

# CONNECTICUT RIVER GATEWAY COMMISSION

## REGULAR MEETING MINUTES

January 27, 2011

### Present/Absent:

<b>Chester:</b>	<b>Margaret (Peggy) Wilson, Martha Wallace</b>
<b>Deep River:</b>	<b>Nancy Fischbach, Amy Petrone</b>
<b>East Haddam:</b>	<b>Harvey Thomas, Vacancy</b>
<b>Essex:</b>	<b>Ellen Whaley, Tony Chirico</b>
<b>Fenwick:</b>	<b>Ethel Davies, Borough Warden</b>
<b>Haddam:</b>	<b>Susan Bement, Derek Turner</b>
<b>Lyme:</b>	<b>J. Melvin Woody, Lisa Niccolai</b>
<b>Old Lyme:</b>	<b>Peter Cable, Suzanne Thompson</b>
<b>Old Saybrook:</b>	<b>Madge Fish, Vacancy</b>
<b>CRERPA:</b>	<b>Steve Williams</b>
<b>Midstate RPA:</b>	<b>Raul Debrigard, Stasia DeMichele</b>
<b>DEP:</b>	<b>David Blatt</b>
<b>Staff:</b>	<b>J.H. Torrance Downes</b>
<b>Guests:</b>	<b>Roger Nemergut, Craig Laliberte</b>

### Call to Order

Chairman **Melvin Woody** called the meeting of the Connecticut River Gateway Commission to order at 7:35p.

### Approval of Minutes

Upon a motion by **Fischbach** and **Wilson** to approve, the minutes were approved unanimously as presented.

### Correspondence/Staff Report

As reflected in the "Items of Interest" report, staff presented correspondence regarding (1) Annual Report of the Middlesex County Community Foundation, (2) invitation to a Rockfall "Meet and Greet" for new Executive Director Claire Rusowicz (scheduled for 1/27/11 but postponed to a later date and time), (3) quarterly newsletter from the CT Federation of Planning & Zoning Agencies, and (4) a letter from the Save the Ferry organization requesting a member of GW represent the Commission on the upcoming task force. **Woody** summarized his attendance at the December 10<sup>th</sup> meeting on the future of the Chester/Hadlyme Ferry service at which 150 people were present. Based upon his interest, **Woody** volunteered to act as the Gateway representative to that task force.

Staff reported that (1) the DOT responded to the "Friends of the River" regarding the Valley Railroad freight proposal (which was subsequently removed from the Draft State Rail Plan at the request of the Valley RR) indicating that although the freight proposal has been removed for now, at some future date the restoration of the Valley RR line can't be discounted as it is an importance potential segment in the state's infrastructure network. Staff also reported (2) that preliminary plans for a new Haddam Transfer Station were submitted for comment. GW decided to discuss the matter as "new business". (3) Staff reported (and presented the report) on a Special Exception review for the Platner residence on Seldon Road in Lyme. Of importance was the retention of trees to the north of the structure which block the view of the new additions proposed for the structure. (4) Staff will make a presentation to the Old Saybrook Garden Club on February 7<sup>th</sup>, 2011. (5) Staff reported that, regarding the Tylerville conveyance

bill issue, there has been no response from Senator Eileen Daily despite having sent a letter requesting that the Tylerville property in question *not* be included in any conveyance bill and despite having specifically requested Daily's assistant to ask that she call "at her convenience". Staff reported that an attempt was made to speak to East Haddam 1<sup>st</sup> Selectman Mark Walter about the conveyance. Limited time resulted in the discussion not occurring at the time of the CRVCEO meeting where they met. (6) Staff reported that a "regulation change" in Old Lyme would be presented at the GW's February meeting. The modification is a new "registry list" for homes that are considered "year-round" in the R-10. Although the registry list is not a regulation per se, it is part of the regulations and there is a limited amount of R-10 District in the Conservation Zone. Finally, (7) staff reminded the Commission that the audit was to be finally approved at the meeting.

#### Treasurer's Report

- (1) The Commission took up the issue of approval of the audit conducted by Lewitz, Balosie, Wollack, Rayner & Giroux of Old Saybrook. Upon a motion by **Fischbach** and a second by **Bement**, the Commission approved the audit unanimously.
- (2) **Wilson** reported that a meeting was scheduled with Merrill Lynch on February 14, 2011 in order to review the portfolio results for the fourth quarter of 2010.
- (3) **Wilson** presented bills for approval and payment:
  - a) CRERPA, \$1060.00
  - b) Audit, \$4900.00
  - c) Secty of State dues, \$50.00
  - d) Legal expenses, \$150.00 (cost of preparation of Quit Claim deed for transfer of Duncan property)

Upon a motion by **Bement** and a second by **Turner**, the Commission unanimously approved the payment of the bills. Upon questioning, staff indicated that a bill for legal services for John Bennet have not been presented as of yet. In addition, staff was requested to determine if the \$50 dues to the Secretary of State were for the CT River Land Trust rather than the GW Commission [**Review of office records revealed that the fee is for the CT River Land Trust**].

#### Referrals

21 Dock Road, Chester. Roger Nemergut and Craig Laliberte made a second *preliminary* presentation on behalf of their client based upon input received from the GW Commission at their December 2, 2010 meeting. The current design was reported to basically be a redesign of the existing cottage raised in order to meet flood plain requirements. Although the proposed structure is larger than what exists on site, the Commission felt that the redesign took much of their concerns into account. Discussion indicated that the Commission felt that the redesign was successful in protecting the "natural and traditional riverway scene" to a great extent. The process moving forward, as was explained to Nemergut and Laliberte, was to submit an application for variance to the Chester Zoning Board of Appeals who would then refer the application to the Gateway Commission for their review and comment. The applicant could attend that GW meeting if they so chose.

