

# CONNECTICUT RIVER GATEWAY COMMISSION

## REGULAR MEETING MINUTES

September 26, 2019

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

**Chester:** Margaret (Peggy) Wilson, Jenny Kitsen

**Deep River:** Nancy Fischbach, Conal Sampson

**East Haddam:** Crary Brownell, Joel Ide

*Essex:* Claire Mathews, Mary Ann Pleva

*Fenwick:* Newton Brainerd, Borough Warden

*Haddam:* Susan Bement, Mike Farina

**Lyme:** J. Melvin Woody, Wendy Hill

**Old Lyme:** Peter Cable, Suzanne Thompson

**Old Saybrook:** Bill Webb, Tom Gezo

*Regional Rep:* Raul Debrigard (7:11pm)

**DEEP:** David Blatt

**Staff:** J H Torrance Downes

**Guests:** Greg Futoma (further Old Lyme Alternate), Attorney Ed Cassella for Greylock Properties, and Nannette Navaro, Principle .

### Call to Order

Chair Thompson called the regular meeting of the Connecticut River Gateway Commission to order at RiverCOG offices located at 145 Dennison Road, Essex at 7:04pm.

### Approval of 8/22/19 Meeting Minutes

Motion to approve the amended minutes by **Fischbach**, seconded by **Mathews**, passed unanimously.

Introduction of Old Lyme Alternate Greg Futoma, who provided a short background and how he became interested in joining the Gateway Commission.

### Correspondence/Staff Report

No correspondence to report.

Variance Application for Commission Review. None.

### Regulation/Map Review and Approval pursuant to Section 25-102 G CGS.

- 1) Old Saybrook. 91 Sheffield Street. Petition from Greylocke Property Group to (1) rezone the parcel from existing Marine Industrial to Residence A District, (2) amend setbacks in a PRD to reduce side and front setbacks from 75 feet to 15 and 25 feet, respectively, and (3) amend existing PRD regulations to include “dens” as approvable rooms in a PRD unit. This review is considered as preliminary as the local review process has just commenced. Gateway’s statutory responsibility is to review and approve such petitions following the decision made and submitted *after* the finish of the local process. As such, the report Gateway will forward to the Zoning Commission will be informal and express concerns if there are any, but a decision to “approve” will not occur at this time, pending the outcome of the local process.

Cassella describes the background of Greylocke Property Group and describes the regulation and map change proposals and the area within the project exists. Downes provided aerial photos and maps projected on the screen. The site is formerly the location of marine business Ocean Surveys. Project is under contract by Greylock Property Group. Condominium, multi-family planned residential development – 20 units. 5 ¼ acres of 10 acres upland with remainder being wetlands and marsh. Close to Main Street. Several phase process. Currently Marine Industrially

zoned. Surrounded by Residence A District. Other Marine Industrial properties exist in Old Saybrook, but not in the subject area. Desire is to rezone to Residential A District with goal to come back for a special permit approval for construction and design of 20-unit multi-family. On town GIS, Cassella points out numerous multi-family developments in and around the Main Street area. PRDs cannot be applied for on Marine Industrial properties, but can on Residence Ae district properties. Text change would allow the 25 and 15 to apply if the PROPERTY is within 500 feet. That would allow ALL of the buildings to meet 25 and 15, not just the building within 500 feet. Fischbach – what is the nearest point of *buildable* land to B-1 – JHTD says he was told 750 feet – west of first proposed building (so under current regulations, no buildings would get the lesser setback).

Recap of request – rezone, setback reduction, include “dens”. There are no other vacant eligible properties in the area that could meet PRD regulations – insufficient lot sizes. **Woody** asks, if change goes through and financing falls through, worst case is that the property is residential and could, perhaps, be subdivided. Zoning Commission gets *another* legislative change opportunity when the special permit is applied for IF these changes are approved. Cassella explains the need for the regulation change to include “dens”. Without that room included, a separate den or office-like room would have to be considered a “bedroom”, which adversely impacts the septic design (e.g. requires more septic system reducing land area to build buildings). **Thompson** remarks that the den issue may not have an impact to Gateway interests. **Fischbach** counters that GW also reviews for environment. **Fischbach** says she *may* have an issue with the den definition. Septic system to go under parking lot. Cassella points out three buildings.

