

**CONNECTICUT RIVER GATEWAY COMMISSION**  
REGULAR MEETING MINUTES  
March 25, 2010

**Present/Absent:**

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

**Call to Order**

Chairman **Melvin Woody** called the regular meeting of the Gateway Commission to order at 7:35 pm in the CRERPA meeting room.

**Approval of Minutes**

Motion to approve 2/25/10 minutes by **Peggy Wilson**, seconded by **Susan Bement**, passed unanimously.

**Correspondence & Staff Report**

See "**Gateway Items of Interest**", attached.

No correspondence was received since the last meeting on 2/25/10. Staff reported on an outreach visit by **Peggy Wilson, Martha Wallace** and JHTD to the Chester ZBA on Monday, March 15, 2010. The 40 minute discussion took place in the Chester Meetinghouse. The Commission's "ZBA" memorandum, citing the statutory responsibilities of a member ZBA was circulated.

**Treasurer's Report**

**Peggy Wilson** reported that the finance committee decided that a full audit will continue to be necessary at year end rather than a lesser "compilation report" that had been discussed. It was also reported that the tentative Conflict of Interest policy document had been forwarded to the Rules and Regulation Committee for a determination regarding which of three sample policy documents would be used. Members expressed the opinion that the longer of the three was likely not necessary. No decision was reported. Discussion of tax returns and whether or not there was a new requirement for submission of 501(c)(3) organizations was raised. Staff indicated that clarification would be sought from auditor Joe Wollack.

**Susan Bement** moved, seconded by **Martha Wallace**, to approve the payment of \$1831.79 to CRERPA for staffing/administration services.

#### Variance Referrals

Essex. Peter Wallace and Katrina Wall, 15 Riverview Street on North Cove. Peter Wallace presented a plot plan and several architectural renderings to the Commission. Staff presented aerial photographs, a plot plan and Cove side architectural rendering. Wallace explained that the previous property owner received variances to reconstruct the structure in a style that Wallace/Wall, as new owners, thought was not in keeping with the character of the Essex waterfront. The proposal is approximately 1% less in footprint than that which had been approved previously. Although the proposed roof peak is higher than the previous proposal (but still under 35 feet at 34.5 feet), the width of the structure is proposed to be less. Some of the new visible bulk is located to the left (south) of the structure in a location that is visually buffered by existing trees located at the southeastern corner of the property on the Cove waterfront. Wallace discussed design considerations and reported that, rather than painting the new dwelling white, it will be shingle painted a more muted “taupe” color. The roof will likely be dark in color, although not black. Wallace reported that they would be landscaping, referring to their former house a street away and indicating that significant landscaping is an aesthetic that they appreciate. Several Commission members voiced their preference for this design over the previously approved design.

Following the discussion, the Commission voted to *not* oppose the granting of the variance (ground coverage and two regulations which require improvements and uses only in conformity with the Zoning Regulations). The motion was made by **Harvey Thomas** and seconded by **Madge Fish**. The vote was unanimous.

Old Saybrook. Saybrook Point Hotel and Marina. Architect Tom McDonald of East Wharf Architects presented for the property owner as a “preliminary presentation” as the variance application has not been submitted to the Town as of yet. Staff displayed a set of aerial photographs to orient the Commission, showing the structure’s location at the corner of Bridge and Cove Streets on Saybrook Point and across the street from the parking lot of the hotel/marina. The Commission was reminded that they reviewed a zoning regulation change that allowed the property owner to establish hotel “suites” in the former single family residential structure that is the subject of the discussion. The improvements were shown to be open porches on the second and third level of the front, river-facing façade. From the river side, the proposed porches were shown to not extend outside of the “bulk” of the front façade to either the north or south side of the structure (the existing first level open porch is a “wrap-around” porch that will remain in its current configuration. Although there will be new bulk established to the rear (west) of the structure, that bulk does not significantly extend outside of the existing north and south footprint of the structure in a way that would be seen from the east (i.e., the rear improvements cannot be seen as one looks at the structure from directly head on). The parking location to the rear (west) of the structure and the neighboring structure immediately to the north was shown to be generally hidden from view from the river. An existing uninhabited cupola was shown to extend above the existing roof peak (30 feet in height) and confirmed that it will continue to be uninhabited and therefore approvable by special exception. McDonald confirmed that the necessity for the setback variances were due to the size of the lot (approximately 10,000sf) and the fact that the existing nonconforming structure extends into the side and front setbacks, including a “narrow street” setback required along Cove Street.

The Commission confirmed that the design seemed acceptable and were appreciative of the owner’s

effort to present to them in a preliminary fashion.

