



Lower Connecticut River Valley Council of Governments

145 Dennison Road Essex, CT 06426 | +1 860 581 8554 | www.rivercog.org

Regional Planning Committee

LOWER CONNECTICUT RIVER VALLEY REGIONAL PLANNING COMMITTEE

MINUTES OF REGULAR MEETING

Monday, March 23, 2020 – 7:00 pm

Virtual Zoom Meeting

Members:

Chester	Mike Sanders *
Clinton	Alan Kravitz Martin Jaffe *
Cromwell	Chris Cambrieri Anthony LaCava
Deep River	Bruce Edgerton * Tony Bolduc *
Durham	Frank DeFelice * Joe Pasquale
East Haddam	Crary Brownell Lou Salicrup
East Hampton	Michael Kowalczyk *
Essex	Sandra Childress *
Haddam	Raul deBrigard * Stasia DeMichele
Killingworth	Alec Martin Stephanie Warren
Lyme	Mary Stone *
Middlefield	Vacancy
Middletown	Beth Emery * Kellin Atherton *
Old Lyme	Harold Thompson
Old Saybrook	Thomas Cox Karen Jo Marcolini
Portland	Vacancy
Westbrook	Bill Neale * Marie Farrell

*Members Present

Staff Present:

Sam Gold
Torrance Downes
Eliza LoPresti
Megan Jouflas
Margot Burns

Guests: Stephen DeVoto, Middletown P&Z

RiverRPC

1. Call to Order

Chairman DeFelice called the meeting to order at 7:01 pm. The meeting was conducted via video and conference call due to the Covid-19 pandemic.

2. Roll Call

3. Seating of Alternates

Sandra Childress (Essex) and Martin Jaffe (Clinton) were seated.

4. Adoption of Agenda

Mr. Jaffe moved to adopt the agenda, Ms. Emery seconded. Vote was unanimous in favor.

5. Public Comments – None

6. Approval of Minutes of Past Meetings

Mr. Neale moved to approve the February 24, 2020 meeting minutes; second by Mr. Edgerton. Vote was unanimous in favor with Mr. Jaffe, Mr. Sanders and Mr. deBrigard abstaining.

7. Covid-9 Response

a. Impacts to P&Z Work

i. Emergency Declarations

Deadlines and requirements for in-person meetings are being waived by Executive Order 71. The idea is to minimize meetings while facilitating important work being done. More information will be forthcoming about changing deadlines and changes to the way municipal budgets are improved.

ii. Public meetings & FOIA

The state is encouraging virtual meetings by Zoom or other platforms, which is acceptable to FOIA. Sam is working to set up a webinar with attorneys affiliated with COST and CCM to discuss this topic. Materials that are part of a hearing need to be distributed at least 24 hours prior to the meeting, which could be problematic.

Johnathan Harris has set up an email address for municipalities and commissions to send ideas for clarification or executive orders, this will be distributed to the RPC. Stephen DeVoto of Middletown P&Z asked if there was a mechanism for commissions to share information on web meetings. Maybe RiverCOG can set up a short class for options, requirements, facilitating exchange of information. Mr. Gold briefly discussed Zoom options. Microsoft has a service that may be ADA accessible by providing real-time transcription with a pro account.

8. Referrals: Durham

a. Farm Winery Regulation

There is no current farm winery regulation. The recently passed regulation for agricultural events does not cover wineries, cideries & farm breweries. This draft goes to public hearing on April 15.

RiverRPC

Ms. Stone noted that Lyme has already written regulations for farm wineries and suggested that Durham get a copy of Lyme's regulations as they have proven useful. She noted that the minimum acreage probably doesn't need to be assigned in the regulation. If all the other parts of the regulation are met the minimum acreage will work itself out and you don't want a minimum number of acres to unnecessarily prohibit a business.

Ms. Joufflas went through the memo that was created for this referral. There was discussion on the memo such as terms that weren't fully defined, clarifications that could benefit the regulation, and standards that could be included.

There was discussion on how if these regulations are approved, Durham will approve each case by special permit. Those special permits are not regionally reviewed; committee members noted that if a facility was near to another town's border the neighboring municipality has no input for concerns such as noise, light pollution, traffic, etc.

During discussion on the parking area requirements, Ms. Emery asked if there is a consideration of drop off areas for various taxi services, electric vehicles, or bike parking. Mr. deBrigard noted that there could be multimodal transportation such as mini buses or something else used for tours.

Ms. Emery asked if there were state definitions for some of the items that needed more definition that Durham could utilize. Mr. Gold noted there were some definitions in statutes to govern farm breweries. Mr. Downes suggested that the RPC could comment that it recognizes that state statutes have useable definitions of some of the terms in the regulation and point out where clarifications could be made to make definitions more consistent. The liquor control act which is CGA statute Title 30, Chapter 545, section 30-16 has references to farm produced alcohol.

