, pesticides, and other pollutants from getting to the CT River.

Ms. Palazzo agreed to adding additional native vegetation next to the proposed riparian buffer currently proposed.

A **motion** was made by R. de Brigard, seconded by A. Ponanski, to draft a letter of approval based on the agreed upon conditions discussed, which includes expanding the riparian buffer to 10 FT wide with a diversity of native perennials and shrubs, a minimum of 5 species, to be planted and maintained in the location discussed in the September 28, 2023 CRGC meeting. An updated plan should be provided that includes the additional vegetation and dark skies compliant lighting.

**Voting in favor:** M. Semënov-Leiva, J. Roberts, A. Ponanski, E. Ortega, S. Fox, S. Thompson, R. de Brigard, K. Perzanowski; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 8-0-0.

Mr. Wren requested the letter for Monday, Oct. 2. Ms. Beckman said she will send the letter to Commissioners immediately. Mr. Wren also requested recommendations on vegetation.

#### 6. Correspondence/Staff Report

Ms. Beckman has been requested to include site topography, views from the water, and coverage information in her summaries to Commissioners.

#### 7. Chairman's Report

Nothing presented due to length of meeting.

#### 8. Old Business

##### a. Haddam – Cell Tower Siting AdHoc Committee Update

Mr. Sean Cyr, an abutting neighbor, requested information and the CRGC's opinion of the cell tower. Mr. de Brigard noted the time to comment on this proposal is before the Citing Council. Mr. de Brigard is also curious about input from neighbors as well.

Mr. Cyr stated his concern was the vicinity of the proposed tower in relation to the river and that it could be located further east into the property, offering more of a buffer from residents and those on the river. Mr. Cyr stated they have spotted Eastern Box turtles on their property, which is close to the proposed location of the tower.

Mr. de Brigard noted the Citing Council should have the applications, including environmental impacts, filed online, but the ad hoc committee can investigate. He further stated that the proposal the Commission has seen does not mention that the tower is within the Gateway Zone.

Chair Thompson asked the ad hoc committee to get together and get a copy of the full application. Mr. de Brigard stated he would contact the Citing Council to see if it has the full application.

b. Beech Trees – Policy re: removal of dead/diseased - AdHoc Committee: This item was not discussed.

9. New Business: None presented.

10. Committee Reports

a. Treasurer – Approve Bills

A **motion** was made by Mr. Roberts, seconded by Mr. Ponanski, to pay the bills. The bills are as follows: River COG: Ms. Beckman: \$6,399, Mr. Downes: \$690, Ms. Fernald: \$153, Mr. Gold: \$340, Communications: \$188; Ms. Huot: \$304.75; Halloran and Sage for Attorney Willis time: \$240.

**Voting in favor:** M. Semënov-Leiva, J. Roberts, A. Ponanski, E. Ortega, S. Fox, S. Thompson, R. de Brigard, K. Perzanowski; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 8-0-0.

b. Communications – Update

Mr. Futoma stated the CRGC summaries for member towns’ annual reports had been completed for Old Lyme, Old Saybrook and Essex. The Committee is working on the report for Lyme. Mr. Futoma noted this template can be used in annual reports for other towns if requested. The Committee also wrote an article about the 50<sup>th</sup> anniversary celebration at Roger Tory Peterson Estuary Center for the Events magazine for Old Lyme. Mr. Futoma stated that Haddam has asked CRGC if it had a summary flyer or brochure that could be included in welcome packets for new residents. The Communications Committee will be drafting a general brochure for this purpose. It can be used by other towns as well.

Old Lyme Land Trust requested that “Lights Out CT” be supported by the CRGC. The Land Trust is asking that residents pledge to minimize all non-essential lights during spring and fall migration periods.

A **motion** was made by A. Ponanski, seconded by J. Roberts to support this initiative.

**Voting in favor:** M. Semënov-Leiva, J. Roberts, A. Ponanski, E. Ortega, S. Fox, S. Thompson, R. de Brigard, K. Perzanowski; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 8-0-0.

Mr. Futoma mentioned that 8 Mile Riverfest will be held on Saturday, October 14, from 1:00 PM to 4:00 PM and to please contact him to volunteer at the CRGC table. Mr. Ponanski volunteered to help.

There will be a CT River Museum seminar on December 13. It will be a panel discussion with Chair Thompson, Mr. Roberts, and Ms. Preston.

Ms. Perzanowski noted that she is in contact with Essex Steam Train staff and will create a narration about commemorating 50 years of Gateway Conservation Zone and the Commission to present to them to be used this fall on public train rides. Please send content suggestions to Mr. Futoma and Ms. Perzanowski to help with narration.

Mr. Futoma said there is a CT Department of Transportation effort to work on topographical mapping that could be useful for CRGC. He said he will send Mr. Roberts more information.

c. Rules of Procedures – Update

Mr. Roberts noted that the town of Deep River has accepted the shadow zone recommendations and he

requested the town let the Committee know how they would like to formally change the regulations within the zone.

d. Land Committee - **Executive Session**. Potential acquisition of land in the Gateway Conservation Zone

A **motion** was made by Chair Thompson, seconded by A. Ponanski to move into Executive Session.

**Voting in favor:** M. Semënov-Leiva, J. Roberts, A. Ponanski, E. Ortega, S. Fox, S. Thompson, R. de Brigard, K. Perzanowski; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 8-0-0.

Executive Session at 10:20 PM

A **motion** was made by A. Ponanski, seconded by Ms. Pozanski, to close the Executive Session.

A **motion** was made by A. Ponanski, seconded by G. Futoma, that the CRGC authorizes Chair Thompson and Ms. Stober to negotiate the matter of land preservation collaboration and bring it back to the Commission for review, subject to CRGC commissioner approval.

**Voting in favor:** M. Semënov-Leiva, J. Roberts, A. Ponanski, E. Ortega, S. Fox, S. Thompson, R. de Brigard, K. Perzanowski; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 8-0-0.

#### 11. Adjournment

A motion was made by R. De Brigard, seconded by M. Woody to adjourn.

**Voting in favor:** M. Semënov-Leiva, J. Roberts, A. Ponanski, E. Ortega, S. Fox, S. Thompson, R. de Brigard, K. Perzanowski; **Opposed:** None; **Abstaining:** None. The motion **passed** unanimously, 8-0-0.

The meeting was adjourned at 10:32 PM.

Respectfully submitted,

Amy Huot, Clerk

**The next regular meeting of the Gateway Commission is scheduled for Thursday, October 26, 2023, at 7:00 PM.**

Minutes are posted in compliance with Connecticut's Freedom of Information Act. Please note that edits may be made to these minutes prior to their acceptance by the Commission at its next meeting. Any changes will be included within the next meeting's minutes.