

CONNECTICUT RIVER GATEWAY COMMISSION
REGULAR MEETING MINUTES
February 25, 2010

Present/Absent:

Chester:	Margaret (Peggy) Wilson, Martha Wallace
Deep River:	Nancy Fischbach, Amy Petrone
East Haddam:	Harvey Thomas, Robert Boulware
<i>Essex:</i>	<i>Ellen Whaley, Fred Vollono</i>
<i>Fenwick:</i>	<i>Ethel Davies, Borough Warden</i>
Haddam:	Susan Bement, Derek Turner
Lyme:	<i>Kevin Mazer, J. Melvin Woody</i>
Old Lyme:	Ted Crosby, Vacancy
Old Saybrook:	Madge Fish, Vacancy
<i>CRERPA:</i>	<i>Steve Williams</i>
<i>Midstate RPA:</i>	Raul De Brigard, Stacia DeMichele
DEP:	David Blatt
Staff:	J.H. Torrance Downes
CRERPA:	<i>None</i>
Tidewater:	<i>Judy Preston</i>
Guests:	<i>None</i>

Call to Order

Chairman **Melvin Woody** called the regular meeting of the Gateway Commission to order at 7:48 pm in the CRERPA meeting room.

Approval of Minutes

Motion to approve 1/28/10 minutes with corrections regarding monthly financial report, CRERPA listed twice and member Dibrigard's misspelled name by **Peggy Wilson**, seconded by **Susan Bement**, passed unanimously. **Fischbach** requested that the name of the regular member appear before that of the alternate.

Regarding the monthly financial report, the corrected totals \$687,114 and \$754,191 which together total \$1,441,305 in the two accounts.

Correspondence & Staff Report

See "Gateway Items of Interest", attached.

Received since preparation of "Items of Interest":

- (1) DEP Office of Pollution Prevention. Pollution Prevention View, Winter Newsletter. www.ct.gov/dep
- (2) Charles Schwab, cold sales letter.
- (3) Downes reported on DeMichele/Downes outreach visit to the Haddam Conservation Commission.
- (4) Downes reported on the preparation and sending of a letter in support of the acquisition of the "Pender" property by TNC.

Treasurer's Report

Peggy Wilson reported that the finance committee will be discussing policies for conflict of interest and audits and will report the committee recommendation to the Commission at an upcoming meeting.

Fischbach moved, seconded by **Wallace**, to approve the payment of \$2195.00 to CRERPA for staffing/administration services.

Variance Referrals

Old Saybrook. Marine Village, Ferry Road on the Connecticut River. **Fish** recuses herself at 8:04pm. Variances for flood ordinances requested to allow (1) the construction of a new marina building and sewage treatment operation structure on the southern boundary of the property, (2) occupation of an existing ground floor marina-level building with office and restaurant storage space, and (3) occupation of an existing ground floor marina-level structure with toilets/shower facilities and a workout room, all located below base flood elevation for that property.

Reading of state statutes regarding Gateway authority confirmed *any* variances for property within the Conservation Zone come before the Gateway Commission, whether regulation *or* ordinance (as a note, the Old Saybrook Flood Ordinance specifies that the Old Saybrook ZBA is the responsible authority when the issue of variances of those ordinances is involved).

After much discussion, the Commission authorized staff to prepare a letter stating that there was no opposition to the granting of the variance in that the improvements would not adversely affect the protection of the “*natural and traditional riverway scene*”. Staff was instructed to include language that states the Commission is concerned with the establishment of usable space *other than* the marina structure below base flood elevation. Motion by **Thomas**, seconded by **Wilson**. Passed unanimously.

Fish returns at 8:37pm.

Referrals Reviewed by Staff

None.

Committee Updates

- Rules and Regulation Committee. The committee led discussion on several rules-related topics including (1) the necessity for a majority of *entire* town membership (as opposed to a majority of towns present, i.e. representatives of five (5) towns must vote in favor of any change) to vote on any changes to adopted Gateway standards, (2) language should be included in Rules and Regulations clarifying that staff has been delegated the authority to comment on variance applications which do not significantly impact the protection of the “*natural and traditional riverway scene*”. Such authority is based upon a list of Commission-approved criteria, (3) voting by email will be researched to a greater degree, (4) the question of whether “minutes” are needed for all committee meetings. It was expressed that, when recommendations of committees are reported to the Commission as a whole, the votes on such recommendations will appear in the Commission minutes, (**Blatt** to research FOI requirements).

The Rules and Regulation committee will be meeting on March 15, 2010. An updated version will be distributed.

