

# CONNECTICUT RIVER GATEWAY COMMISSION

## REGULAR MEETING MINUTES

June 22, 2017

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

<b>Chester:</b>	<b>Margaret (Peggy) Wilson</b> , <i>Errol Horner</i>
<b>Deep River:</b>	<b>Nancy Fischbach, Kate Cotton</b>
<b>East Haddam:</b>	<b>Harvey Thomas, Crary Brownell</b>
<i>Essex:</i>	<i>Claire Matthew (E), Jerri MacMillian (E)</i>
<i>Fenwick:</i>	<i>Fran Adams, Borough Warden</i>
<i>Haddam:</i>	<b>Susan Bement</b> , <i>Vacancy</i>
<b>Lyme:</b>	<b>J. Melvin Woody</b> , <i>Vacancy</i>
<b>Old Lyme:</b>	<b>Peter Cable</b> , <i>Suzanne Thompson (E)</i>
<b>Old Saybrook:</b>	<b>Madge Fish</b> , <i>Vacancy</i>
<i>Regional Rep:</i>	<i>Raul Debrigard</i>
<b>DEEP:</b>	<b>David Blatt</b>
<b>Staff:</b>	J H Torrance Downes
<b>Guests:</b>	Chad Frost, Doug Vanderhorn, Carley, Joe Mingionello, Attorney Joe Rini

### 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 7:30 pm.

### Introduction

**Woody** introduced Wendy Hill of Lyme, the likely successor to Emily **Bjornberg** who resigned from the Commission. **Woody** also announced that Chip **Frey** of Haddam resigned from the Commission as well.

### Approval of 5/22/17 Regular Meeting Minutes

Upon a motion by **Fischbach**, seconded by **Cable**, the 5/22/17 regular meeting minutes were approved unanimously with **Fischbach** abstaining. The following corrections were included:

1. **Cotton** was in attendance. Minutes didn't reflect that.
2. Various minor revisions from **Woody**.

### Preliminary Discussion, 50-Unit over 55 Residential Development, Mouth of Chester Creek, Chester

Attorney Joe Rini of New Haven spoke on behalf of his client, Developer Joe Mingionello of Haddam. The property in question is a treed lot at the mouth of Chester Creek and on the Connecticut River. Rini referred to the idea of a 50-unit over 55 upscale residential development. The proposal would include a packaged sewage treatment facility. A small watercolor rendering was shown as an example of what the structure might look like. The structure would likely be two stories and have underground parking. **Woody** indicated that the zoning in that part of Chester was "marina", requiring that any residential development would need a marina component. In addition, existing zoning – the Waterfront Design District – permits no residential uses, which would require a zoning amendment petition. **Woody** explained that such a petition would come to the Gateway Commission for approval pursuant to Section 25-102g of the CT General Statutes. **Fischbach** asked Mr. Mingionello how a building of this visual mass would fit into the "natural and traditional riverway scene". He was also asked why the necessary zoning change proposal was appropriate. **Fischbach** explained that the purpose of the Commission – its statutory mission – is to protect and preserve the visual character of the lower river valley. Comments were made regarding the access roadway and the fact that it was private and was prone to flooding. Downes then summarized the communications he has had with Mr. Mingionello, including a visit to the site in question. Downes explained that he had attempted to manage the expectations of Mr. Mingionello with respect to whether or not a design for a two story residential dwelling at the

mouth of the Chester Creek was in keeping with the protective mission of the Gateway Commission. Mr. Minginonello has expressed, as he did during this discussion, that what he “knew” was that the town needs tax revenue and that this development would provide it. Attorney Rini stated that he and Mr. Minginoello are aware of many “New Yorkers” who would love to live in a development like this on the Connecticut River. As for the design shown on the watercolor rendering, there were no questions regarding the *quality* of the development or of Mr. Minginonello’s work in general.