#### Zoning Regulation Referral

Old Lyme, Old Lyme Zoning Commission. The Zoning Commission proposed to include “alternate energy systems” as a permitted use in the RU-40, RU-80 and LI-80 Districts in town. The Old Lyme Zoning Regulations currently include special standards for residential wind turbines but don’t include that use in any of the existing zoning districts. The current standards, among other requirements, indicate that the height of such residential turbines cannot exceed 80 feet as measured from the base. Using the Zoning Map from the Town of Old Lyme, staff demonstrated that a significant amount of RU-40 and RU-80 district land is located within the Gateway Conservation Zone in Old Lyme. LI-80 light industrially-designated land is, on the other hand, located outside of the Conservation Zone to the eastern end of town.

The Commission reviewed last year’s discussions regarding their draft policy regarding wind turbines in the Gateway Conservation Zone. The draft policy stated that, although the Commission supports the ability for residents to take advantage of alternative energy systems such as wind turbines and solar panels, they felt that wind turbines that extended above the 35 foot height limit in the Conservation Zone were not “*natural and traditional*” in character and their location within the Conservation Zone was therefore not acceptable. Their draft policy officially took no position on whether or not such turbines were acceptable *outside of* the Conservation Zone in that those areas were not within their jurisdiction. Letters informing member towns of such a draft position were not sent as the Commission was waiting for final decisions on how to move forward with other standards having to do with riparian buffers. There was a stated intent to inform member towns on the two initiatives at the same time, which delayed the posting of the final letter, which would also include a request for the local jurisdiction to forward *their* opinions on this policy.

Following additional discussion, the Commission decided to “approve” the Zoning Commission’s proposal with the condition that such residential wind turbines were to be excluded from properties within the Gateway Conservation Zone as such turbines would not be consistent with the “*natural and traditional riverway scene*”. It was noted that Section 25-102g CGS provides that only regulations “approved” by the Gateway Commission can become effective. The motion was made by **Harvey Thomas** and seconded by **Raul Debrigard**. The vote passed unanimously.

As a note, Thomas made the suggestion that discussion on a strategy regarding riparian buffers be place on the Agenda for the April 22, 2010 meeting.

#### Referrals Reviewed by Staff

Haddam, Hashim Karshiqi. Staff reported that a rear addition for the Haddam Restaurant near the corner of Route 154 and Bridge Street in Tylerville is (1) on the side of the structure opposite the river and (2) not visible because the property can’t be seen from the river. As a result, staff wrote a letter to the Haddam ZBA stating that the Gateway Commission would therefore likely not oppose the granting of the variance in that it would have little or no impact on the “*natural and traditional riverway scene*”.

#### Discussion of Raised Bill No. 5520, Section 19, Conveyance of Certain Parcels of Land

The Commission, upon a motion by Debrigard and a second by Thomas, approved the testimony submitted by Woody and Downes, unanimously. Following the vote, the Commission discussed the most recent issues effecting Raised Bill No. 5520, the “conveyance bill”. Testimony was reviewed with descriptions of how the proceedings occurred, who was in attendance, who wasn’t in attendance. Discussion included speculation on whether or not Section 19 – the “Haddam” swap – would be

included in the bill when referred out of committee. Strategies regarding how to proceed if Section 19 were to be included in the referred bill were discussed. Such suggestions included direct contact of Representative Spallone, co-chair of GAE committee, contact of all legislators for Gateway member towns regarding the concerns of the Gateway Commission, development of a list of legislators to whom the Commission would send letters of concern or visit if the bill goes to the entire General Assembly including Democratic and Republican leaders. It was decided that a special meeting time of Thursday, April 8, 2010 would be set aside if there was a need to meet. Further, it was decided that at least one member – likely Chairman Woody – would attend the meeting of the GAE on Friday, March 26, 2010 to show a “presence” (Woody and Debrigard attended).

#### Committee Updates

- Rules and Regulations. Woody and Blatt reported that the Committee had developed recommendations for Rules and Regulations, but there was confusion over whether the copy that most had was the latest draft. As a result, it was decided that the Committee should forward the *latest* draft of the document so that the Commission is sure that they are dealing with the most recent issue.
- Outreach. No report other than the Outreach Committee to meet on Monday, March 29, 2010. The meeting will be spent looking at member recommendations for the update of Mission Booklet. Tidewater’s Judy Preston was asked to attend.

#### Status of 2004 Standards

Staff reported that, after two meetings with Anthony Chirico and an exchange of information regarding standards, Chirico reported to 1<sup>st</sup> Selectman Miller that he’s ready to be officially appointed to the Gateway Commission.

#### Gateway Owned Properties – Duncan Property, East Haddam

Staff reported that he has yet been unable to get up to East Haddam to do a site inspection of the Duncan property or visit the property owners who have encroached onto the property. Once that is accomplished and the property is acceptable to the East Haddam Land Trust, the survey can be turned over to Attorney Jane Marsh to prepare the deed.

#### New and Other Business

None.

#### Adjournment

There being no further business, **Susan Bement** moved to adjourn the meeting at approximately 9:31 pm.

