

CONNECTICUT RIVER GATEWAY COMMISSION
REGULAR MEETING MINUTES
August 26, 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 (excused)</i>
<i>Fenwick:</i>	<i>Ethel Davies, Borough Warden (excused)</i>
Haddam:	Susan Bement, Derek Turner
Lyme:	J. Melvin Woody, Lisa Niccolai
Old Lyme:	Peter Cable, Vacancy
<i>Old Saybrook:</i>	<i>Madge Fish (excused), Vacancy</i>
<i>CRERPA:</i>	<i>Steve Williams (excused)</i>
Midstate RPA:	Raul Debrigard (excused), Stasia DeMichele
DEP:	David Blatt (excused)
Staff:	J.H. Torrance Downes
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 7:30p.

Approval of Minutes, July 22, 2010

Corrections were made as follows:

- Cable noted that the misspelling of Barbara "Serantonio", noting that it should be spelled "Sarrantonio".
- Stacia DeMichele's name was corrected to read "Stasia".

A motion was made by **Fischbach** and seconded by **Wilson** to approve the minutes from the July 22, 2010 meeting including the above noted corrections. Approved unanimously.

Approval of August 10, 2010 Special Meeting Minutes

Prior to the meeting, Chairman **Woody** reviewed and corrected the draft minutes for grammatical errors he had found. Upon a motion by **Fischbach**, seconded by **Cable**, the amended minutes reflecting **Woody's** revisions were approved unanimously. The approved minutes will be circulated to each member for their records.

Guests: Staff noted that Roger Nemergut, who was listed as a guest, is not in attendance as he requested the postponement of the preliminary discussion of his client's variance application until the September 23, 2010 meeting.

Correspondence

The Commission was referred to the *Items of Interest* report emailed by Staff J.H. Torrance Downes (attached at the end of these minutes). As part of correspondence, staff noted that a letter of reappointment of East Haddam member **Harvey Thomas** was received. The letter stated that the Town continues to try to find a replacement for former member Robert Boulware.

Staff Report

Bonanomi Property, Chester. Staff reported that a request was made by the Chester ZEO Judy Brown to determine if the use of “personal” aircraft at the site was consistent with the easement acquired by the Gateway Commission and transferred to the State of Connecticut. Staff discussed the matter with the current owners of the property, the Donas, who explained how the aircraft were used. Through review of the scenic easement document for the property, GW staff determined that such activities were no inconsistent with the easement. ZEO Brown was informed as such as were the property owners.

Transfer Station. Staff explained to the Commission that the Haddam Town Planner had originally requested that the GW review the documents for the proposed Transfer Station at their August 25, 2010 meeting. Subsequent to that, the Town Planner indicated that Haddam would like to postpone that review to the September 23, 2010 meeting. The GW Commission then had a short discussion of concerns regarding transfer stations located within the Gateway Conservation Zone and in close proximity to the river. The typical “structure” of a transfer stations was briefly discussed as was the general location of the proposed facility at or near the corner of Walkley Hill Road and Route 154.

Woody had previously spoke to town resident Ed Munster who had concern over the geology of the area, which **DeMichele** described as the “Higganum Dike”, a subsurface feature that trends from that general area across the river. The underlying geology and concerns regarding its impact on a transfer station were briefly discussed. Question was raised with respect to the municipal process through which the transfer station will be approved. It wasn’t clear whether the Haddam Planning & Zoning Commission felt that it had Special Exception authority over the facility in that Town developments may be exempt from local zoning regulations. GW staff had received a call from a Haddam resident querying whether the GW process would allow for public input. The caller was told that the public process would likely be through the Planning & Zoning Commission and that he should call Town Planner Liz West to determine what that process would be. The GW requested that staff find out what the Town process will be. If the P&Z has no authority, there will be no official referral. **Fischbach** noted that she had seen surveyors at the proposed site on Wednesday. **Turner** brought up the issue of potential noise created by heavy equipment.

The language regarding the prohibition of waste “disposal” sites was read and the difference between a “disposal” site and “transfer station” was briefly discussed. Brief discussion was then held regarding the possibility that opponents to the location of the transfer station at the proposed site may request the involvement of the Gateway Commission so that pressure could be brought to bear on the Town to locate the facility elsewhere, outside of the Conservation Zone. **Fischbach** noted that the Commission should work with the Town of Haddam in this situation to guide their decision in a way which will be advantageous to the mission of the Gateway Commission and the Town.

