

CONNECTICUT RIVER GATEWAY COMMISSION

REGULAR MEETING MINUTES

February 23, 2017

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

Chester:	Margaret (Peggy) Wilson, Errol Horner (E)
Deep River:	Nancy Fischbach, Kate Cotton
East Haddam:	Harvey Thomas, Crary Brownell (E)
Essex:	Claire Matthews (E), Jerri MacMillian (E)
Fenwick:	Fran Adams, Borough Warden
Haddam:	Susan Bement (E), Chip Frey
Lyme:	J. Melvin Woody, Emily Bjornberg (E)
Old Lyme:	Peter Cable, Suzanne Thompson
Old Saybrook:	Madge Fish, Belinda Ahern (E)
Regional Rep:	Raul Debrigard
DEEP:	David Blatt
Staff:	J. H. Torrance Downes
Guests:	Whitey Wilson, Tom Metcalf, John Bennet, Chris Smith, Charles Mueller

Call to Order

Chairman **Woody** called the regular meeting of the Connecticut River Gateway Commission to order at RiverCOG offices located at 145 Dennison Road, Essex at 7:45 pm.

Approval of 1/26/17 Regular Meeting Minutes

Upon a motion by **Wilson**, seconded by **Thompson**, the 1/26/17 regular meeting minutes were approved unanimously.

Melissa Schlag, Representing "Save the Sound"

Members voted to amend the agenda to allow Melissa Schlag to read a statement requesting testimony for the constitutional amendment for land protection. The testimony should be submitted to the GAE committee by the end of the day on Friday, February 24, 2017 (the testimony, prepared by Downes and sent on 2/24/17 is attached). Motion to send testimony by **Fischbach**, seconded by **Cable**, passed unanimously.

Pre-Application Discussion, 175 Saybrook Road, Essex

Tom Metcalf and John Bennet were present to discuss the development on behalf of property owner Mike Picard. A site plan and architectural renderings were presented showing the location of the existing one-story dwelling and the location of the proposed two-story dwelling which will be moved away from the cove by an amount approximately equal to the width of the existing structure and out of the 50 foot structure setback (Essex has yet to adopt the 100 foot structure setback and 50 foot riparian buffer). A portion of the proposed dwelling will extend into the southerly side setback requiring a variance. The overall length of the proposed structure facing the cove will be slightly shorter than existing. The proposal includes a pool structure located within the southerly setback which is comprised of columns and a roof, but not enclosed. On the northern boundary and in the setback will be a small accessory structure to the northwest of the proposed garage structure. The proposed gravel driveway will access the garage on the north side of the lot.

Metcalf and Bennet addressed the existence of a variance that would appear to allow the construction of a two-story garage and storage building nearer Saybrook Road that had never been built. Bennet offered that that structure could be built, but the property owner has offered to "extinguish" that approval because the visual impact of that structure *above* then new house would be significant, if built. The property owner has no intention of constructing such structure. In addition, an existing shed located in a setback will be removed, lessening that particular

nonconformity as well. A variance approved to allow a partial second story to be built on the existing structure will be superceded by the proposed variances as the existing structure will be demolished. The property owner, through Metcalf and Bennet, agreed to plant low vegetation between the new structure and the cove which will act as a riparian buffer. The property owner agreed to retain two large oaks (40 and 50 inch) located near the northeastern corner of the property adjacent to the cove. The parking area to the north of the proposed garage will be gravel. **Cotton** asked that visual buffering vegetation be planted on the eastern side of the parking area so as to block the view of vehicles parked in that area and to block the view of the proposed accessory structure to be located in that area of the lot. All vegetation to be planted is to be native. Commission members agreed that if no substantial changes are made to this preliminary plan, there would be no need to return to the Gateway Commission to review, that Downes can handle administratively. The letter of “no opposition” will contain the conditions as noted in this discussion.

