

CONNECTICUT RIVER GATEWAY COMMISSION

REGULAR MEETING MINUTES, December 7, 2017

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

Chester:	Margaret (Peggy) Wilson , <i>Errol Horner</i>
Deep River:	Nancy Fischbach , <i>Kate Cotton</i>
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 , Wendy Hill
Old Lyme:	Peter Cable , Suzanne Thompson
Old Saybrook:	<i>Vacancy</i> , Bill Webb
<i>Regional Rep:</i>	<i>Raul Debrigard (E)</i>
DEEP:	David Blatt
Staff:	J H Torrance Downes
Guests:	Janet Stone, DRLT; John Kennedy, DRLT

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 8:07 pm following the adjournment of the Gateway Annual Meeting.

Approval of 10/26/17 Regular Meeting Minutes

Motion by **Cable**, seconded by **Hill**, passed unanimously. **Wilson** abstained.

Discussion/Decision, Deep River Land Trust Request for Grant to Purchase Open Space

Janet Stone and John Kennedy of DRLT returned to answer any additional questions Commission members may have beyond those presented via email after the October 26, 2017 meeting (attached). Clarification was requested on several points with answers provided by Stone and Kennedy. Gateway members deferred discussion and decision on what level of financial support Gateway could provide until later in the meeting. Stone and Kennedy left the meeting.

Treasurers Report

Wilson reported on a meeting with Essex Financial that was held on December 4, 2017. The portfolio continues to be balanced with 60% equities and 40% fixed assets. The YTD return on investment for the portfolio was reported as being 12.08%. EF indicated that the portfolio is a little under-invested internationally, so the Financial Committee approved moving funds to correct the reported under-investment. EF also indicated that "socially conscious" investments are now more competitive, so the decision was made to move some funds into "environment, social and governance"-supported investments as well.

Bills were presented for COG staffing of Gateway in the amount of \$2,047.42. Motion to approve by **Fischbach**, seconded by **Bement**, passed unanimously.

Discussion/Decision on DRLT Grant

After significant discussion, members of the Gateway Commission voted to approve providing an "outright" grant in the amount of \$30,000 that would not require repayment with the potential of some additional funds being available depending upon results of an upcoming meeting between DRLT and the property owner. The additional funds would be subject to reimbursement if the anticipated DRLT fundraising effort exceeds \$180,000, the purchase price of the land plus \$20,000 in estimated additional closing costs. Motion by **Fischbach**, seconded by **Matthews**, passed unanimously.

Staff was asked to send a letter to the DRLT providing the decision made by Gateway, including providing a request for the invoice for the Flanagan & Associates appraisal of the properties which was previously approved for payment by the Commission.

Correspondence

Goodspeed Airport Scenic Easement/Campbell Hudson. The scenic easement has been signed by Melvin Woody and Timothy Mellon and was hand-delivered by Campbell Hudson to the DEEP on Monday, November 27, 2017. The document must be signed by the Attorney General (who has previously approved the easement) and DEEP Commissioner Klee. Allyson Clarke of DEEP will then record the documents and the easement process will be done. This will close a process which was commenced about 15 years ago.

Support of CYCP Project Petition. GW members indicated support for the CYCP effort to urge NE Utilities to move quickly to conserve the CT Yankee power plant site. Staff confirmed with Amy Paterson that everything has been done to complete that task.

Deep River Land Trust and Land Acquisition Question. GW members received a report including the list of questions and clarifications requested of the DRLT by the GW Land Committee. Janet Stone will be reporting on this on Thursday evening. Note that the Committee asked staff to manage the expectations of Janet Stone and the DRLT by saying that although the property is worthy of protection, GW priorities in the overall Conservation Zone will mean that the Land Committee will likely not recommend the issuance of a grant in the full amount of the purchase.

Lower CT River Land Trust Bylaws. Members have received the draft "final" bylaws for the LCRLT in anticipation of a vote to approve said bylaws. The major change is the proposed expansion of the membership that will result in a different board with Gateway retaining a seat on that board in perpetuity.

Land Trust Alliance. 2018 Webinar Calendar.