71 Dock Road, Chester. Nemergot intended to be present to discuss the request for a variance to allow for the construction of a second story addition on a direct riverfront structure. Because some of the drawings weren’t ready, he requested that the preliminary discussion be postponed until the September 23, 2010 meeting.

Marina Village, Old Saybrook. Staff reported that the Applicants request that the GW Commission perform a site walk with them in order to fully understand the improvements that were the subject of the withdrawn Special Exception and Section 8-30g CGS Affordable Housing applications. Staff, upon conducting a site walk with the Applicant’s on Wednesday, August 25, 2010, determined that there may be some value in such a site walk. The Commission agreed by consensus to the site walk and will try to pick a date and time to conduct the walk within the next couple of weeks. GW members requested that their counsel approve of this site walk and accompany the Commission on the walk as well.

When queried regarding the time and date, it was concluded that Monday, Tuesday and Wednesday AM periods were not good. Wednesday afternoon was determined to not work either. The consensus seemed to be that Thursday or Friday mornings may work as may a Thursday afternoon. **Fischbach** will construct a "Doodle" schedule query to determine the best time to meet for the site walk. It was also determined that the site walk should be conducted as a Special Meeting, requiring a 24 hour notice. Motion to approve the site walk pending approval by counsel by **DeMichele**, seconded by **Bement**. Approved unanimously.

A full description of the staff site walk and discussion can be found in the "Items of Interest" report attached at the end of these minutes.

Tylerville Land "Swap". Staff described that a meeting that was to be held on Tuesday, August 24, 2010 in order to continue discussions on the Tylerville land "swap", didn't occur because of technical challenges with the Town's email server. Although staff had confirmed a 10am meeting the Thursday before, town personnel didn't receive the confirmation until after the meeting time. The meeting would have consisted of First Selectman Paul DeStefano, developer Steve Rocco, Town Planner Liz West, GW Chair **Melvin Woody**, GW Mid-state Representative and Haddam resident **Stasia DeMichele**, GW Haddam Representative **Derek Turner**, and GW staff. **Bement**, who hadn't received notice of the meeting, requested that she be kept in the loop on this issue as she is the Haddam representative. West asked that the GW choose an acceptable date to meet sometime in the first two weeks in September. The decision on that date will be forwarded to West when made.

Treasurer's Report

- (a) **Wilson** reported on an August 10th meeting with Merrill Lynch at which Merrill Lynch representatives reaffirmed that the diversity in the Gateway portfolio has "served them well". The name of the "Mutual Fund Account" was changed to "Operating Account". An auto-transfer of \$5000 will not occur as of the 1st of each month to the checking account.
- (b) **Wilson** reported that the monthly bill of \$2131 includes staff time for July in the amount of \$1853 and a FY 09/10 reimbursement to CRERPA for a \$91.38 fee paid to Tidewater Institute on behalf of the Gateway Commission. The fee was for the 2009 boat trip.
- (c) Miscellaneous corrections totaling \$186.61 found during the audit process will be charged to FY 09/10.

Upon a motion by **Fischbach**, seconded by **Bement**, the bill was approved for payment unanimously. Upon a motion by **Thomas**, seconded by **DeMichele**, the Treasurer's Report was approved unanimously.

Referrals/Report of Staff Actions

None.

Conveyance of Certain Parcels of Land in Haddam

Staff informed the Commission that a meeting with representatives of the Town of Haddam, the Gateway Commission and developer Steve Rocco was scheduled to have occurred on Tuesday, August 24th. The meeting, requested through Town Planner Liz West, was confirmed by GW staff in an email sent on Thursday, August 19th. Because of technical problems with the Town's email system, the confirmation never reached the intended parties. The GW participants who planned to attend were Chairman **Woody**, **DeMichele**, **Turner** and staff. **Bement** noted that she was not notified of the meeting, which staff indicated was an oversight. **Bement**, as Haddam representative, will be notified of all future meetings involving the Tylerville "swap". A meeting will be rescheduled during the first two weeks of September in order to continue discussions.

Riparian Buffer Standards

The Commission discussed the next step for the completed riparian buffer standards. **Fischbach** commented on the need to simplify what was in the draft. The decision was made to form a committee to continue the study of what step to take next. The committee is to be headed by **Niccolai** and will include **Blatt** and **Petrone** (**Blatt** and **Petrone** were involved in the review of the standards as they were being developed by Tidewater Institute). It is assumed that the committee will meet during daytime hours to the extent practical. Staff noted that the new standards were developed to lessen the restrictions on the current riparian buffer standard (no cutting within the 50 foot buffer with the exception of a five foot strip to allow access to the waterfront) in an effort to encourage better management of the buffer and to, perhaps, lessen the possibility that some land owners will disregard the standard altogether. Staff will contact **Blatt** and **Petrone** regarding their membership on the newly formed committee.