#### Essex, Review of Variance Application of John and Susan Abbot for property located at 151 River Road.

The revised design of the new proposed structure was presented by Vanderhorn and Frost. The design includes a recontoured front of the property between the road and the proposed structure location that lessens an existing nonconformity. Vanderhorn reported that the structure will be three (3) feet lower than previously presented. An outdoor terrace area was reduced in size which allowed for the reduction of the size of proposed retaining walls. The new structure will be 2.5 feet lower than the existing structure. The measurement from “existing grade” will be 38.5 feet rather than 47 feet (by Essex measurement, 42 feet to the corner of the terrace). Of importance will be the dark color, both siding and roof materials, shown on images presented to the Commission. Landscaping and its ability to block the view of the retaining walls to the greatest extent practical will also be important. With the darker color, reduced mass and more uniform lines (as opposed to low areas interspersed with tower-like structures) will serve to likely reduce the visual impact over what exists at the site now. Motion to not oppose the granting of necessary variances by **Fischbach**, seconded by **Bement**, passed unanimously. Members thanked the applicant and representatives for taking Commission concerns and redesigning to mitigate what were seen to be significant visual impacts.

#### Treasurers Report

Financial Management. **Wilson** reported that the meeting with Essex Financial to interview advisors to replace Patrick Gingras will be reschedule.

Proposed Budget for 2017-2018. The proposed budget will be discussed at the July meeting. Overages for the past fiscal year occurred in staffing, accounting for the cost of the audit and included the \$5000 grant given to the Haddam Land Trust for the purchase of the Beaver Ledges property. The suggestion was made to separate land and grant expenditures under a separate section to be totaled separate from operating expenses.

Bills: **Wilson** reported that a bill is presented for payment for June staffing in the amount of \$2,508.68, Riverquest in the amount of \$1000, and for reimbursements for Cable (\$237.12), Cotton (\$48.70, \$22.99) and for grocery purchases bought with a RiverCOG credit card (\$253.06). Motion by **Fischbach**, seconded by **Bement** to approve, passed unanimously.

#### Items of Interest Report

##### Goodspeed Airport Scenic Easement/Campbell Hudson.

The acquisition of the scenic easement by the State of Connecticut is almost complete. The Land Acquisition Group has provided its comments to Attorney Campbell Hudson who in turn made the modifications after consultation with staff of Gateway. Gateway was asked to provide a letter which “approved of” the final easement language to be included in the state’s file on the acquisition. The letter (attached) was provided following review of the revised easement document. The final easement language, with its minor revisions, was consistent with the previous version to which Gateway provided its consent. Once all of these changes are incorporated, the easement document is sent to the Attorney General for final approval.

##### Preliminary Discussion - Chester Creek Multi-Family Development, 100 Units.

This is VERY preliminary discussion, an “update” on the desire on the part of this developer to build the development at the mouth of Chester Creek immediately on the river, and one where GW might perhaps manage his expectations. No detailed plans other than an artist’s rendering of a large building have been presented. Joe Minginello - Mr. “Ming” - has been rumbling around Chester and Haddam for quite a while and came to a GW meeting about eight months ago to get a sense for how the Commission works. I introduced him to the members. Nice man, just refuses to listen to all of the reasons that this kind of development *won’t* work in the proposed location.

Mr. “Ming” is a long-time builder who has talked about building a 100-unit over-55 development on property at the mouth of Chester Creek and on the CT River. I’ve briefed the Commission on this “idea” several times. I’ve spoken to him numerous times and have been to the site and have actively managed his expectations about the small likelihood of ever getting this idea off the

ground for numerous reasons. Although he says he *knows* that Chester would want the tax revenue from a development like this, I have told him numerous times that he should spend his resources more wisely, looking at other locations, perhaps not in the Conservation Zone (he's working on a residential development on the hillside about Route 154 in Haddam) where a development like this would be infinitely more appropriate.

Because the existing Chester Zoning Regulations do not allow ANY type of residential use in the Waterfront Design District (uses are only marine-related), I've informed him that, based upon the visual intrusion that large multi-family housing structures could create, Gateway would likely "disapprove" the regulation change that would be required and such change wouldn't become effective (Section 25-102g CGS). That said, multi-family in and of itself wouldn't necessarily create visual impacts (multi-family is permitted in the GW standards, but on a very limited scale), large structures would, and certainly when constructed immediately on the riverfront. As a note, the coverage allowance in the Waterfront District is limited to 10%, which would not accommodate a large-footprint structure. Between the limit of 10% coverage, tidal wetlands setbacks on three sides and a 35 foot height maximum, a large building couldn't be accommodated on the site without variances or regulations changes.

