

CONNECTICUT RIVER GATEWAY COMMISSION

REGULAR MEETING MINUTES

December 1, 2011

Present/Absent: [Excused (exc); Unexcused (abs)]

Chester:	Margaret (Peggy) Wilson, Martha Wallace
Deep River:	Nancy Fischbach, Amy Petrone (exc)
East Haddam:	Harvey Thomas, Emmett Lyman (exc)
Essex:	<i>Tony Chirico (exc), Vacancy</i>
Fenwick:	<i>Ethel Davies, Borough Warden (exc)</i>
Haddam:	Susan Bement, Derek Turner (exc)
Lyme:	J. Melvin Woody, Lisa Niccolai (exc)
Old Lyme:	Peter Cable, Suzanne Thompson (exc)
Old Saybrook:	<i>Madge Fish (exc), Belinda Ahern</i>
CRERPA:	<i>Steve Williams (abs)</i>
Midstate RPA:	<i>Raul Debrigard (exc), Stasia DeMichele (exc)</i>
DEP:	David Blatt
Staff:	J.H. Torrance Downes
Guests:	Tom Worthley, Margot Burns.

Call to Order

Chairman **Woody** called the regular meeting of the Connecticut River Gateway Commission to order at 7:31p.

Approval of 10/27/11 Meeting Minutes

Upon a motion by **Wilson**, seconded by **Bement**, the minutes of the 10/27/11 regular Gateway meeting were approved as presented. Upon a motion by Fischbach, seconded by Cable, the minutes of the 10/27/11 Gateway annual meeting were approved as presented. Both motions passed unanimously. The minutes of the 10/27/11 CT River Land Trust meeting will remain in draft form until the 2012 annual meeting or at such time that a special meeting is held prior to the annual meeting.

Correspondence/Staff Report

1. Goodspeed Airport Scenic Easement. Campbell Hudson representing Timothy Mellon. Letter from Hudson thanking GW for sending October 28th letter [Attachment A] to Beth Brothers of DEEP indicating that GW and Mr. Mellon have come to an agreement which, if carried out, will result in GW again asking DEEP to accept the scenic easement gift at Goodspeed Airport in East Haddam. The Brothers letter indicated that at such time as a riparian buffer, as recommended by Judy Preston of Tidewater Institute, is planted, GW will be asking DEEP to acquire the easement. As a note, Ms. Preston expressed interest in having Tidewater participate in the plan and will begin after the first of the year. The timing, it is hoped, will allow for planting of a buffer during the 2012 growing season.
2. Great Meadows, Rocky Hill; DEEP Permit to Cap Existing Closed Landfill. Peter Maxwell of the Great Meadows Conservation Trust contacted the GW Commission regarding a DEEP-permitted activity within 200 yards of the CT River that will allow the capping of an existing closed landfill with up to 300,000 cubic yards of "contaminated" fill. Maxwell describes the original landfill, which closed in 1971 after burning out of control for weeks. There is reportedly no impermeable "clay" layer under the older landfill, which base is submerged each spring. Maxwell indicates that no study has been conducted which indicates that the weight of any top cover won't "squeeze" contaminated leachate

from the landfill. According to Maxwell, DEEP allowed the project to be categorized as “capping an existing landfill” so as to avoid following standards for permitting a solid waste facility.

- ✓ **Commission members agreed that the Gateway Commission has no authority or jurisdiction in the area described by Mr. Maxwell. A request was made to inform Mr. Maxwell of that conclusion and thank him for making the Commission aware of the issue.**

3. Public Outreach, Deep River. Linda Kaufman of Deep River contacted GW to inquire about standards for the removal of vegetation on her hillside property above River Road in the area of Merriwold Lane (not riverfront). The tree expert she plans on using (Middlesex Tree Removal) questioned whether or not Gateway standards would allow removal of Mountain Laurel from her property. Downes provided the applicable Zoning Regulation and explained the intent of the Gateway mission in an email that Ms. Kaufman requested be written. Ms. Kaufman was asked to thank the tree expert for his desire to check on Gateway standards prior to committing to the work. For general purposes, the email included the recommendation that vegetation, including trees, should be retained whenever possible with views gained through the “raising of canopies” rather than tree removal.