Cassella points out asphalt which exists significantly into the 100 foot riparian buffer setback (and structure setback) which they would consider as “developed area”. Cassella states that there’s an improvement proposed by reducing asphalt area. Downes shows maps he prepared that show existing and proposed setbacks from sidelines and existing setbacks for structures and riparian buffer. **Fischbach** explains review process when regulation/map proposal is separated from the development proposal. Fischbach opines that Residence A rather than Marine Industrial is better for Gateway interests because Gateway standards apply more to residential development. One map shows development with 75 foot setbacks required in existing PRD regulations; map on right shows setbacks if petition for reduced setbacks is approved. White area is the building area. The change would allow more buildings, more density.

Downes points out the 100 foot GW structure setback and the overlapping 100 foot riparian buffer setback. Variance requests necessary for proposed encroachments are not a part of this application. The encroachments in the area adjacent to the tidal marsh would require variances. Cassella comments that, as “developed area”, the 100 foot setback would be exempted (if the Gateway approves that designation). Downes reminds that the two regulations are *separate, overlapping* regulations. If the riparian buffer requirement is exempted, there is still the 100 foot structure setback in the standards/zoning regulations. Downes describes what buildings could be built under both circumstances – existing and reduced front and side setbacks. More building area usually equates to increased “visual bulk”.

Downes points out the reduced setbacks on the east side where a large stand of trees exists. With a 15 foot setback, buildings could be built close to the east property line which would require the removal of the stand of trees, which could allow the development to be more visible from the cove and the river. **Woody** points out that the protected area includes tributaries where vessels as small as kayaks can navigate. **Fischbach** refers to blocking visibility by topography, adjacent buildings and, with least priority, stands of trees *not* on the same property as the proposed development. Cassella says that changing the front and side setbacks allows more of the development to be pulled back toward Sheffield Street and away from the wetlands setbacks, which *he* considers as the most important consideration in terms of location of the development. Navarro comments that the property *will* be developed – 5 acres of upland. Should it be residential? If PRD – another step – would you rather have reduced property line setbacks and more separation from the tidal marsh? Downes comments that,

if the development team didn't feel the riparian buffer setback would apply, the encroachment into the 100 foot riparian buffer along with the dramatic reduction of the property line setbacks (from 75 feet down to 25 and 15 feet) would result in significantly more development than would be normally allowed without those exceptions to the rules – two through regulation change

two through required variances. **Fischbach** points out that if that much relief in regulation requirements are necessary to make the project succeed financially isn't this property one that appears too small for the proposed amount of development? Members often ask, is a particular property suitable for the *level* of development proposed. Perhaps not in this particular situation, especially if significant relief from regulations is required to achieve it. Cassella reports that, in his opinion, more separation from the wetlands should be considered as more important than maintaining the front and side setbacks.

Regarding trees, Navarro says that they took pictures from Saltus Drive to show that the view of the development will be blocked by the trees, and the trees that they plan to put in. She discussed the placement of 20 foot pine trees that will increase in height with age. Summarizing, the trees they're proposing would substantially block view of development from Saltus Drive. If those residents can't see the development, no one will see it. Navarro notes that the trees in the mock-up she displays are part existing and part what will be planted. **Woody** asks, should Gateway set a precedent in the lowering of setbacks. Webb comments that GW shouldn't vote on anything based upon this one discussion. **Brownell** asks about buffering standards – does Gateway have buffering standards? Does Old Saybrook have buffering standards.

