

ANNUAL MEETING MINUTES

October 27, 2005

Present/Absent:	CHESTER	Margaret Wilson, Christine Nelson
	DEEP RIVER	Irwin Wilcox, Nancy Fischbach
	EAST HADDAM	<i>Robert Boulware, Logan Clarke</i>
	ESSEX	Fred Vollono, Ed Marlowe
	<i>FENWICK</i>	<i>Chuck Chadwick</i>
	<i>HADDAM</i>	<i>Scott Thompson, Susan Bement</i>
	LYME	<i>Kevin Mazer, J. Melvin Woody</i>
	OLD LYME	Rudi Besier, Ted Crosby
	OLD SAYBROOK	Madge Fish, David LeMay
	<i>CRERPA</i>	<i>Alan Bayreuther, Doris Sanstrom</i>
	<i>MIDSTATE RPA</i>	<i>Raul De Brigard, Stasia DeMichele</i>
	<i>DEP</i>	<i>David Blatt</i>
	STAFF	Linda Krause, Dorothy Papp, Judy Preston

Call to Order

The annual meeting was called to order by Chairman Fred Vollono at 7:04 pm in the CRERPA meeting room.

Logan Clarke moved to show a vote of confidence in the Commission's current leadership. Peggy Wilson seconded. All were in favor.

Logan Clarke moved to adjourn the annual meeting at 7:06 pm.

REGULAR MEETING MINUTES

October 27, 2005

Present/Absent:	CHESTER	Margaret Wilson, Christine Nelson
	DEEP RIVER	Irwin Wilcox, Nancy Fischbach
	EAST HADDAM	<i>Robert Boulware, Logan Clarke</i>
	ESSEX	Fred Vollono, Ed Marlowe
	<i>FENWICK</i>	<i>Chuck Chadwick</i>
	HADDAM	<i>Scott Thompson, Susan Bement</i>
	LYME	<i>Kevin Mazer, J. Melvin Woody</i>
	OLD LYME	Rudi Besier, Ted Crosby
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	CRERPA	<i>Alan Bayreuther, Doris Sanstrom</i>
	<i>MIDSTATE RPA</i>	<i>Raul De Brigard, Stasia DeMichele</i>
	DEP	David Blatt
	STAFF	Linda Krause, Dorothy Papp, Judy Preston

Call to Order

Chairman Fred Vollono called the regular meeting of the Gateway Commission to order at 7:08 pm in the CRERPA meeting room.

Approval of Minutes

Nancy Fischbach moved to approve the minutes of September 22, 2005. Logan Clarke seconded. Rudi Besier asked that the minutes be corrected to show his presence at the meeting. All voted to approve the minutes as corrected..

Correspondence/Staff Report

Linda Krause reported on the following correspondence:

- A written request from Robert P. Smith of Moodus expressing an interest to buy a portion of the Gateway property located at the corners of Porges and Creek Roads. Concern was expressed regarding the land's and request's proximity to the Haagenson Preserve property. On the other hand, it might well be that funds from the sale of a small portion of property not visible from the river could be put toward the purchase of higher priority land. Linda will reply to Mr. Smith stating the Commission's several questions warranting research.

- A response from the Attorney General's office concerning the proposed Haagenson Preserve sale, a copy of which is filed with these minutes.
- An e-mail from Cynthia Matthew, Chair of the Friends of the Haagenson Preserve explaining their current status of negotiations with CT Audobon for purchase of the property.
- A copy of the letter from DEP to the Attorney General wishing to intervene on the Chester ZBA Appeal, filed with these minutes. Linda also noted that CRERPA took several photographs showing the appeal property under water in recent flood conditions.
- News articles of interest included the *Rivers at Risk* series in the Hartford Courant; a New York Times article elucidating the challenges of keeping trees in favor of bushes along waterfront property; a Hartford Courant article entitled *Cozy vs. Colossal*; and an article reporting that the Goodspeed Theater is suspending its fundraising for a new theater until further notice.

At 7:40 pm **Logan Clarke moved to recess the regular meeting to open the public hearing as advertised.** Nancy Fischbach seconded. All were in favor.

Public Hearing on Proposed Gateway Standard

Chairman Fred Vollono opened the public hearing at 7:40 pm in the CRERPA meeting room.

- Ted Crosby read the Legal Notice as printed in the Middletown Press into the record.
- Chairman Vollono read correspondence into the record consisting of a letter from Stanley Greimann opposed to the proposed new standard. Linda Krause noted that she had received verbal comment from East Haddam Town Planner, Jim Ventres, speaking in favor of the proposal. Logan Clarke stated for the record that East Haddam's Village District was the result of extensive research and a well thought out process.
- Chairman Vollono asked for public comment. There was none.
- Chairman Vollono asked for staff comment. Linda Krause spoke in favor of the proposal.