Ms. Stone noted that when Lyme created their regulation it was based off a six acre property which has two acres of houses. This shows that enough wine to have your own label and terroir can be grown on very little land. Therefore if someone claims a hardship because they don't have enough land to grow on, then their circumstances prohibit it and it doesn't need to be regulated. The state allows for farm wineries on five acres, Durham is asking for ten acres, which doesn't align.

Other suggestions for the referral letter include mentioning Lyme's regulations as something for the Durham commission to consider. Mr. Kowalczyk suggested looking at making sure all parking is on site. He also encouraged easing the requirement for Durham-grown materials, perhaps changing it to state grown, as that restriction could be prohibitive. The Regional Agriculture Council (RAC) also made the same point about the merits of not limiting the grown products to that town. Ms. Stone suggested an attached timeline or phased in approach based on how long it takes to grow your own vines, which could be several years.

Ms. Ehle/Meyer addressed the RAC's comments that echoed what Ms. Stone noted about phasing in to allow for growth. There are state statutes about phasing in for these type of operations that could be referenced. The RAC also questioned the ten acre minimum as

farmers could have plots in different towns. They questioned how the P&Z will have authority for enforcement if the amount that has to be grown in the town is not specific. There are existing state statutes for what percentage has to be grown in state. At the end of 2019 winery requirements were 25% but this may have been changed. A suggested comment was along the lines of the fact that there used to be regulations, which are now in flux, but the way the state did it is to specify a percentage. Not restricting the farmers to Durham grown may be more economical. The RAC also asked about the definition of a farm café. They suggested standards considering suitable hours for music, bands, lighting and noise.

The referral letter will go directly to the Durham P&Z so it will be part of their hearing. Mr. DeFelice asked for bulleted comments.

Mr. Edgerton moved that RiverCOG staff send a letter with the suggestions discussed, second by Ms. Stone. Vote was unanimous in favor; Mr. DeFelice abstained.

b. Zoning Regulation Reorganization

There are no substantial content changes; the regulations have been put into a more user-friendly order. Mr. Downes spoke to Durham Planner, Robin Newton, and has written a staff finding that there are no intermunicipal impacts based on the fact that these are internal administrative changes.

Mr. Neale moved that staff submit the written report to the Durham P&Z; second by Ms. Emery. Vote was unanimous in favor; Mr. DeFelice abstained.

9. Update on Regional Plan of Conservation & Development

Mr. Gold has asked Fitzgerald & Halliday (FHI) to investigate holding webinar meetings for the region since municipal meetings are being discouraged because of Covid-19. Perhaps when the pandemic has passed we can hold meetings further into the project. He will make sure that any hours in the scope for this in the budget are not lost.

Mr. deBrigard has concerns about the length of the pandemic in relation to the project. He asked for a specific proposal as to what can be done for next RPC meeting. Mr. Gold suggested a possible special meeting instead of waiting until the April meeting. Mr. Neale suggested putting some of the relatively new and/or provocative ideas into a survey.

FHI has created a draft presentation based on the existing conditions report. This is a little different than what was originally imagined for the towns, but may be a good presentation for the RPC. Mr. Gold suggested instead of bringing existing conditions to the town P&Zs, we could use the RPC reps to get the ideas out in their respective towns.

Tasks and hours will be reallocated for FHI through further discussion. For example, a walkthrough of town POCDs was done by Ms. Jouflas so those are hours that can be reprogrammed from FHI's scope. Ms. Stone commented that those RPC members from larger towns may not know how to disseminate information within their town, and that the RPC position may not carry any weight. Higher level push may be needed to get information to the people that need to be aware of it. RPC should be part of the answer but not the chief conduits for getting all the input needed. Mr. Gold noted that the towns' CEOs will be engaged to make sure there is good participation town wide.

and that it won't be dependent solely on RPC, though we do want to identify the RPC member, support them and tout them as a resource.

As schedule changes are made to the project they will be shared. Possible shorter, topic-specific special meetings may occur. Mr. Kowalczyk encouraged thoroughly testing public outreach tools before we go live with them.

10. Legislative Update

The State is currently working on a Covid-19 relief package possibly. There may be no budget bill this year, though we have an adopted biennium budget now, it will just include no amendments. Mr. Gold will send pertinent updates as they come. Anything that doesn't have to do with emergency response or business/economic package will probably be dead bills at this point.

11. Miscellaneous: State, Regional or Local Planning Issues

None.

12. Adjournment

At 8:50 P.M. Mr. Neale moved to adjourn the meeting; second by Ms. Childress.

Respectfully submitted,
Eliza Lopresti