- Land Acquisition Committee. The committee met on Friday, February 19, 2010 to discuss the Otfinoski property and its potential purchase. 2005 mortgage - \$450,000. Purchase price - \$750,000. Committee concluded that the property is not currently worth \$900,000 (the last known asking price). Based upon an offer of \$700,000, the following breakdown of funds results:

\$140,000 Gateway, one-time “up front”
\$70,000 Chester Land Trust
\$343,000 DEP Funding
\$30,000 Gateway match to Chester Land Trust
\$583,000

A balance of \$117,000 remains.

Other options:

Conservation easement.

Tax benefits for a \$200,000 donation.

“Purchase” development rights.

Central question, it was discussed: What is the total grant amount with which the Commission would feel comfortable. Relatively small parcel, but *any* open land directly on the river is of value. What is the ultimate “worth” of preserving this 4± acre parcel, given the financial resources that can be brought to bear and what other opportunities presently exist and *may* exist in the future.

Commission decided it will be necessary to meet with Amy Patterson of TPL and the Chester Land Trust to determine just how committed the CLT is to the purchase *and ownership* of the property.

After further discussion, **Fischbach** moved, seconded by **De Brigard**, to offer \$100,000 with the Chester Land Trust to commit to raising their share subject to any conditions. Motion includes that the Gateway Commission will pay \$500 for the appraisal update. Motion passed unanimously.

- Outreach. Outreach Committee to meet on Friday, February 26, 2010. Likely topics: Update of Mission Booklet and Website.

Status of 2004 Standards

Following the recent forum at the CT River Museum, progress has been made on finding a representative for Essex. The candidate will likely be Anthony Chirico. At such time as Chirico is brought into the Gateway and up to date, it is anticipated that efforts to entice Essex to include the updated 2004 standards in their Zoning Regulations will begin.

Gateway Owned Properties – Duncan Property, East Haddam

Downes reported that he has been in contact with Rob Smith of the East Haddam Land Trust, Bob Weaver, surveyor of the Duncan property on behalf of the EHLT, and Attorney Jane Marsh on behalf of the Gateway Commission. Downes indicated that he is scheduling to inspect the Duncan property this week and will endeavor to speak to the surrounding property owners who apparently have encroachments on the Duncan property.

New and Other Business

None.

Adjournment

There being no further business, **Crosby**, seconded by **Blatt**, moved to adjourn the meeting at approximately 9:35 pm.

**The next regular meeting of the Gateway Commission is
Thursday, March 25, 2010**

Gateway Items of Interest

February 25, 2010

A. Correspondence

- (1) Cold call letter from Schwab investments. Addressed to Bob Meyers and Fred Vollono.
- (2) CT DEP Office of Pollution Prevention. P2View, Winter 2010 Newsletter.

B. Staff Report

(1) The Nature Conservancy, Letter of Support for the Acquisition of the “Pender” property in Haddam. On Friday, February 19, 2010, a support letter from the Gateway Commission was prepared and sent via email and hardcopy was sent to The Nature Conservancy (copy attached). The Pender property is a 55-acre parcel that abuts the Elm Camp Johnson Preserve in Haddam Neck, which was recently acquired by the USF&WS. The urgent handling of the request for support was made due to a Friday deadline for the support letter. It was felt that the GW would have given staff the go-ahead to send such a letter. Raul DiBrigard will fill the Commission in on how this all transpired.

(2) TNC, Letter of Support for the “Coastal Resiliency Funding” Request. Its support your local TNC office month! *This* support letter was written on behalf of CRERPA, *not* the Gateway Commission, but the GW should be aware of these efforts. Nathan Froehling of TNC and others came to CRERPA to present their work on coastal flooding and sea level rise, looking for support and ideas on the subject. Their goal was to sell CRERPA on the need for such work and to seek our support in their request for \$24 million dollars from NOAA (hello! Yes, \$24 million). A letter of support was written and sent to Joe Courtney and Rosa DeLaura stating that, as a part of CRERPA’s updates of existing Natural Hazard Mitigation Plans for our nine municipalities and the Estuary region itself, sea level rise and storm surge planning would be included to a greater degree than in the original plans (we’re awaiting word on whether or not we will receive funding for these updates, which are required as a part of the original work – trying to keep funding going in these tough times). Those original plans were prepared by staff of CRERPA and approved by NOAA, entitling our towns to *mitigation* funding, as opposed to funding for storms after they’ve occurred. The main product of those Plans was what could be called a “wish list” of things each town needs to do to mitigate the impacts of flooding and other natural hazards on its citizens. If an item was included in the “wish list”, then funding – if available – could be used for that item. If an item, no matter how “far out”, wasn’t on the list, the funding couldn’t be used. The included items were not mandatory, so it the process led to numerous brainstorming sessions with town officials and interesting lists of “wishes”....