There being no further comment for the record, **Nancy Fishbach moved to close the public hearing at 7:58 pm.** Rupe Wilcox seconded. All were in favor. The regular meeting of the Gateway Commission was resumed at 7:58 pm.

Proposed Gateway Standard Discussion

Melvin Woody expressed interest in a legal opinion as proposed by Stanley Greimann. Fred Vollono explained that a legal opinion can not protect the Commission. Precedent can always be cited. The question is more whether it would hold sway with the court. Nancy Fishbach said the important question is

whether the proposed standard is in conflict with the statute. Linda noted that a legal opinion would in all likelihood use her as a primary source of information based on her experience with the statute and regulations, and she is confident that there is no conflict.

Rupe Wilcox said he thought the problem was in not knowing the future and the kinds of development pressures a standard of this type might inadvertently encourage. Ted Crosby noted the very act of exercising the Commission's power to enact regulations opens the possibility for them to be tested; that it is the nature of the beast. Fred Vollono said the discussion pointed up the importance that the Commission be specific in its resolution so that there is no question that the standard applies only to the Village District in East Haddam.

Melvin Woody said that to his way of understanding the proposal at this point, the Commission would actually be setting a preferred precedent, in that Essex might take the idea and make their own proposal as a means of buying into the Gateway Standards as a whole. Nancy Fischbach agreed that a different change may be appropriate for Essex, and conceivably Deep River may want to develop a standard for Main Street to protect the natural and traditional river scene there.

Rudi Bessier asked why the Gateway Commission did not respond to East Haddam's regulation changes in the first place. Linda Krause responded that when Jim Ventres came in to explain the changes, her perception was that the Commission liked what they saw and were supportive of the concept of incorporating East Haddam's work into the Gateway Regulations. Linda further anticipated that Essex *should* do something similar in process and appropriate to its own situation. The proposal serves to refine the standards to accommodate a place where village density is the traditional scene. It is not applicable to the entire Gateway Zone, but it is appropriate here. David Blatt added that at the public hearing almost two years ago, Essex complained that the proposed standards did not apply to Essex Village. Allowing for special exceptions to one size fits all standards is a much more dangerous precedent than establishing specific standards to apply to specific districts. This proposal keeps the power with the Gateway Commission.

Nancy Fischbach noted that history itself is not frozen in time and to preserve an historical character, change is often called for.

Linda Krause reiterated that East Haddam had gone the extra distance to cooperate with the purpose and intent of the Gateway. Stasia DeMichele, a member of Haddam's Planning and Zoning Commission, reported that when their commission read the letter accompanying the proposal for public hearing, the members felt encouraged by the Gateway Commission's flexibility and support for a town's efforts.

Nancy Fischbach moved to table the proposal for staff preparation of a draft motion to be presented at the Commission's next meeting. Rupe Wilcox seconded. All were in favor.

Treasurer's Report

Peggy Wilson reported 6 bills to be paid:
\$71.30 to Andrews, Young & Geraghty for work on the Chester ZBA Appeal
\$1400.67 to CRERPA for September staff services
\$877.80 to CRERPA for Tidewater Services
\$72.06 to The Middletown Press for the public hearing notice
\$4000 to Lewitz, Balosie, Wollack etc. for the audit
\$263 to Chubb Insurance for liability insurance

Logan Clarke moved to pay the bills. Nancy Fischbach seconded. All were in favor.

Referrals

There were no referrals to report for September.

Tidewater Institute

Judy Preston is attending a hearing on The Preserve in Old Saybrook. She is applying for a year's extension to the Riparian Buffer Grant as flooding and other weather conditions have kept her from being able to get on the river.

Status of Gateway Standards

Ted Crosby said that he is approaching the difficulty of passing the riparian buffer Gateway standards in Old Lyme through a stormwater ordinance. Rudi Bessier reported that he spoke with some people on Old Lyme's zoning commission but that they were still adamant that private property rights were a higher priority than a riparian buffer.

Linda reported that the Eight Mile River Advisory Committee has finished its report including recommendations to reduce impervious surfaces, pursue aggressive open space programs, regulate for alternative subdivisions, give more attention to stormwater quality, and create a standard for riparian buffers along first and second order streams. The riparian buffer standard was based on the latest Gateway Standards.

Other/New Business

Ed Marlowe asked David Blatt if he might be able to find an update from the DEP on the Gabion Wall in Old Saybrook.
There being no further business, **Rupe Wilcox moved to adjourn the meeting at 9:03 pm.**

The next meeting of the Gateway Commission is Thursday, December 1, 2005