- ✓ **Cable asked about the issue of the cutting of Mountain Laurel at the Kaufman property. Commission members were pleased that the tree contractor – Middlesex Tree – knew about the Gateway standards and wanted to be sure that any work conducted was consistent with the Gateway mission. They were also pleased with the effort for public outreach and education.**

4. Haddam Zoning Regulations. The public hearing for the regulation changes was continued from the last meeting and will be reconvened on Monday, December 5th. Communications with Town Planner Liz Glidden indicate that the hearing may or may not close on the 5th, but it is likely that the P&Z will be working on the modifications beyond December, possibly into January or February. Glidden even commented that if she has her baby (due late February) prior to the adoption of regulations, it may even take until she returns in late spring..... Glidden’s November 28th reply to a query on what GW comments will find their way into the regulations:

At this point the [P&Z] Commission has not discussed it. [Glidden] can’t really comment on what they will do or say about the GW comments, there is so much up in the air. Sometimes [Glidden] wonders if the PZC won’t take the whole document off the table and throw it in the trash.

[Glidden’s] position is the same....Anything that is a GW STANDARD should be in the final document-and [she] will advocate that. The PZC, in all likelihood, will reinstate the former prohibited uses on Industrial as GW requested. The 100 foot setback to the River as shown in Table 1 will probably also be reinstated.

As a note, the proposal was resent to both CRERPA and the Gateway Commission because all of the added language wasn’t highlighted in italics (Ed Schwing of the Haddam Bulletin made a complaint). To be safe, the P&Z reissued the proposal with the proper highlighting. Glidden informed Downes that there were no changes to what was reviewed previously other than the font highlighting.

- ✓ **Commission members asked Downes to prepare a summary of the modifications requested in hi letter to the Haddam P&Z.**

5. 2012 Meeting Schedule. The 2012 meeting schedule will be posted on the GW website under the “Agendas/Minutes” link. Following the date of the meeting, the date will double as the link to the minutes for that particular meeting. Upon a motion by **Fischbach**, seconded by **Wallace**, the 2012 Gateway meeting schedule was approved unanimously.

6. Land Use Workshops. The *Second Series of the Connecticut Land Use Training and Certification Program*. Conducted by the training staff and graduates of the Land Use Leadership Alliance Training Program (Pace University Law School) Sessions are Free of Charge! Interesting conversation and a light lunch as we continue this unique initiative that supports community leaders as they face their local land use challenges.
 1. Back to Basics: Foundation for Administering Your Regulations – Friday, December 2, 2011
 2. Balancing Economies and Ecology – Saturday December 3, 2011
 3. Planning for an Engage Community – Friday December 9, 2011
 4. Working Lands, Open Space – Saturday December 10, 2011

7. Marina Village/Between the Bridges, Old Saybrook. According to the approval by the Old Saybrook Zoning Commission, the developer had to return to the Commission to sort out details and accommodate certain conditions of the original approval, many of which had to do with conflicting information shown on the numerous plans and documents submitted with the application. Following the initial approval, a law suit was filed by the developer to insure that they wouldn’t forfeit their ability to appeal that approval if the subsequent process went awry. On November 30th, Bill Childress reported that the developer was able to resolve all issues of the original approval and have the approval resolutions modified accordingly. The court appeals “were not returned to court”.

8. Public Outreach. Gateway website now has links to educational materials on riparian buffers as well as the Gateway Mission Booklet. As “News”, Downes often looks for Conservation Zone issues, stories or locations that can be presented for educational purposes and to keep the website “fresh”. The last “blog” was about Hamburg Cove development and Camp Claire. If members have ideas for stories or issues that can be told with photographs, let Downes know.

9. Richard McDermott, Appraiser. Spoke at length with Richard on Wednesday, November 30th. McDermott is one of two DEEP appraisers working on the 17 acre Haddam conveyance parcel. His primary question was how does one determine the map view location of the high tide line so that the 50 foot and 100 foot Gateway setbacks can be located on a map. His concern was how such setbacks might impact potential development at the 17 acre site. He was told that based upon where the HTL is likely located (along the bank of the river), there is little likelihood that the setbacks will impact the 17 acre property, except perhaps at the southern end where there *may* be some wetlands. He also wondered if there was a significant setback from the rail line. From there we discussed the conveyance and all of the circumstances surrounding how it “went down” (this is one of the most unusual circumstances that he has had to appraise in 25 years of work). Getting right to the significant question, he wondered what was “in it” for the sponsor of the bill..... Downes explained the nuances of the Gateway involvement with the town and the numerous steps that must occur before a development application can come before the Haddam P&Z. Explained Gateway’s authority in the whole process and, separate from the likely height of a theatre building, that discussions will likely come down to preservation of trees and visual buffering through mutual agreement or, preferably, via conservation easement.