Downes discusses the procedures for Gateway involvement in a petition such as this which states that the local zoning authority is to proceed through their process, holding the public hearing, deliberating and making a decision. AFTER that local decision is reached, the "decision" is sent to the Gateway Commission for review and approval. If, upon Gateway review, the local approval is *disapproved* by the Gateway Commission, the adoption of that locally-approved petition cannot become effective. Summarizing, since the local process has only just begun at the time of this regular meeting, Gateway's review and discussion at this time is *preliminary* and no decision is to be rendered. A letter written to inform the Zoning Commission of this informal discussion could be sent and include any concerns that the Gateway members may have in an attempt to provide constructive input and guidance to the Zoning Commission *and* the petitioners. The letter could address all three parts of the petition and provide input for all three. Gateway's formal involvement doesn't occur until after the local process has finished and a decision has been submitted to Gateway per Section 25-102g CGS. **Woody** asks, what is the Gateway's position on setback reduction? Would support in this case be considered a "precedent"? Discussion continues regarding an overall policy regarding whether or not a "decision" should be rendered the same meeting as a proposal is discussed. **Fischbach** offers that, without a letter from the Gateway Commission that expresses members thoughts, the public and the Zoning Commission members will have no idea of what Gateway may be thinking, positive or negative. Those thoughts would be important for all parties to be aware of. **Cable** comments that preliminary concerns would be helpful to the Zoning Commission. **DeBrigard** supports sending a letter presenting concerns that will result in a dialogue. **DeBrigard** clarifies his impression of the setback reductions – the sideline setbacks are *not* riverfront (except that the sideline area trees might be removed which might open up the view *over* the neighboring neighborhood over which the river view will occur. In writing the letter, **Webb** asks if a comment should be made about the apparent need for variances of the Gateway riparian buffer and the 100 foot Gateway structure setback. **Summary, (1) no issue with rezoning, (2) concerns over the reduced street and side setbacks, (3) concerns over the allowing of "dens" as an approvable room. Further, the letter should comment on the possible need for variances of the 100 foot riparian buffer and structure setbacks that do not appear to be a part of this application.**

Commission members spent another 15 minutes summarizing their understanding of what transpired in this discussion. **Thompson** asked if Downes can supply names of principles for applications that come before Gateway.

- 2) Deep River, Regulations regarding Site Plan Submission Requirements (hardcopy versus digital copies) and Required Public Notices. These regulations are procedural and do not impact Gateway interests. Motion to

approve by **Fischbach**, seconded by **Bement**. Passed unanimously.

#### Committees Reports

Financial/Treasurers Report. Downes reporting on behalf of Matthews. Only decision required is the payment of the RiverCOG staffing bill that totals \$2,325.52. Motion by Fischbach, seconded by Bement to pay, approved unanimously.

Land Committee. No report.

Governance Committee. **Webb** reports that he has been unable to schedule a Governance meeting and will do so in the next two months.

Public Outreach Committee. **Gezo**, not in attendance, asked if he could be called so he can report. In his absence, Woody reported that **Gezo** called in a consultant – Paul Halligan - who has experience building websites for environmental organizations. They include environmental heritage corridors. **Woody** reminds members of all of the Gateway “partners” in the area, partners that could be brought into a bigger effort to market the lower river. **Woody** refers to the boat trips and the normal invitees. Refers to the historic process of those organizations that are aware of Gateway assets comes in to request help. **Thompson** reports that RiverCOG Executive Director Sam Gold participated in the meeting, who’s participation would potential open up the breadth of interest. **Woody** reminds that Gateway has discussed hiring someone to handle public relations, but with a larger consortium of partners, perhaps a PR effort would be more successful and be funded through this consortium. The outreach meeting was quite successful with the input of Paul Haligan. **Woody** expressed interest in considering the area as a “corridor”. **Fischbach** reminds that there is a new executive director at the CT River Museum that should be contacted *soon*. **Thompson** reminds all to fill out Gezo’s “monkey survey”. CLCC just sent out its call for topics for the March, 2020 Wesleyan workshops. **Cable** completely recommends attendance. **Woody** suggests that GW should think about participating in a panel.

#### New Business:

**Fischbach** reported that there is a group called the Long Island Sound Fund Collaborative, which MCCF has joined. **Gezo** will represent the foundation at the LISFC meeting, which occurs quarterly. **Gezo** will report. Set up much like a “community foundation”. Connecticut River Conservancy (Andy French?) is *also* setting up a collaborative. New CRC steward announced. Zoning 101 will be conducted by **Fischbach** and she will send out a query regarding when members can attend. One afternoon, one evening.

#### Old Business:

Webb asks if this is **Cable’s** last meeting. **Cable** says that he will attend the annual meeting in October.

Adjournment: Motion to adjourn at 8:45pm by **Bement**, seconded by **Webb**, approved unanimously.