(3) Connecticut River Museum Forum. As indicated in emails, staff attended the forum on “public and private rights” in the lower CT River. Vice Chair Fischbach was in attendance and offered plenty of discussion as well. The discussion went back and forth between Gateway development issues and impacts created by recreational boating on the river (noise, speed/safety and boat wake-created erosion). As you know, staff took the time to point out that Essex was the only town to not adopt the new standards despite that law stating “shall”. Museum ecological specialist Bill Yule reported that to 1st Selectman Phil Miller who in turn called and asked questions. So, perhaps now that mission will move forward – we’ll see.

(4) Chester ZBA. Staff, Peggy Wilson and Martha Wallace were to visit the Chester ZBA on Monday, February 22, 2010. Due to the lack of business to conduct, the meeting was canceled. We’ll be on the March agenda if the ZBA has business to conduct and if Chair Mario Guico invites us.....

(5) Haddam Conservation Commission. Staff and Stasia DeMichelle attended a meeting of the Haddam Conservation Commission on Wednesday, February 24, 2010. Although the statutes governing the Gateway Commission do not indicate a direct involvement of Conservation Commissions in Gateway related issues, they certainly are a part of the ecological work being done in the lower river. Interestingly, the one area of Gateway work that *does* involve the local Conservation Commissions is that of variance referrals. Section 25-102h CGS states that a local ZBA “....*shall submit a copy of such [variance] application to the Connecticut River Gateway Commission and the conservation commission of the town within which such land is located not less than ten days prior to the date set for the hearing on such application.*” This may or may not be news to the Haddam Conservation Commission. A document was prepared (a modified version of the ZBA document that we’ve handed out) to present to the Conservation Commission for their review, including the citation regarding variance applications.

C. Variance Referrals/Regulation Proposals/Special Exception Reviews for Commission Review

Marine Village, Between the Bridges, Old Saybrook. The applicant presented an application for variances to staff of the GW on Thursday, 2/18/10. The hearing is scheduled for March 10th. The variances are being requested for relief from *flood ordinances only*. Although there is one sideline encroachment and what staff interprets as a potential height encroachment, those issues are not a part of this application. Where it would be assumed that those inconsistencies will be presented by the applicant as “acceptable” under the affordable housing application, there is still confusion over how the application(s) will be presented. Specifically, there are questions regarding whether *marina* improvements should be relieved of zoning requirements under Section 8-30g CGS, or if the zoning relief is just “entitled” under the *residential* portion of the application. Very complicated. The applicants, it would seem, are guessing how a judge in Middletown might interpret all of this.

As for this application, it contains three components – (1) construction of a new marina building at grade to south of the site and behind two existing marina buildings, (2) proposal for use of an *existing* grade level enclosed structure underneath a three story structure for an office and restaurant storage, and (3) a proposal for the use of an *existing* grade level enclosed building for a workout room and bathrooms for the marina facility. As stated, the two proposals for use are in existing buildings that, other than a second story open deck, won’t change in appearance other than window and door openings. The proposed marina building is tucked behind two existing buildings and won’t be visible from the northeast or east. It *will*, however, be visible from the southeast as one approaches the complex from downriver. A new sewage control building to be placed at the southern end of the property at the far end of the new marina building at road level, however, appears to potentially be over 35 feet high from the *lower* marina grade, but only 22 feet from the upper grade – a classic hillside height issue. Again, that seemingly inconsistent height and any request for relief from regulations – at this point anyway – is not a part of this application.

D. Variance Referrals with Impacts Reported by Staff to be Insignificant

None.

E. Status of Standards

As the Commission is aware, through comments made at the recent CT River Museum forum on Thursday, February 11th, the issue of Gateway representation in Essex has come to the fore. Discussion with the CRERPA Ex. Dir. (Linda) suggests that we may now have a “good=natured”

tug-of-war between CRERPA and Gateway to see who gets Mr. Chirico, if indeed that is who is put forth to replace Fred Vollono (who, the article said, is ready to step down – staff hasn't heard from Fred directly, although an invitation to be "LinkedIn" was received). Linda *did* acknowledge that Gateway may have a more urgent need for an Essex representative at the moment than the RPA board... If there's a tug-of-war, who wants to join me at "our" end of the rope? ☺

F. Transfer of Gateway Property/Inventory Project

Staff spoke with EHLT President Rob Smith, Surveyor Bob Weaver and Attorney Jane Marsh on Wednesday, February 24, 2010 regarding the transfer of the "Duncan" property. Marsh provided instructions on what information is needed and what needs to be accomplished prior to transfer. Weaver was asked about his "take" on the encroachments he found in the field and whether or not he spoke to the responsible property owners. Rob Smith was told that staff will travel up to the property the week of March 1, 2010 to inspect the encroachments and speak to the responsible neighbors.