Regulation Petition, Town of Old Saybrook

At its meeting on Monday, November 20, 2017, the Old Saybrook Zoning Commission **approved** a petition to amend regulations as follows:

- (1) Marine Commercial District was re-identified as "Marine Industrial District" in order to provide extra protection for what the Commission is told may be a potential effort on the part of national and international investors/developers to redevelop marinas into more lucrative residential condominiums where the existing marina would only service those living in the condominium, e.g. "privatizing" public waterfront facilities. In the process of re-identifying the district, the permitted use of "single family residential" (and any other residential uses) were eliminated from the district with a provision allowing *existing* residential structures and developments to expand even though they are now nonconformities. Other than the "expansion of nonconformity" provisions, all other regulations and standards – including all Gateway standards – will continue to apply. These changes are designed and adopted to "thwart" any possible future plan to redevelop marinas in the manner described. The changes are also said to minimize the possibility of application through the affordable housing statutes, 8-30g CGS. The likelihood of this type of intensive development in most of the lower CT River Valley would seem to be low due to lack of sewers (although on-site packaged treatment plants are becoming more prevalent), but the Zoning Commission wants to be proactive. This was an issue brought to them by Attorney Mark Branse.
- (2) The Incentive Housing Zone Overlay Zone approved for use in the Ferry Road District of Old Saybrook will be reduced back to encompass just that property that was previously developed with incentive housing funds. The overlay is presently in excess of the one property because there was anticipation of additional similar development. It turns out that the Town can't recoup incentive housing funds from the State of Connecticut with the overlay as it exists, so it was cut back to the single, already-developed property so
- (3) The Town could recoup funds that it anticipated getting when the "Post & Main" incentive housing development at the railroad station was completed earlier this year.

Finding that the approved regulations do not have an adverse impact on the Gateway mission of protection, the Commission approved the petition pursuant to Section 25-102(g) CGS. Motion by **Matthews**, seconded by **Fischbach**, passed unanimously.

Staff Actions

Downes reported that the Whisper Cove resubmission of the variance application to construct a residential structure within the 100 foot structure and 100 foot riparian buffer setbacks and the restoration of disturbed hillside within the 100 foot riparian buffer setback was approved by the Old Saybrook Zoning Board of Appeals. The required

special exception (structure in excess of 3,500 square feet) will be reviewed by the Old Saybrook Zoning Commission. Specific conditions protecting the hillside and requiring Gateway involvement when initiated were requested by Gateway and will be included as conditions of both ZBA and ZC approvals.

Committees Reports

Land Committee. **Wilson** reported that things are quiet in Haddam Neck. No new news to report.

Governance. **Fischbach** alluded to the approval of the Lower CT River Land Trust draft bylaws during that organization's special meeting held earlier in the evening. **Fischbach** reported that, with the bylaws effort behind them, an effort can now be made to complete the final edits of the proposed Gateway Standards.

Outreach. No report.

Old Business: None.

New Business: None.

Adjournment: Motion to adjourn by Bement, seconded by Matthews, passed unanimously at 9:12pm.

Approved 2018 Meeting Schedule

Unless otherwise noted, all meetings are held at RiverCOG offices at 145 Old Dennison Road, Essex, CT

January 25, 2018, 7:30pm

February 22, 2018, 7:30pm

March 22, 2018, 7:30pm

April 26, 2018, 7:30pm

May 24, 2018, 7:30pm

June 28, 2018, 7:30pm

July 26, 2018, 7:30pm

August 23, 2018, 7:30pm

September 27, 2018, 7:30pm

October 25, 2018, Annual Meeting, 7:30pm

October 25, 2017, Regular Meeting, Immediately following Annual Meeting

December 6, 2018, 7:30pm

Questions Posed by GW Land Committee with Answers provided by the Deep River Land Trust