Another significant shortfall is that the only access road to the property is gravel, crosses a tidal creek via a one-lane bridge, and crosses numerous properties via access easements. Not ideal circumstances for multi-family for numerous reasons including emergency access. Placing that many people in a flood zone would also be inconsistent with the policies of the CT Coastal Management Act for flooding reasons, both with the structure and the limited access. The Chester P&Z would likely want no part of any of this proposal, although they haven't said as much. Mr. Minginello has then offered that, perhaps, "affordable housing" would be the answer where local zoning authority doesn't apply. I opined with him that the less-than-adequate access and distance of such a development from *any* transportation or services, etc, would seem to count out the property for that use as well.

Phragmites Eradication Partnership, Lords Cove, Lyme.

Herbicide spraying will commence shortly. **Inform GW that the partnership is going to draw this year's allocation of \$20,000 to pay for spraying, depositing it in an account held by the Lyme Conservation Land Trust.** The Snarskis have sprayed Phrags from a boat with the high pressure sprayer for three days in the central section of Lords Cove. DEEP started spraying on June 21, 2017 on the land in the more southerly area of central Lords Cove. Roger Wolfe of DEEP and Snarski sprayed using the all-terrain vehicle. Spraying was planned again for Thursday, 6/22/17 and possibly Friday, 6/23/17. Spraying will continue next week.

CT River Conservancy River Celebration, 2017. "Come and celebrate our rivers with us!" For more information, go to [www.criver.org/celebration](http://www.criver.org/celebration)

CT River Conservancy, Currents & Eddies, Summer, 2017. Newsletter.

CT River Conservancy "Source to Sea" Jump-in Journey & Splash Mobs. Numerous public events from July 16 to July 31, 2017.

Go to [www.criver.org/s2s/journey](http://www.criver.org/s2s/journey)

Carlson Landing/CT River Museum. Update on local application.

TPL National Gala at Cipriani, 25 Broadway. Wednesday, October 25, 2017. For information, contact Lauren Lawson: 212-574-6891 or [lauren.lawson@tpl.org](mailto:lauren.lawson@tpl.org)

Old Saybrook, Sheffield Street and Ferry Road Public Docks. The Old Saybrook Harbor Management Commission has made application to the Zoning Commission to upgrade and improve two public town dock facilities located on North Cove and on the CT River next to Between the Bridges Marina. New floating docks will be installed and the upland areas which provide access to the docks will be built up to be level and to minimize the amount of river flooding that occurs in those areas. Bulkheading will be used as well as masonry walls to contain the fill. The increase in elevation of the upland areas is on the order of a few feet, so not visually significant. Staff of Gateway, after reviewing the maps and plans wrote a letter to the ZC stating that no adverse impacts would result from the proposed work on what GW would identify as a "traditional" part of the riverscene. The dock facilities have been approved by both the CTDEEP and the US Army Corps of Engineers as required by state and federal law.

Staff Review of Variances: None of significance.

Regulation Referrals:

#### **Deep River.**

Assisted Living Community in the R-80 District. Bulk requirement and height allowances could result in structures up to ten (10) feet over the 35 foot height maximum potentially leading to large buildings with significant visual bulk and impact. Staff was unable to communicate with town staff in order to access more information about the proposal. As a result, this discussion was tabled until the meeting on July 27, 2017.

Accessory Apartment for Agricultural Operations. Proposal to allow an accessory apartment for a family who works on farms of 5 acres or greater.

#### **Old Saybrook.**

Extension of Marine Uses Beyond Marine Commercial District. Intended to allow the extension of marine related uses into other commercial districts in the area of "Marina Way". No new uses to be added to Conservation Zone areas already visible from the river. Motion to approve by **Wilson**, seconded by **Fischbach**, approved unanimously. **Fish** abstains.

Committee Reports

Land Committee No new reports on efforts in Haddam Neck. No news on USF&WS regarding payment for Brainerd Quarry land.

Outreach Committee

Review of boat trip. Members expressed appreciation for efforts made to have architects, engineers and real estate agents come on trip. Downes reported that he had numerous communications from the attendees that the trip helped them understand the Gateway perspective to a greater degree.

Governance Committee . No report on standards

New Business. None.

Old Business . Downes to arrange for a meeting venue for the July 27<sup>th</sup> meeting due to upcoming office move for RiverCOG (in the end, RiverCOG is not moving at this time, so the meeting on the 27<sup>th</sup> will be at 145 Dennison Road in Essex as usual).

Adjournment. Upon motion by **Bement** and **Thomas**, the meeting adjourned at 8:45p.