Mc Dermott is aiming to finish his work and have the appraisal back to Beth Brothers by the end of December. He doesn’t know who the other appraiser is but asked if the other appraiser had called

to get in touch. McDermott felt that our conversation was important to understanding Gateway's involvement and trying to assign a value to the property.

10. Letters. Downes circulated letters requested by the Commission at their October, 2011 meeting. The letters, concerning the conveyance of land in Haddam, were addressed to Ms. Beth Brothers at DEEP, Mr. Brian Dillon at the State Property Review Board (**Fischbach** noted that SPRB records indicated that the letter was received and included in SPRB records), and First Selectman Paul DeStefano of Haddam. Copies were sent to DEEP Commissioner Dan Esty and DEEP supervisor Graham Stevens.

Treasurer's Report

Wilson reported the need to pay two bills: Chubb Insurance, \$2155 and CRERPA, \$2324.46. Upon motion by **Fischbach**, seconded by **Wallace**, the bills were approved for payment unanimously.

Referrals

None to report.

Staff Actions

None to report.

Discussion of Lower CT River and Coastal Forest Stewardship Initiative

Tom Worthley of the UConn Ext Service and Margot Burns of CRERPA presented the initial results of their project regarding the woodlands within the lower Connecticut River region, including the Gateway Conservation Zone. Worthley pointed out that the woodlands within the towns surrounding the lower river and outside of the Conservation Zone occupy tributary drainage basins and greatly impact the water quality of the lower river. A statistic presented is that, although the state is comprised of almost 60% woodlands, only 12% is in public ownership; the remainder is in private ownership. Although private owners *do* include organizations like land trust and other conservation groups, there is concern for the loss of the woodlands as ownership changes. It's estimated that there are upwards of 30,000 to 40,000 private forestland owners in Connecticut. The forests owned by those private parties is considered "at risk" for change to some use other than forestland.

As part of the study, a survey was sent out to approximately 1900 people in the lower river area who own 10 acres or more of land occupied by woodlands. The survey included questions which asked about respondent's knowledge of forest conservation efforts, whether or not they've participated in such efforts and whether or not they are in favor of forest conservation efforts. There were encouraging preliminary responses and responses that suggest the need for more education.

Wallace commented that, through her experiences in dealing with the Town Assessor in Chester, she felt that part of the educational effort should be directed at the local assessors, especially regarding Public Act 490 land and valuation for tax reduction purposes.

Cable asked if local conservation commissions and land trusts were included in the "road show" for Worthley and Burns. It was reported that the discussion will occur with the Old Lyme land use commissions in January and will continue throughout the region as a part of the public outreach requirement of the grant.

Woody commented on forest loss issues in the context of his work with the Lyme Land Trust and other organizations.

Downes reported the receipt of a Land Trust Alliance publication, *Saving Land*, which includes articles about community forests.

Discussion of Haddam Conveyance

Downes reported that the previous discussion regarding the call from Appraiser Richard McDermott was the latest update to the conveyance issue. No other report is available.

Committee Reports

No reports were available.

Fischbach passed around a table of committee responsibilities and asked members to check off which committees they understood they were on. When complete, the table will be sent electronically to members so that new members could commit to work on their choice of committees.

Discussion of the Adoption of the 2004 Gateway Standards by the Town of Essex

Downes reported that a date of December 19th is scheduled for the commencement of the public hearing by the Essex Zoning Commission for consideration in the adoption of the 2004 Gateway standards. **Woody** indicated that he will attend that meeting. Downes also indicated that he will be presenting the Gateway “powerpoint” at the December 8th meeting of the Essex Conservation Commission. Downes commented that there appears to be fairly wide support for the adoption of the new standards, this through the members of the conservation commission and the Essex Garden Club.

Gateway Properties

No report. No response received as of yet from Ms. Beth Brothers. **Blatt** reported that Ms. Brother’s group has lost three employees to retirement and the positions are not expected to be refilled. The understaffing, along with the conveyance bill work, leaves Ms. Brothers in a position where responses may not be as timely as desired.

Old Business:

None presented.

New Business:

Reminder that the next meeting of the Gateway Commission will be on Thursday, January 26, 2012. There may be a need to schedule a special meeting to handle the Haddam Zoning Regulation proposal.

Adjournment

Upon motion by **Fischbach**, seconded by **Cable**, the meeting adjourned at 9:20 p.m.