Essex, Carlson Landing, LLC

Attorney Chris Smith presented the petition which requests that the 30 foot height maximum in the Waterfront Business District be extended from 30 feet to 35 feet from existing natural grade. The petitioner will be submitting an application to construct a building that will be marina-related with an accessory restaurant that exceeds 30 feet. In that the 35 foot maximum height from existing natural grade is consistent with the Gateway minimum standard, Gateway had no objection to this revision. Motion by **Fischbach**, seconded by **Wilson**, to approve the proposed petition as presented. Passed unanimously.

Chester, Regulations regarding Special Exception and Variance Procedures. Sylvia Rutkowska of Dzialo, Picket & Allen represented the Chester Planning & Zoning Commission and presented information regarding the previously approved variances and special exceptions that would be “revived” with the proposed ten (10) year “reachback” provision. Rutkowski indicated that only two variances previously approved would be “revived”, including the “Barnick” variance. Only one special exception previously approved would be allowed to continue according to the new provisions (Chester Point Marina). As a result of this new information, and upon a motion by **Fischbach**, seconded by **Cable**, the petition regarding ZBA procedures (Section 140J) was approved unanimously. Upon a motion by **Fischbach**, seconded by **Thomas**, the petition regarding Special Exception procedures (Section 120L5) was also approved unanimously.

Essex, River Properties, LLC

Attorney John Bennet represented the petitioner who proposes to allow residential use as an accessory in the Waterfront Business District. The petitioner owns the dwelling located on Pratt Street adjacent to the Brewers Dauntless Marina. The nearby residential dwellings up Pratt Street are located in the village district where residential uses are conforming. A 2007 regulation change eliminated “residential uses” from the Waterfront Business District, rendering this residential use as nonconforming. The petition will allow for the combination of a marine related business in a residential structure. Very little, if any, change to the natural and traditional river scene would occur were the petition to be approved. Motion to approve by **Fischbach**, seconded by **Fish**, approved unanimously.

Treasurers Report

- **Audit** : After distributing electronic copies of the audit, **Wilson** offered members the opportunity to ask any questions about the audit, which showed Gateway to be in good financial shape and with no outstanding adverse issues. Motion to accept the audit by **Fischbach**, seconded by **Fish**, passed unanimously.
- **Bills**: Bills presented for payment for December staffing (\$2,757.20). Motion by **Fischbach**, seconded by **Blatt** to approve, passed unanimously.

Items of Interest Report

Goodspeed Airport Scenic Easement/Campbell Hudson.

Process still moving forward.

Review of East Haddam Plan of Conservation & Development. Staff prepared a letter reviewing the current PoCD language in the

2010 plan. Only change recommended is information on the new standards that will be adopted within several months. Otherwise, GW-related language is acceptable.

CT Land Conservation Council. Registration for workshops opened 2/1/17. **Woody** and **Downes** have met to coordinate on the presentation to be made at the March 19, 2017 workshop. Downes was able to have drone photos and videos produced for several properties in the Conservation Zone that will be used as a part of the presentation. Several videos/photos will be shown at the Gateway meeting.

Annual East Haddam Land Trust Calendar Fund Request. The EHLT Nature Calendar will be produced again this year, and funding is being sought from the Gateway Commission. Each year, the Commission has provided a grant of \$100 to the effort.

Motion by Fischbach, seconded by Wilson to donate \$100 as has been done for the past several years. Thomas abstained. Passed unanimously.

Presentation of Drone Photos and Videos. Downes presented several drone videos that he and a neighbor made over the previous weekend. The videos were shown to demonstrate how the technology can be used for Gateway-related field work, and to show aerial videos of several properties that Gateway has an interest in, including the Haddam Neck hillside area, the "Bonanomi" property in Chester, the Roger Tory Peterson property in Old Lyme and the Watch Rock Preserve in Old Lyme. Downes is working with the videos in hopes of including them in some sort of presentation format to back up the CLCC presentation to be made by **Woody** and Downes on March 18, 2017.

Committee Reports

Land Committee **Wilson** corrected numbers that had been presented at the January meeting regarding the final tabulation of the Halverson parcel in Haddam Neck. A January entry of approximately \$6900 on the Treasurer's Report was due to the reimbursement of unused funds from the Middlesex Land Trust. It was reported that, according to Jim McHutchison and David Brown, all is quiet in Haddam Neck at the moment.