Connecticut Yankee Conservation Project Update. **Fischbach** provided an update on recent CYCP activities. **Fischbach** reported that CYCP Coordinator Melissa Spear has developed a talk that she presents to organizations as an update of CYCP activities. The Commission expressed an interest in seeing such a presentation. Staff was requested to send a letter to Spear to ask that she appear at their October meeting.

Land Use Collaboration. Chairman **Woody**, who represents the Gateway Commission's Connecticut River Land Trust within the Lower CT River and Coastal Region Land Use Exchange organized by CRERPA Environmental Planner Margot Burns, briefed the Commission on the bimonthly meetings held to date. For newer members, GW staff briefly summarized the intent of the Exchange. Participating land trusts representing towns throughout the lower river have been grateful for the ability to talk with members of other trusts. This is especially true with those that are not quite as organized as others. **Woody** pointed out that CRERPA had offered a space and a computer for work by a representative or employee of the Exchange if that was determined to be desirable. **Wilson** reported that the Exchange was reported in a positive way in the Chester Land Trust's most recent newsletter. **Woody** closed by indicating that the members feel there is enormous value in the group's meeting together on an ongoing basis. **Thomas** indicated that he has also attended most of the meetings. Staff also noted that Burns continues to seek funding opportunities for the Exchange through grants.

2010 Fall Gateway Boat Trip. Considerations regarding the fall boat trip were discussed. **Fischbach** reported that, based upon her conversation with the operators of the *Riverquest* tour boat, few dates remained for the excursion. Dates such as 9/7/10 and 9/14/10 would come up with relatively short notice while open dates later in the fall would reduce the number of daylight hours available to see the shore. The Commission reached a consensus that they should wait until spring and that the Outreach Committee would take on the planning of the event, which would include a more planned presentation for the time on board, as requested by **Thomas**. The presentation would include an agenda and specific sites and explanations that would better serve the Commission in an effort to educate the public about its mission.

Committee Reports

- A. Rules: Fischbach presented the final Conflict of Interest policy and Disclosure form drafted by the Rules Committee. Upon a motion by Wilson, seconded by DeMichele, the Commission unanimously adopted the policy and form.
- B. Land: Wilson reported that she visited the Kaisers in East Haddam at their property. The issue involves the need for the removal of a shed belonging to the Kaisers but located on the adjacent Gateway parcel commonly referred to as the Duncan property. The intended recipient of the

Duncan property, the East Haddam Land Trust, is unwilling to accept the property with the shed located on it. In July, the Commission had instructed Attorney John Bennet to send a letter to the Kaisers requesting removal of the shed. At the time of the meeting, a response hadn't been made to Attorney Bennet. The Kaisers, Wilson reported, were going to respond indicating that they are in a difficult position and may not be able to have the shed removed. Wilson told the Kaisers that there were three choices: (1) take the shed down, (2) move it from the Gateway-owned property to their property, and (3) purchase the land on which the shed rests. Mrs. Kaiser indicated that the shed pre-existed their purchase of the Hew Street property and they were told that no one would ever bother them about it due to the size of the adjacent property and the fact that it was held "in conservation". In that foreclosure is a possibility for the property, staff was asked to speak to Attorney Bennet about placing a lien on the land records that will require the shed's removal in the event of a foreclosure or sale. Another possibility would be to investigate the removal of the shed by a GW/EHLT work party. Wilson and staff will inspect the shed to see if work party removal is a practical option.

Adoption of 2004 Standards

Tony Chirico met with outgoing Essex ZEA Marian Staye and was scheduled to meet with GW staff to discuss their conversation. Business called Chirico out of town so the meeting between he and staff will be rescheduled.

Old Business: Following recent discussions regarding Senator Eileen Daily's involvement in the ongoing Haddam issue known as the Tylerville "Land Swap", Haddam representatives were requested to write a letter rebutting comments that appeared in the Haddam Bulletin. The Commission decided that the letter should still be drafted and sent to Senator Daily.

New Business: Peter Cable reported that the Town of Old Lyme has selected Sabine O'Donnell for appointment to the Gateway Commission.

Adjournment

Upon motion by **Bement**, seconded by **Niccolai**, the meeting adjourned at 9:09 p.m.

