CONNECTICUT RIVER GATEWAY COMMISSION
REGULAR MEETING MINUTES
September 28, 2017

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

Chester: Margaret (Peggy) Wilson, Errol Horner
Deep River: Nancy Fischbach (E), Kate Cotton
East Haddam: Harvey Thomas, Crary Brownell (E)
Essex: Claire Matthews, Vacancy
Fenwick: Fran Adams, Borough Warden
Haddam: Susan Bement, Vacancy
Lyme: J. Melvin Woody, Wendy Hill (E)
Old Lyme: Peter Cable, Suzanne Thompson (E)
Old Saybrook: Vacancy, Bill Webb
Regional Rep: 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.
- 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 Organaceks 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.