

CONNECTICUT RIVER GATEWAY COMMISSION
REGULAR MEETING MINUTES
June 24, 2010

Present/Absent:

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

Call to Order

Chairman **Melvin Woody** called the regular meeting of the Gateway Commission to order at 7:40p. The meeting was convened at Zhang's Restaurant next door to the Commission's regular meeting location at the CRERPA office in Saybrook Junction Marketplace, Old Saybrook. A sign was posted on the CRERPA door to direct members and any guests to the modified location.

Approval of Minutes

A motion was made by **Bement** and seconded by **Turner** to approve the minutes from the May 27, 2010 meeting; there were no corrections. Approved unanimously.

Guests: None

Correspondence/Staff Report

Commission was referred to the *Items of Interest* report emailed by Staff J.H. Torrance Downes (attached at the end of these minutes). Since correspondence was not at hand, a list of correspondence in Staff's report was read aloud.

Treasurer's Report

A. **Spending Policy:** **Wilson** introduced the review of the Gateway spending policy by the Finance Committee noting the question raised was how much of our principle the Commission wants to leave intact, understanding that a \$1 million baseline figure had been used but that the Commission might want to adjust that for inflation. **Thomas** summarized a 10 year forecast and associated assumptions of expenses, inflation, earnings/growth, etc. If spending were to occur at a rate of 3%, current expenses would not be covered. The Commission could spend at 4%, assuming a modest 2% growth, if expenses hold at or near the current level.

Thomas made a motion that in accordance with the recommendation of the Finance Committee, a spending policy be adopted to have an objective of a minimum of \$1.2 million in assets (excluding any real property), while spending 3-4% of the Commission's portfolio's trailing three year average.

The motion was seconded by **Chirico** and passed unanimously.

- B. 2010-2011 Budget: **Wilson** reviewed FY 2009-2010 budget YTD, its projections for year end, and 2010-2011 budgeted amounts as follows:

	<u>2009-10 Budget</u>	<u>2009-10 Forecast</u>	<u>2010-11 Recommendation</u>
CRERPA	\$17,000	\$21,000	\$20,000
Tidewater	20,000	-0-	3,000 (new mission booklet)
Invest. Fees	12,000	14,000	14,000
Audit	4,500	4,500	5,000
Dues, Subs	550	500	500
Legal	25	-25-	4,000
Printing/Repro	250	250	2,000 (mission booklet (1))
Insurance	2,200	2,000	2,000
River Trip	1,200	1,650	1,200 (2)
Regl Land Trust	1,000	-0-	-0-

(1) Not yet known how many copies are needed. Grants will be applied for (Rockfall, MCCF, others)

(2) The suggestion was made that any Gateway personal guests (spouses, etc.) will be asked to pay own fare.

A motion was made by **Wilson**, seconded by **Bement**, to approve the 2010-2011 budget recommendation. The motion passed unanimously.

- C. Bills/Expenses: A motion by **Bement**, seconded by **Fish** to pay the following bills passed unanimously.

(1) \$2876.50..... CRERPA includes 6 months of mileage.

(2) \$ 575.....Land Trust Alliance expense amount is based on assets

- D. Treasurer’s Report: A motion by **Fish**, seconded by **deMichele** to accept the Treasurer’s Report passed unanimously.

Referrals/Report of Staff Actions

No referrals. Staff actions are as noted in Staff Items of Interest report.

Conveyance of Certain Parcels of Land in Haddam

- A. Chairman **Woody** reported the 2010 conveyance bill was passed in this week’s Special Session of the Legislature but the Section 19 Haddam “land swap” had not been re-inserted into the bill and was therefore not approved.
- B. Meeting with developer Steve Rocco, Haddam First Selectman Paul deStefano, Haddam Town Planner Liz West, Chairman **Woody**, **deMichele** and GW Staff Downes: Chairman **Woody** reported on the meeting which took place this week at the request of Rocco. Downes advised the attendees that before any transaction of the land could be further considered by Gateway, the land surrounding River House would have to be rezoned (currently the area is zoned for Industrial use; a hotel would require a change to Commercial or Village District under current Zoning Regulations) and Rocco would have to give specifics as to what land he was prepared to place in conservation (the “hillside”, the lower five acre area formerly occupied by a gravel pit, other land). He would also need to indicate whether his plans would include just the hotel or a theater as well.
- C. **DeMichele** reported on the Planning & Zoning meeting which took place that same evening and at which its chairman asked the commission to endorse the development of the river parcel. **DeMichele** made a counter proposal that a committee be formed to develop a Village District

proposal for the area. Her suggestion was supported by the vice-chairman and was adopted. No further action was taken on the chairman's request.