**The next regular meeting of the Gateway Commission is
Thursday, September 23, 2010**

Gateway Items of Interest

August 26, 2010

A. Correspondence

- (1) East Haddam GW Reappointment Letter, July 26, 2010. First Selectman Walter indicated that the BOS reappointed Harvey Thomas a two-year term expiring on June 30, 2012. A note from Mr. Walter's administrative assistant indicates that they are still looking for someone to replace Bob Boulware.
- (2) CT River Coastal Conservation District, 6th Annual Tree Swallow Cruise and Wine Tasting invitation. Benefits CT River Watch Program. 5p – 8p, Thursday, September 9, 2010. \$85.00 donation per person. www.conservect.org/ctrivercoastal
- (3) CRERPA/Gateway Land Trust Collaboration Initiative. Meeting summaries for 10/14/10, 1/20/10, 3/24/10, and 5/19/10 meetings.
- (4) 24th Annual Rockfall Symposium. October 8, 2010. Changes to Regional Planning. www.rockfallfoundation.org
- (5) Essex Land Trust, Save the Date. Participation in the 40th Annual International Coastal Cleanup. To concentrate on Great Island. Saturday, September 25, 2010. Contact Al Macgregor at 860-767-0693, abmacgreg@hotmail.com
www.oceanconservancy.org/site/PageServer?pagename=icc_about
- (6) P2View Pollution Prevention View Newsletter, Summer, 2010. Recycling.

B. Staff Report

- (1) Bonanomi Property. FYI, Personal Aircraft Activity Review. Chester ZEO required a Zoning Permit from Bob and Paul Dona and referred the issue to GW staff. The Donas, owners of the property (assigns of Louis Bonanomi, the Granter; property owner Bob Dona's wife is the niece of Louis Bonanomi), are using and would like to continue to use their property to allow a handful of friends to fly their "personal" aircraft from the property. "Personal" aircrafts are those which one can strap to their back, fly under like a Parasail, or sit under in the case of a "gyro-copter" (which gains its power by human energy at first and then continues with power supplied by the air as the vehicle moves forward). For the most part, the aircraft gain altitude on the property and then fly out over the river. No activities are being proposed for the lot, e.g., no tree cutting or any other kind of modifications. Following review of the scenic easement document, it was determined that such a use does not conflict with the rights reserved for the "Granter". The Chester ZEO was informed that (1) the easement is not held by the GW any longer and (2) the proposed activities did not appear to conflict with the easement language.
- (2) Transfer Station, Proposed Location, Haddam. Town Planner Liz West had indicated that by the GW's meeting on 8/25/10, the Town of Haddam will have provided plans for the construction of their new transfer station for comment by the GW Commission. The site has generally been identified to be on Walkely Hill at Route 154, and it is located within the GW Conservation Zone. Last week, Liz West contacted GW staff to indicate that the Town will hold off the referral of plans until September, so the GW Commission will likely review that project at their regularly scheduled meeting on Thursday, September 23, 2010.

As background - a transfer station, in the opinion of the Town, is a facility designed for "*temporary dumping or storage of small amounts of refuse for a brief period of time*" and that such a facility is not a "*disposal facility*", e.g., it is not the location of the final disposal of refuse. It is a site from which refuse will be transferred on to a final disposal site located elsewhere. As such, a "transfer station" is not a prohibited use per town zoning regulation or per Gateway standard.

Prohibited Uses

Dumping and Storing of Refuse: No dumping or storage of refuse shall be permitted other than the temporary dumping or storage of small amounts of such material for brief periods pending final lawful disposition, or shall any new public solid waste dispose facility be established or an existing facility be expanded in area.

Concern/opposition has already been expressed to the siting of the transfer station. Support of the GW Commission by opponents may be sought to have the location moved elsewhere. As far as staff knows, although the definitions have been discussed, the GW Commission has not “officially” indicated whether or not they agree with the interpretation of the Town. The location of a transfer station within the Conservation Zone, depending upon location, may or may not have significant visual or ecological impacts associated with it. Such determinations will likely be made upon review of the plans in September.

Hartford Courant Article, Wednesday, August 24, 2010 (thank you Nancy F.)

<http://www.courant.com/community/haddam/hc-haddam-transfer-station-0824-20100823,0,7414611.story>

3. Variance Application, 71 Dock Road, Chester. A preliminary discussion presented by the agent of the property owner that is on the GW Agenda for the August meeting was postponed at the request of the property owner to the September meeting. The property is located immediately on the CT River riverfront. The project includes the construction of a second story addition atop an existing one-story dwelling.

