

CONNECTICUT RIVER GATEWAY COMMISSION

REGULAR MEETING MINUTES

September 28, 2017

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

Chester:	Margaret (Peggy) Wilson , <i>Errol Horner</i>
Deep River:	<i>Nancy Fischbach (E)</i> , Kate Cotton
East Haddam:	Harvey Thomas , <i>Crary Brownell (E)</i>
<i>Essex:</i>	Claire Matthews , <i>Vacancy</i>
<i>Fenwick:</i>	<i>Fran Adams</i> , <i>Borough Warden</i>
<i>Haddam:</i>	Susan Bement , <i>Vacancy</i>
Lyme:	J. Melvin Woody , <i>Wendy Hill (E)</i>
Old Lyme:	Peter Cable , <i>Suzanne Thompson (E)</i>
Old Saybrook:	<i>Vacancy</i> , Bill Webb
<i>Regional Rep:</i>	Raul Debrigard (arr. 7:35p)
DEEP:	David Blatt
Staff:	J H Torrance Downes
Guests:	None.

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.

Approval of 7/27/17 and 8/24/17 Regular Meeting Minutes

Both sets of minutes approved unanimously with minor corrections by **Woody**, approved. Motion by **Bement**, seconded by **Cable** (7/27/17) approved unanimously. Motion by **Blatt**, seconded by **Webb** (8/28/17) approved unanimously.

Treasurers Report

Wilson reported that members of the Finance Committee (**Wilson, Bement, Fischbach and Brownell**) met with Bob Martinec of Essex Financial on 8/28/17 for a review of investments. Market hasn't changed much in the last quarter. Positive report on market and economy. 60/40 equities/bonds remains a good balance. 7% year-to-date return, 9.2% over the past 12 months. Happy with US/non-US mixtures (40% US, 20% non-US). Minor balancing conducting. EF agreed that there was no need to change balance goals in GW financial guidelines. All "positive", **Wilson** reported.

Wilson reported that the only bill to be paid is for RiverCOG services (JHTD 10.5 hours \$455.81; PF 2.5 hours \$87.55; Overhead \$763.20) for a total of \$1,346.90. JHTD Motion by **Bement**, seconded by **Matthews**, to approve. Motion passed unanimously.

Debrigard asked if, given the budget debate, whether RiverCOG is in good financial state. Downes reported that finance situation is stable, although the agency is trying to anticipate all budget outcomes. A short discussion of changes at DEEP ensued with **Blatt** elaborating.

Items of Interest Report

- Goodspeed Airport Scenic Easement/Campbell Hudson.
Awaiting final "ok" from Campbell Hudson on behalf of Tim Mellon.
- Whisper Cove Variance in Old Saybrook. Downes reported that the OS ZBA denied the variance application for lack of hardship. ZBA found that Applicant didn't show why building couldn't be moved entirely out of the 100 foot riparian and structure setbacks. Afterwards, Downes met with ZEO, builder and engineer to talk about the possibility of reapplying. Downes reported that he offered to send a memo to ZBA regarding the existing proposal satisfying GW interests vs. moving

it completely out of setback (with resulting ledge and tree removal). Without a variance of riparian buffer requirements, no work – including the proposed restoration work – could be conducted in the riparian buffer. **Cable** moved to authorize Downes to prepare such a memo, seconded by **Bement**. As a part of discussion, **Matthews** recognized that the two components impacting visual impact here are structure location and structure size. **Matthews** queried, would owner be willing to compromise on size? **Woody** commented that the current proposal is already smaller than 2014 proposal, a proposal that did receive variances. **Matthews** commented that restoration is positive, but landscaping can be taken away by storm. Downes clarified that the landscaping is located at an elevation well above the river. Further discussion regarding whether reducing size could bring the proposal into compliance. **Thomas** commented that a condition should be included that the restoration be kept in place “in perpetuity”. **Blatt** questioned whether the ZBA would *accept* another application within six months; would a new application be a “substantial change”. The Applicant would have to make some kind of change that the ZBA would consider as substantial enough. Further, recent court decisions that have made definition of “hardship” more strict. Downes comments that, in his view, a classic example of “hardship” was when substantial ledge forces a structure into a setback rather than removing ledge. GW’s standard says that houses should be built without substantial modification of land, e.g. build to the land, not modify the land to satisfy a structure design. **Debrigard** asked if there was any neighbor opposition? **Webb** asks, does GW involve itself AFTER a local decision is made? Downes reported that, no, he’s right that this is not a usual situation. **Webb** asks, is development better than no development. **Woody**, it *will* be developed, this is an effort to get the “best” development alternative for Gateway purposes and goals. **Matthews** asked if there is room to move the footprint back *somewhat*. Maintenance of restoration project as a condition? In many instances, **Woody** summarizes that a proposal may meet GW criteria, but it may not meet the ZBA criteria. **Webb** confirms understanding the GW’s role is protection of the viewshed of the river. **Debrigard** asks, If no variances are required, is it an administrative permit? Downes reported no, based upon size of the house, a Special Permit is required (in excess of 3,500 square feet in total area). Riparian buffer language says “no cutting” other than the five foot path. The language doesn’t say that *planting* can be conducted. If just special permit, can a condition be applied to require the restoration work? **Woody** asked, if moved out of the setbacks, can footprint be moved away from ledge? Downes reported that, no, septic system footprint would prohibit that. **Thomas** queries, a member would be written absent a new set of plans? Memo would have been to accept a new application. Until a plan is submitted, nothing should be in writing. **Woody** reminds that there’s a motion to write a memo. Members voted unanimously against the motion to prepare a memo. Motion to allow Downes to have a positive conversation with parties along the lines of this discussion by **Matthews**, seconded by **Webb** approved unanimously.