- D. Meeting with DEP Commissioner Amey Marella: A meeting was held on Tuesday, June 22, 2010 with Chairman **Woody, Debrigard, Thomas, Blatt** and GW Staff Downes. DEP Staff Bob Kaluzuski was also in attendance. **Woody** conveyed to the Commissioner a brief history of the Gateway Commission's work in the lower river valley and the need to protect the riverscape and Gateway's obligation to the towns in the compact, noting that Haddam has municipal challenges and that the Gateway partnership puts the Commission in a position to try to assist the Town. Commissioner Marrella indicated that she would attend a meeting of all parties involved if someone other than the DEP were to organize the meeting. Downes requested that the Commissioner send a list of those Agencies and representatives who she felt should be involved. With that information in hand, Downes indicated that he would contact Town Planner Liz West and inform her that it would be the responsibility of the Town of Haddam to convene the meeting. At such time as the Commissioner forwards the necessary attendees, Downes will forward that list to West. A Gateway representative(s) would appear as a party in the meeting.

A motion by **Thomas**, seconded by **Chirico** to authorize Chairman **Woody** to update Haddam First Selectman deStefano on the meeting with DEP Commissioner Marella and to recommend to deStefano that he call a meeting of all interested parties passed unanimously.

Riparian Buffer Standards

It was agreed that since discussion of the riparian buffer issue might be lengthy that instead of cancelling either the July or August meeting, both be held and one will be used for the riparian buffer discussion, keeping all other business to a minimum.

Committee Reports

- A. Rules/Membership/Land Trust: **Fischbach** outlined the committee's recommendation that the following policy be adopted regarding absent members:

1. Minutes reflect when members are "excused", i.e., had notified staff or another member that he/she would be absent
2. Three consecutive unexcused absences would warrant a call from staff.
3. After six consecutive unexcused absences, staff will send a letter to the appointing authority of the absent member's town/agency.

It was clarified that policy would be the same for regular and alternate members. A motion by **Fish**, seconded by **Bement** to adopt the committee's recommendation passed unanimously.

Additionally, **Fischbach** reported the committee is working on a Conflict of Interest policy which should be prepared for the next meeting.

- B. Other: **Wallace** reported on a situation in Deep River Town Clerk's office necessitating a call to the Secretary of the State's office to ask about the filing of minutes by committees of commissions. The reply was that committee's *do* need to file minutes.

Adoption of 2004 Standards

It was noted that the Essex Zoning Officer had resigned and her departure might present an opportunity for the standards to be adopted. **Chirico** will prepare a side-by-side comparison of the standards and Essex Zoning Regulations to identify the differences and overlap.

Gateway Properties

Wilson reported that GW Staff Downes would be contacting Attorney John Bennet to send a letter to

Mr. Peter Kaiser regarding the removal of his shed which is on Gateway land, this adjacent to the East Haddam Gateway-owned parcel known as the "Duncan Property". The East Haddam Land Trust has indicated through their President Robert Smith that the Trust is not interested in accepting the land until the shed is removed.

Old Business

In **Debrigard's** absence, **Fischbach** gave a brief status report on the Connecticut Yankee Conservation Project, noting that the appraisal is underway and that conversations are being held with potential funders and potential ultimate recipients of the land.

New Business: None

Adjournment

Upon motion by **Crosby**, seconded by **Bement**, the meeting adjourned at 9:10 p.m.

Respectfully submitted,
Nancy Fischbach, Vice-Chairman

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

Gateway Items of Interest

May 27, 2010

A. Correspondence

- (1) Deep River, Reappoint Letter: Reappointment of Nancy Fischbach and Amy Petrone. Terms expire 07/12.
- (2) Old Lyme, Appointment Letter: Appointment of Mr. Peter Cable. Term expires 07/12
- (3) Borough of Fenwick and Lynde Point Land Trust: Invitation to celebration of Marsh Restoration Project, Sunday June 27, 2010, 5 – 7pm. 37 Sequassen Avenue.
- (4) CTDEP Pollution Prevention View Newsletter: Volume 10, Issue 2, Spring, 2010.
- (5) Land Trust Alliance Brochure. Building strong land trusts. Offer for a free online demonstration of Curriculums and course, conservation forum, hundreds of sample documents. Available to members of LTA, \$250 and over. GW is a \$500+ member.
<http://learningcenter.lta.org>
FYI – for an update on the Land Trust Collaborative organized by Margot Burns, navigate to <http://www.crerpa.org/LandTrustCollaboration.html> (Note that last month’s agenda which appears will be updated shortly).
- (6) CTDEP, Long Island Sound License Plate Grant Announcement. For projects that “*improve and support ecosystem management and habitat restoration*”. Looking for *large scale* projects, preferably over \$100,000. For comparison, the license plate grants totaled approximately \$20,000. This is significant because, as you will likely recall, the license plate program was “gutted” in a budget sense during the budget crisis. Following backlash, the program was left alone.
- (7) Rockfall Foundation. Card from Executive Director Ginny Rollefson thanking the Commission for their donation and support at the recent Green Grants Program dinner. Receipt given to Dorothy for tax purposes.
- (8) Town of Old Saybrook, Zoning Department. The Zoning Enforcement Officer has prepared and sent two Cease & Desist Orders for tree removal on Riverside Avenue in the area north of the Baldwin Bridge. GW staff was notified of the removal (which was described as not being significant) and confirmed that the proper Zoning Regulations were cited. Fill was used and, according to the ZEO’s review of aerial photos, understory and brush may have been removed as well. GW staff will keep GW members up to date on how this situation plays forth.