4. Between the Bridges, Marina Village, Old Saybrook. Staff of the GW Commission and the Applicant met on Thursday, August 19, 2010 to discuss the GW Commission concerns with the proposed development (JHTD, Bill Childress, Maggie Gallagher, Fred Ottarino). The meeting was first checked through Attorney Andres and the chair and vice chair of the Commission. The Applicant was seeking to better understand the concerns of the Commission so that they could determine whether or not to move forward with the resubmission of the application or dropping the whole idea of the development. Staff discussed the concerns as expressed by the Commission, stating that the comments were staff comments and the Commission may have other issues as well. It was reported that the GW has not reached any decision regarding the development as it is waiting for additional information with which to determine impact on the “*natural and traditional riverway scene*”. Understanding that the GW had significant concern over the bulk of the Manor House located on the west side of Ferry Road, the representatives talked about some of the efforts they are considering in order to reduce the bulk of the proposed structures in order to accommodate GW concerns, including dropping the peak of the Manor House located on the west side of Ferry Road to 35 feet (currently the peak height is approximately 41 feet), thereby meeting the GW standard for height *at least on the river-facing side of the building* (the property drops off somewhat to the west, so the height on the side *opposite* the riverview will be slightly greater than the 35 feet as measured from “existing natural grade”). Discussion also included the bulk of the buildings to the north of the site – Buildings A, B, C and D. A discussion regarding maintaining the same number of units (units who’s prices ‘subsidize’ the affordable units in the development) while reducing the bulk of those buildings. The idea of splitting the two river-facing buildings into three smaller buildings was discussed. It was not clear whether that was an option.

On Wednesday, August 24, 2010, staff received a call from Engineer Stu Fairbank requesting a site visit with some Marina Village representatives that morning. Staff accommodated the Applicant and met for an hour on-site on the same day. Based upon the site walk and the different perspective the

walk provided over the application materials presented to the GW Commission, it was determined that staff will bring the idea of the Commission performing a site walk to the GW meeting on August 25, 2010. In performing the site walk with representatives of the Applicant (including one of the Applicants), staff determined that the architectural elevations presented to the Commission were prepared in such a way so as to present an overly large and negative view of the proposed development, just by the nature of its two-dimensional nature (the solution to this problem is the type of displays that the GW has requested and the Applicant is still trying to determine how best to accomplish what they say is a difficult task). The site visit was helpful in terms of getting a better idea of what existing bulk would be removed through demolition and where the proposed structures would then be location. Staff talked with representatives about additional landscaping ideas that could further buffer the Manor House. A walk around the buildings and on top of the three levels of concrete platforms proved to be valuable in further understanding the challenges with the site and the proposed development.

If determined to be appropriate by GW counsel and members of the Commission are willing, it is the recommendation of staff that members perform a “guided” site walk at the Between the Bridges site in order to better understand the existing layout and that which will likely be proposed in a reapplication, if presented. Quorum issues will need to be discussed, of course (representatives of five towns result in a quorum per GW By-laws).

5. Tylerville Land “Swap”, Haddam. Several members of the GW Commission were scheduled to meet with First Selectman Paul DeStefano, Developer Steve Rocco and Town Planner Liz West on Tuesday morning, August 23, 2010 to continue discussions on the land “swap”. Although the meeting was requested by Steve Rocco, scheduled through Liz West and confirmed by GW staff on Thursday, August 18, 2010, a problem with Haddam’s email communications resulted in the GW confirmation from Thursday not being received by West until after the meeting was to be held. Neither DeStefano or West had the meeting scheduled in their calendars. West apologized for the confusion and asked if a date in September could be chosen in order to convene the meeting. The GW participants who confirmed their ability to attend the Tuesday meeting were Chairman Woody, Derek Turner, Stasia DeMichele and GW staff.

C. Variance Referrals to be Reviewed by the Commission

None at present.

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

None at present.

E. Status of Standards

Staff was scheduled to meet with Essex member Tony Chirico on Wednesday, August 25th to review discussion he had with soon-to-be-outgoing Essex ZEA Marian Staye at a recent meeting. That meeting was postponed due to Chirico being unexpectedly out of town on business.

F. Transfer of Gateway Property/Inventory Project

Staff contacted Attorney Bennet on Wednesday, August 24, 2010 to get a status report on the removal of a shed from the Duncan property in East Haddam. Bennet indicated that he had not heard from the Kaisers as of yet. The letter sent by Bennet on behalf of the GW Commission indicated that a response was necessary by the “end of August”. If a response is not made by the end of August, the next step may be to send a letter which informs the Kaisers that if they don’t respond by [a date to be chosen], then the GW Commission will hire a contractor to remove the shed and charge any expenses to the Kaisers.