**The next regular meeting of the Gateway Commission is  
Thursday, April 22, 2010**

## Gateway Items of Interest

March 25, 2010

### A. Correspondence

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None.

### B. Staff Report

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- (1) Chester ZBA. JHTD, Peggy Wilson and Martha Wallace visited the Chester ZBA on Monday, March 15, 2010. Provided the previously prepared ZBA/GW Relationship summary memo.
- (2) Raised House Bill No. 5520, the Conveyance Bill. JHTD testimony was circulated. Any further discussion will occur under item on Thursday agenda. JHTD preparing to send an email to Steve Rocco (once I get his email address) indicating that, if the conveyance occurs, the GW Commission will likely want to schedule a time in the future where the anticipated project can be explained. As a note, the Commission will recall that member Raul Dibrigard and JHTD met with Steve Rocco at the Riverhouse site on Thursday, March 18<sup>th</sup>.

### C. Variance Referrals to be Reviewed by the Commission

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- (1) Essex, 15 Riverview Street. Peter Wallace and Katrina Wall. Coverage variance to allow for the reconstruction of a residential dwelling directly located on North Cove. Variance previously granted to rebuild structure. Wallace and Wall, new owners, are using a different design which is said to be more in keeping with "traditional" architecture. Roof peak of proposed designed is higher than what was previously approved (although not over 35 feet), but the horizontal "presentation" to the river is reduced. Increased footprint over that previously approved is < 1%. Mr. Wallace will be in attendance to present the application.
- (2) Old Saybrook. Saybrook Point Hotel and Marina (preliminary discussion). Former single family residential structure at corner of Cove and Bridge Street, across parking lot from Saybrook Point Marina. Proposed variances of setbacks to establish open decks on the east and south facades at several levels. The GW Commission previously reviewed a zoning regulation amendment that now allow hotel suites to occupy this structure (copy of 6/26/09 letter attached at end of Notes).

### D. Zoning Regulation Referral

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- (1) Old Lyme. Petition to allow alternative energy systems within RU-40, RU-80 and LI-80 Districts. Petition was brought forth by the Zoning Commission at the request of resident and Zoning Commission member Jane Marsh. Ms. Marsh is interested in constructing an 80 foot residential wind turbine on her property (a cow pasture) at Griswold Point. **Although LI-80 District properties are not located within the Conservation Zone, a significant number of RU-40 and RU-80 properties ARE, including the property of Ms. Marsh. Again, the specific Special Exception application (which would not come before the Gateway Commission) has NOT been submitted at this time.**

The Old Lyme Zoning Regulations include standards for the installation of alternative energy systems, but that particular "use" was never included in any of the zoning districts within Town. This petition proposes to place alternative energy systems as a special exception use in the aforementioned zoning districts. The following is a paraphrased version of the text presently included in Section 11.13 (formerly Section 7.3.4 before the "great rewrite" of the past five years) of the Old Lyme Zoning Regulations:

**By Special Exception, OLZC can approve solar collectors and wind turbines to exceed maximum height measurements subject to the following:**

- a. **No detrimental effect on present and future dwellings in vicinity;**
- b. **Site shall be of adequate size and location to accommodate the system, exclusive of guy wires, without encroachment into open space setback requirements;**
- c. **Wind turbines to be located on lots at least 30,000 sf, and:**
  - (1) **Tower shall not exceed 80 feet measured from base,**
  - (2) **Tower shall be engineered and commercially available,**
  - (3) **Wind turbine shall be commercially available, and**
  - (4) **Setback from any lot line shall be at least one tower height, which setback requirement pertains to the tower and not to any guy wires.**

The Gateway Commission will recall that, pursuant to Section 25-102g(b) CGS, no zoning regulation affecting land within the Gateway Conservation Zone shall become effective without the “approval” of the CT River Gateway Commission.

#### **E. Variance Referrals with Impacts Reported by Staff to be Insignificant**

Haddam, Hashim Karshiqi – The Haddam Restaurant by Bridge Street. Rear addition within 1 inch of rear property line (20 feet required). No impact because the site is not in view from the CT River, its tributaries and associated wetlands. Even if visible, the addition is on the side opposite the river (west).

#### **F. Status of Standards**

Met with Phil Miller and Tony Chirico on Friday, March 5, 2010. Prepared and delivered a “new member” packet to Tony on Friday afternoon of the same day. During the following week, Tony asked a question about standards, then asked to meet to further discuss GW. Staff is scheduled to meet again with Mr. Chirico on Wednesday, March 24, 2010, and will report on the meeting at the March 25, 2010 Gateway meeting.

#### **G. Transfer of Gateway Property/Inventory Project**

East Haddam, Duncan Property. Staff has indicated, but has been unable as of yet, to make a site inspection to view the described encroachments. Visit will include discussions with adjacent property owners who are apparently responsible for the encroachments, which are described as minimal. Staff has spoken with EHLT President Rob Smith as recently as the week of March 15, 2010.