- Phragmites Eradication Partnership, Lords Cove, Lyme.

The first year of cutting and herbicide application has been completed. Rich Snarski reported on 9/20/17 that, using a smaller “marsh master” owned by the State, 90% of what was cut and sprayed was sprayed again, this above and beyond what was originally anticipated. Snarski paid for the herbicide himself although he will be reimbursed. He expressed satisfaction with the work completed this season.

- Invitation for the NY Gala for the Trust for Public Land, October 25, 2017

- Resignations. **Madge Fish** of Old Saybrook and **Jerri MacMillian** of Essex have resigned from the Commission effective immediately.

Regulation Referral

Old Saybrook, Proposal to Allow Drive-through Windows in the B-2 Shopping Center District. Downes reported that the B-2 District is primarily located from the train station on Route 1 west to a location near the Oyster River. It is within this area that the Petitioner has interest in a property where he would like to have such a drive-through. None of that area is within the Gateway Conservation Zone. There *is*, however, a small area of B-2 District on Essex Road near the Comfort Inn and the marinas north of the Baldwin Bridge that *is* within the Conservation Zone. This area is far enough from the river that any construction in this area would not be significant in visual impact. Further, a drive-through window in and of itself would not be an insignificant part of the overall visual impact of any structure were it to be built in that area. Motion by **Bement**, seconded by **Thomas**, to approve. Approved unanimously.

Staff Review of Variances: None of significance.

Committee Reports

Land.

Wilson reported that discussions have occurred between Jim McHutchison and the Organceks regarding the availability of their parcel. Discussion also centered on the nearby property of Mr. Messina-Dessina. David Brown of

MxLT thought it would be appropriate to approach Messina-Dessina either through an agent as done with Sogge, or through the MxLT itself. Downes projected town assessments found on the Town of Haddam website. **Bement** discussed ramifications of using listing agents. Motion by **Debrigard**, seconded **Matthews** to obtain services of Jackie Nowell and authorize her to make an offer of no more than \$35,000 to Mr. Messina-Dessina, approved unanimously. **Bement** to check on property file in Haddam Town Hall.

Governance. **Fischbach** reported that she is continuing the work on both the CT River Land Trust transfer and the Gateway standards.

Outreach. **Cotton** reported that the Outreach Committee will schedule a meeting within the next month to start work on outreach initiatives.

Old Business.

Conveyance of CRLT bylaws to the RiverCOG. **Woody** summarizes history of efforts including **Fischbach's** efforts to simplify draft bylaws written by Attorney Steve Mednick. RiverCOG would like to finish off the process by the end of 2017, including the writing of a Memorandum of Understanding between RiverCOG and the CRLT. MOU could be okay'd by Gateway, but the motion to transfer would have to be carried out by the CRLT. **Matthews** asks for clarification of the position of RiverCOG and the numerous land trusts that are a part of the RiverCOG project known as the Land Trust Exchange. The LTE is a *project* of RiverCOG and is not a separate entity. Much of the LTE and its idea of partnership of lower river land trusts is based upon an elaborate plan written by RiverCOG's Margot Burns. The "committee" that is a part of this exchange would look at acquisition of properties that have a regional value, rather than a property that would have more immediately value to a local land trust. Summarizing, the effort is still under discussion. Do all the river valley land trust need to participate? Only those who want to participate would. voluntary. Strategically, the ideal situation would have a clear, great property of clear regional value by first up. **Woody** explains that no decision is needed at the moment.

New Business.

Cable asked how the Regional Plan of Conservation and Development was proceeding. Downes reported on the two workshops conducted, one in Westbrook and one in Middletown. The RPoCD was said to be moving forward.

Thomas moved to authorize well worded and glowing letter of appreciation to **Madge Fish** and **Jerri MacMillian** for their service to Gateway. Seconded by **Blatt**, approved unanimously. **Woody** explained the circumstances surrounding the challenge **Emily Bjornberg** had in attending Gateway meetings with the conflicts she had with the Lyme Democratic Town Committee meetings.

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