B. Staff Report

- (1) Boule Variance, Haddam. At the May meeting, the GW Commission opposed the granting of a variance to allow the establishment of a lot despite the lot not meeting the “minimum rectangle” requirement of the Zoning Regulations. The Commission will recall that this was the case where a finding of “insufficient information” was made – there was no plot plan showing the specific location of the proposed lot other than a hand-drawn effort by the Town Planner, this submitted after a request by Gateway staff. The application included photos of an area covered with trees while the hand-drawn plot suggested that part of the proposed lot included a portion of an adjacent open field. A report of Gateway “opposition” to the granting of the variance was sent.

The Problem: The ZBA hearing occurred the same night as the GW meeting on 5/27/10. A staff oversight. The hearing was closed and the application was approved. The GW letter was written acknowledging the “after-the-fact” nature of the GW letter (letter attached). Staff requested that the letter be included in the property file (the copy of the letter is attached to these “Items of Interest”).

(2) Brian and Beverly Platner, 66 Seldon Road, Lyme.

A report from Lyme ZEO Bernie Gigliotti indicates that the Lyme P&Z approved the Special Exception application to reconstruct the small boat shed on the property at the mouth of Seldon Creek. As the Commission will recall, a letter was written by GW staff requesting that (1) the letter be read into the record of the hearing, (2) that only necessary vegetation removal occur, and (3) that the P&Z consider requesting the planting of additional visually buffering plantings occur. The letter was read into the record and the P&Z was satisfied with the state of the vegetation proposed.

(4) Website: www.ctrivergateway.org Note that the upcoming agenda and past minutes, including the draft from the previous GW meeting, are available on the website for review. New postings are included on the “News” page. Recent postings include information on “Wildland and Woodlands” – a forest preservation initiative in New England, and “Coastal Resilience” efforts directed toward initiating discussion of sea level rise planning.

(5) Old Lyme. Regulation Amendment to Include Additional Coastal Resources. The Commission will recall that during the May meeting there was question regarding whether or not there was an intention to eliminate the one hundred (100) foot Gateway setback standard from tidal waters (including the CT River). At issue was the proposed and unintended removal of language that made an exception for the proposed fifty (50) foot setback that kept the 100 foot setback in place for tidal waters in the Gateway Conservation Zone. Subsequent conversations with ZEO Ann Brown and Zoning Commission Attorney Mark Branse clarified that the intention was to include additional resources in the setback requirement but **not** to eliminate any GW standard. The letter written by GW staff indicated that, as long as the GW standard was left intact, the GW Commission “approved” the proposed change. If the intention was to eliminate the GW standard, the GW Commission “disapproved” the proposal.

(6) Connecticut River Watershed Council River Steward Jacqueline Talbot. Talbot contacted GW staff indicating that she would be coming back to visit with the GW Commission either in June or July.

C. Variance Referrals to be Reviewed by the Commission

None at present.

D. Zoning Regulation Referral

None at present.

E. Special Exception Review

Brewers Ferry Point Marina, Essex Road, Old Saybrook

The GW reviewed a variance application for setbacks for a 7,000 sf storage building at the innermost marina in the marina area north of the CT River Bridge in the Ferry Point area of town.

Staff reported that little impact would be created by the construction of the 7,000 sf structure in that the building (1) will be located within an existing working marina. (2) is located at the innermost location of the marina channel in a location all but invisible from the CT River or its tributaries/marshes, (3) the structure is hidden by topography.

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

None at present.

G. Status of Standards

No update.

H. Transfer of Gateway Property/Inventory Project

East Haddam, Duncan Property. GW staff to contact Attorney John Bennett regarding approaching Mr. Peter Kaiser about removal of a shed from the Duncan property prior to transfer of the property to the East Haddam Land Trust.