Outreach Committee

It was reported that the Outreach Committee couldn't meet prior to the meeting. When it convenes on the following Thursday, the committee will take up the issue of publicity and promotion. On another note, Downes reported that the work on reprinting of kayak trail guides continues.

Governance Committee

Fischbach reported that she continues to work on the standards draft for distribution prior to setting the Gateway public hearing.

Old Business . None.

New Business. None.

Adjournment. Upon motion by **Wilson** and **Cable**, the meeting adjourned at 9:20p.



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Chester
Deep River
East Haddam
Essex
Haddam
Lyme
Old Lyme
Old Saybrook

February 24, 2017

NOTE: Letter sent, NOT a draft.

Representative Daniel Fox
Senator Gary Winfield
Senator Michael A. McLachlan
Government Administrations and Elections Committee
Legislative Office Building, Room 2200
Hartford, Connecticut 06106

SUBJECT: Support of Senate Joint Resolution 39 (SJ39), “Resolution Approving an Amendment to the State Constitution to Protect Real Property Held or Controlled by the State”

Dear Representative Fox, Senator Winfield and Senator McLachlan:

This testimony is being submitted in strong support of Senate Joint Resolution 39 concerning the protection of real property held or controlled by the State of Connecticut. The Connecticut River Gateway Commission, enabled through Connecticut State Statute Sections 25-102a through 102s, was directly and adversely impacted by the event that “triggered” the need for this amendment, the now infamous “Tylerville Swap”.

The Gateway Commission’s 43 year mission of protection in the lower Connecticut River includes a land acquisition component whereby Gateway, with partners and by itself, acquires undeveloped land along the hillsides of the Gateway Conservation Zone in fee and in the form of scenic and conservation easements. Once acquired, Gateway then transfers to land and easements to conservation partners including the State of Connecticut and local land trusts. The Commission has been involved in the conservation of over 1,000 acres of land in the lower Connecticut River Valley, providing over \$1 million dollars of grants to do so.

Because of the trust placed in the Gateway Commission by private donors to act as a conservation partner in the lower river, members took great exception to the “Tylerville Swap”, sending many letters of opposition to the Department of Energy and Environmental Protection, the State Legislature and Governor Malloy as well as providing testimony to the General Assembly in an attempt to stop what was seen as an attack on the conservation community’s ability to securely protect open space from development. Because of that proposed “swap”, Gateway heard from many constituents and potential donors who indicated that they would not donate land to Gateway and the State again because of the possibility that their preservation efforts could be undone with a vote of the State Legislature.

Although the “swap” didn’t occur, Gateway has been supportive of efforts to formalize a review

process that it hopes will prevent such a plan from ever coming forth again. Or, if such a plan *does* come forth, it will be fully vetted in the "light of day" before consideration of transferring land placed in conservation for purposes other than such preservation.

Thank you for your consideration of this testimony and anticipated support of this Constitutional Amendment.

For the Commission,



J. H. Torrance Downes
Deputy Director, RiverCOG
Staff to the Connecticut River Gateway
Commission

Copies to:

Representative Devin Carney, 23rd General Assembly District
Representative Robert Siegrist, 36th General Assembly District
Representative Melissa Ziobron, 34th General Assembly District
Senator Art Linares, 33rd Senate District
Senator Paul Formica, 20th Senate District

Dr. Melvin Woody, Chairman, CT River Gateway Commission
Carl Fortuna, First Selectman, Old Saybrook
Bonnie Reemsnyder, First Selectman, Old Lyme
Ralph Eno, First Selectman, Lyme
Norm Needleman, First Selectman, Essex
Angus McDonald, First Selectman, Deep River
Lauren Gister, First Selectman, Chester
Lizz Milardo, First Selectman, Haddam
Emmett Lyman III, First Selectman, East Haddam
Robert Friedmann, Chairman, Old Saybrook Zoning Commission
Jane Cable, Chairman, Old Lyme Zoning Commission
David Tiffany, Chairman, Lyme Planning & Zoning Commission
Larry Shipman, Chairman, Essex Zoning Commission
Melissa Schlag, CFE