1. Is the DRLT communicating with the seller through a real estate agent? The seller's agent? An agent representing the DRLT? No, we are personally communicating with Gus Horowitz, the seller. He has retained the ability to sell the land to us directly outside of his contract with Kennedy Real Estate Co., his listing agency.
2. Although previously addressed, GW would like to know the most recent status of the seller's intended deadline for sale. Can the "deadline" be extended beyond February? There is no longer a "deadline." The February 2018 timeframe was part of a Contract that we had our lawyer Campbell Hudson draft up; **we did not sign it** however, because it included a nonrefundable \$10,000 deposit and we did not have confidence that we could raise the remaining funds in the required timeframe (before Feb.2018). The upland 6.57-acre property is currently for sale, listed at \$129,000 for just the lot; but also being marketed with a 3-bedroom house to be built with "Connecticut River views" for \$599,900. Mr. Horowitz needs to sell this property and his adjacent (4-acre) lot as soon as possible. If we are not able to buy the property, eventually there will be 2 more houses high on the hillside with "Connecticut River views".
3. What other potential funders/foundations have been approached? We have hired Ann Faust, a grant writer, to draft an Annual Appeal letter for us (our first ever) to be sent out before the end of the year. We have also hired Sarah Shrewsbury, a fund-raising consultant, to help us and are currently planning a social/informational event to which potential large donors will be invited.
4. As an alternative, might the Deep River Land Trust willing to consider a no-interest "bridge loan" from Gateway to finance the acquisition with an agreement for repayment? That might be something that we would consider, but the Board would need to have considerable discussion before deciding to do something like that.
5. Are all of the conservation values that have been identified included in the brochure that was provided to Gateway? We believe so, but also see further discussion under #7 below, and new fund-raising flyer also attached.
6. In case the DRLT isn't able to raise sufficient funds for all three pieces, might the owner be willing to sell the two smaller pieces separately, especially if the DRLT would specify that there would be public access to them so that buyers of the large piece would still have access without ownership? We have asked Mr. Horowitz if he would be willing to sell us the small waterfront pieces alone and he has said no. He sees the waterfront land as added value to the upland parcels giving future owners water access since there is an existing (grandfathered) small dock on the parcel. Also, the donor of our largest pledged donation (\$30K) is unwilling for his pledge to go toward purchase of the waterfront property without the upland parcel.
7. Has the DRLT investigated whether or not the properties are cited in any conservation plans as being important for acquisition? The Deep River PoCD? The Land Trust Exchange Case Study? Any other such Plans?
 - We suggest that the recent surveys and planning regulations and goals shown in the town of Deep River's **"Plan of Conservation and Development"** (see addendums) show that citizens and planning board and agency of Deep River would fully support the importance of acquisition of the Horowitz properties. The Plan identifies that certain areas of ecological significance should be especially protected, and the town wide survey responses that have been received strongly support that goal. The **"riparian areas"** adjacent to the Connecticut River are specially singled out for this heightened protection, for their impact on and from river views, which are pointed out as critical to the maintenance of the **"town's character"**, and to protect the very high ecological significance of these areas. The plan indicates that one of the most important goals is to: "Take action to protect and enhance riparian buffers along the Connecticut River and watercourses". The goals note that: **"The Connecticut River is not a renewable resource. Protect the integrity of the Gateway Conservation Zone by developing regulations to minimize visual intrusions into the waterscape"**. (see addendum)
 - To protect the most important areas, the town has adopted the Gateway Conservation standards, and the **"Gateway Conservation Zone"** and the **"Coastal Management Zone"**, (within which both of the Horowitz properties sit) and applied the stricter standards and goals for those areas. (see addendum)
 - The **"Lower Connecticut River Valley Council of Governments"** (LCRVCOG) has helped to create and supports one of the most active land trust cooperatives in our state, the **"Lower Connecticut River Land Trust Exchange"** (LTE). This is comprised of (14) of the region's non profit Land Trusts, among which the Deep River Land Trust is a founding and supportive member. In conjunction with the LCRVCOG planning agency, the (14) member LTE has developed a **"Natural Resource Based Strategic Conservation Plan"** for our region. In addition a "Regional Case Statement" has been created that describes the unique character of the natural resources in our region. (see addendum)

- We believe it can be seen that this Plan shows that acquisition of the Horowitz properties holds special impacts for areas of the very highest conservation importance. In the maps of this Plan, this property is seen as immediately connected upland to the "**Pratt and Post Marshes**", identified as areas containing: "**Critical Habitats**" (See map # 1 of this study, "*Large Natural Areas Primary and Connecting Corridors*"(see attached), and adjacent and immediately upland of an area identified as within the "**Highest Resource Index**" (see map # 2, "*Large Natural Areas Primary and Connecting Corridors and Local Model Data*"). *The riparian areas of any such areas along the Connecticut River are of the greatest impact to those ecosystems.* Also, the Horowitz property will connect with the Deep River Land Trust's existing "**Bidwell Preserve**". On these maps it can be seen that, together, these protected lands may create a "nature bridge" between the "Canfield Woods / Meadow Woods Preserve" area ("heightened Resource Index") and the "Pratt and Post Cove Marsh" areas. ("Highest Resource Index"). If the upland 6.75 acres are developed for one or two residential properties, that bridge will no doubt be lost.
 - We suggest that acquisition of the Horowitz properties, the riparian impacts on the Pratt and Post Coves, the ecological resources, the impact on this important view-shed, the recreational possibilities, and the potential as a nature bridge, will achieve the goals of this well studied and prepared conservation plan. With possible future modest acquisitions, the possibility exists to create a pedestrian connection between these most important areas as well.
8. Can the DRLT provide a more detailed budget (sources and uses) that takes into account all costs of the project including: closing, legal, appraisal, survey, stewardship, consultants, broker fees and all other costs? If you would, include all sources including anticipated gap amounts needed. [See attached fund-raising flyer for a budget outline.. all that we have at this time.](#)
 9. What is the current thinking for the stewardship of these properties, if acquired?