As for details of the design, the footprint of the new structure will remain at the same angle to the riverfront as existing. The proposed open deck will be located approximately 4 to 6 feet landward of the current location and a swimming pool is not included in this proposal as the area originally intended for the pool will be occupied by a new septic system. A square footage of 3,987sf will include the proposed two-car (as opposed to three-car) garage. The Gateway Commission members expressed their appreciation for the applicant and representatives taking the advice from the December meeting and redesigning the structure of the proposed dwelling in a way that is much less impact to the river scene.

29 Bridge Street, Old Saybrook. Variance application for the demolition and reconstruction of a dwelling located on Saybrook Point opposite the Hull Harbor Marina on Bridge Street. At the request of the applicant, the review was removed from the agenda to be rescheduled at the February, 2011 meeting.

Referral of Zoning Regulations, East Haddam. Numerous zoning regulations are proposed for amendment including one regarding structure heights in the Conservation Zone. The regulation language is that proposed by the Gateway Commission to correct a potential “loophole” in the existing height standard. Specifically, the new language impacts existing structures located on a hillside when the earth around the foundation is excavated, thereby exposing a greater amount of façade, an amount that may be in excess of the 35 foot maximum. In that the language was as proposed by the GW, the Commission approved the modification. Motion by **Wilson** and second by **Cable**, passed unanimously. As a note, staff reported that Land Use Administrator Jim Ventres communicated that there was some concern about the GW height regulation as expressed at a public hearing conducted on Tuesday, January 25, 2011. The comments had less to do with the proposed language than with the restrictive nature of the 35 foot maximum as measured from “existing natural grade”. It was reported to Ventres that the GW is unlikely to consider modification of that standard. For those instances where there is a real hardship connected with meeting the requirements of that standard, the appropriate remedy is the use of variances.

#### Discussion of Tylerville Land Swap

Staff reported that there has been no response from Senator Daily in response to the letter sent by staff on behalf of the Commission to Daily. Staff indicated that a call will be made to engage Daily in conversation on the topic and, if that isn't successful, **Fischbach** indicated a willingness to step in and make the contact.

#### Committee Reports

- Land. It was reported that during the most recent discussion regarding transfer of the Klar property to the DEP, concern was raised by DEP Analyst Martha Fraenkel that structures would have to be removed from the property first. Staff reported that Rob Smith of the East Haddam Land Trust indicated that there was no structure on the Klar property that would hinder the transfer.
- Outreach. Staff reported that the Public Outreach Committee will meet on February 21<sup>st</sup> in order to move forward on the preparation of the updated Mission Booklet. It was also reported that efforts were moving forward on preparing a program for the June 9<sup>th</sup> GW boat cruise. Efforts include suggestions of ten locations/subjects to discuss during the downriver portion of the trip and the compilation of a list of those who should be invited. Committee members are working on their respective tasks.

It was also clarified that the Rockfall Grant decisions are scheduled to be concluded in February and were not scheduled for completion by the end of December as originally discussed.

- Rules & Procedures. No report.

#### Discussion of 2004 Standards

Brief discussion regarding the possibility that the Essex Zoning Commission may be more willing to consider adoption of the 2004 standards if there could be a common understanding regarding where their concerns lie. Specifically, if standards are less of a concern in areas outside of the Village, perhaps the standards could be adopted elsewhere. Following that, more discussions could occur regarding standards adoption in the Village or elsewhere. Staff indicated that contact with **Chirico** on this subject would be made.

Old Business:

Discussion of Goodspeed Airport Easement Offer. Members of the Commission queried whether or not it would be appropriate to contact Campbell Hudson on behalf of Tim Mellon to explore the possibility of expressing interest in the DEP acceptance of an easement *if* there was a riparian buffer planted around the periphery of the property. Staff to contact Hudson to determine if that's a possibility. If so and once planted, the Commission would be willing to express an interest in easement acquisition to the DEP Land Acquisitions group in Hartford.

New Business: The Commission reviewed submitted preliminary drawings for the Haddam Transfer Station. The Commission was generally positive to the location and plans as presented although there were several comments that were requested to be relayed to the Town. Those comments included:

- (1) A structure, labeled as a "citizen's swap shed" appeared to be located within what may be the 100 foot GW structure setback, thereby needing a variance and a review by the GW Commission.
- (2) A chain link fence was noted on the plan but it wasn't clear whether a portion of the fence was proposed for the riverside of the project. The GW commented that they would like to see such a fence hidden from view from the river. Comments were also made regarding silt fencing that appeared to be shown on plans. The silt fencing should be removed as soon as possible following the stabilization of the area for which it was installed.
- (3) The Commission commented that, although plans suggest that stormwater drainage is planned to be transported to the northwestern corner of the site to a stormwater detention basin, it was important that such a drainage pattern be established so as to protect the water quality of the river and associated wetlands.

**Debrigard** raised the issue of a Connecticut River Survey sponsored by the Capital Region COG and Pioneer Valley being distributed and completed online. Staff reported that Margot Burns of CRERPA was involved in that effort. It was recommended that a link to the survey be distributed to all Gateway members so that they could fill out the survey as well as they are important stakeholders in the health of the lower Connecticut River. Staff will forward the link to GW members.

Adjournment

Upon motion by **Debrigard** seconded by **Blatt** the meeting adjourned at 9:00 p.m.