

CONNECTICUT RIVER GATEWAY COMMISSION

REGULAR MEETING MINUTES

December 2, 2010

Present/Absent:

Chester:	Margaret (Peggy) Wilson, Martha Wallace
Deep River:	Nancy Fischbach, Amy Petrone
East Haddam:	Harvey Thomas, Vacancy
Essex:	Ellen Whaley, Tony Chirico
Fenwick:	Ethel Davies, Borough Warden
Haddam:	Susan Bement, Derek Turner
Lyme:	J. Melvin Woody, Lisa Niccolai
Old Lyme:	Peter Cable, Suzanne Thompson
Old Saybrook:	Madge Fish, Vacancy
CRERPA:	Steve Williams
Midstate RPA:	Raul Debrigard, Stasia DeMichele
DEP:	David Blatt
Staff:	J.H. Torrance Downes
Guests:	W. Campbell Hudson, Jim McHutchinson, Melissa Spear, Roger Nemergut, Craig Laliberte, Joe Wollack

Call to Order

Chairman **Melvin Woody** called the meeting of the Connecticut River Gateway Commission to order at 7:32p.

Approval of Minutes

Regular and Annual Meetings minutes from 10/28/10 were reviewed. Revisions to both sets of minutes were recommended. Upon a motion by **Thomas** and **DeMichele**, the Annual Meeting minutes and the Regular Meeting minutes were approved with recommended revisions.

Correspondence/Staff Report

As reflected in the "Items of Interest" report, staff presented correspondence regarding (1) the Campbell Hudson letter written on behalf of Tim Mellon, (2) the filing of a grant application in the amount of \$2,500 with the Rockfall Foundation for assistance in the printing of the Mission Booklet, (3) a card from the Land Trust Alliance, (4) a Rockfall Foundation membership request letter, and (5) a newspaper notice of the upcoming environmental forums sponsored by the CT River Museum. The first is scheduled for Thursday, December 9, 2010.

Staff reported that the comment period deadline for the State Rail Plan had come and gone. The Commission was reminded that staff submitted a letter of concern on their behalf. An email response from DOT Analyst Brenda Jannotta to a member of the "Friends of the CT River" indicated that the Valley Railroad proposal will likely be amended, although to what extent it is not known at present until all comments are reviewed with DOT staff.

Update of CT Yankee Conservation Project

CYCP member Jim McHutchinson and Coordinator Melissa Spear appeared to update the Commission on the recent activities regarding the ongoing effort to conserve the former CT Yankee power plant site in Haddam. Spear gave a short history of the effort; first discussion with CY in April, 2009; a year of

discussions to establish a set of terms of discussion complicated by the storage of nuclear fuel on-site and the safety factors that go along with it; CYCP raised funds (including \$3,000 donated by the GW Commission) to hire Spear and, later, to pay for the appraisal of the property. Middlesex County Community Foundation serves as the fiscal sponsor to enable funds to be raised as a non-profit. Draft appraisal was just received in November for 400+ acres. The spent fuel storage area will remain under CY's authority (12 acres with conservation easement). There continues to be strong interest in acquisition of the property by CTDEP and USF&WS, but fiscal restraints exist. CYCP members can't talk yet about the results of the appraisal but are talking with CY. Not so low as to be discredited and not so high so as to be unattainable. Next phase includes fund raising for the possible acquisition phase. McHutchinson indicated that public support – the number of participants and donors – would be important, not just the dollar amount they donate, this to prove to CY that there's wide support for the effort. Philanthropic support, however, *is* an indication of public support. TNC has been helpful in the process including Shelley Green and her assistant. The property has been identified as a top priority by TNC and USF&WS, with the exception of the storage facility. **DeMichele** asked if it would be helpful if the Haddam P&Z rezone the industrial portion of the site to some other classification (the current zoning only allows for the construction of a gas-fired plant). McHutchinson indicated that modifying the zoning at this point would upset the conservation effort. The greatest concerns regarding the property remains security issues.

Anything GW can do to help? Fundraising, pass the word along to those in political positions and others to join the effort.

Goodspeed Airport Easement, Timothy Mellon. Campbell Hudson appeared to discuss Mellon's offer of a scenic easement at the Goodspeed Airport in East Haddam. The easement had been offered several years ago and had undergone some revisions based upon GW recommendations. GW twice, at the request of Mellon, requested that the DEP consider and reconsider their disinterest in the acceptance of the easement. Mellon would like to have the property preserved through the Gateway program which he finds successful; all of his conservation offers have gone through the GW Commission. It was the GW's understanding that the former language allowed for expansion of the airport. According to Hudson, with the easement in place, the property as it exists today will continue to exist in that manner through time. Although not confirmed, there was an inference that the ability to expand the airport is not one of the rights that is proposed to be retained. Hudson expressed concern with the state position that current zoning will not allow the development of anything significant at the location. He used the Madison Griswold Airport development as an example. The property was zoned in a manner which would not allow significant development. Subsequently, the property *was* rezoned allowing for a large residential development. Ultimately, the town paid substantial money to preserve it when it could have been preserved much earlier and for very little.

The Commission's reconsideration is based upon Hudson indicating that the easement is different than that reviewed previously. They felt they owed it to Mellon and to their mission to review the new document.

DEP has indicated that the property does not fall into their higher priority acquisition possibilities and is concerned about stewardship/monitoring expenses. Mellon said he was willing to discuss a long-term plan, even elimination of the airport, though he doesn't feel that such a move would be appropriate. **Woody** clarified that the Commission had twice done what was requested: asked the DEP to reconsider the acceptance of the property. He also indicated that the usual procedure was for the GW to acquire easements and then turn them over to the state. Hudson offered to meet with a subcommittee of the GW if they chose to work out the easement donation and will send an electronic copy so that the document can be distributed to the Commission for their review and discussion at the January 27, 2011

meeting.

Treasurer's Report

- (a) Auditor Joe Wollack was present to discuss highlights of the audit and to answer any questions. He distributed the "findings" letter and the Preliminary Financial Statement. Page 2 included a condensed comparison of '09 and '10. A status of investments showed improvement between the portfolio low in 2009 and the present. Expenses are expected to decrease in the upcoming fiscal year as less will likely be spent with Tidewater Institute. Members will review the audit and authorize it's approval at their upcoming meeting on January 27, 2011.
- (b) **Wilson** reported that the Finance Committee met with Liz David of Merrill Lynch on November 15, 2010. The GW portfolio was at its highest in October of 2007 -, \$1,635,306. \$1,343,653 on 6/30/10. \$1,510,590 on 11/20/10. Third quarter growth was reported at 7.2%. Wilson reiterated that the portfolio is about 50/50 equity/fixed with less of an upside potential. At the same time, the mix results in less *downside* potential as well. In January, 2010, the operating account was reinvested with new parameters. With the funds withdrawn and the losses sustained, the portfolio is essentially even and has been performing well.
- (c) **Wilson** presented bills in the amount of \$1,531.40 (CRERPA, \$1,514.40; Letterhead pringing, \$17), and \$337 (insurance). Motion by **Bement** to approve, seconded by **Fischbach**. Approved unanimously.

Referrals

21 Dock Road, Chester. Roger Nemergut and Craig Laliberte made a *preliminary* presentation on behalf of their client (no application has been presented to the town at this time). The property was reported to be within the floodplain of the river and within a flood zone. The proposal is to demolish the existing two-section single story and partial second story house and replace it with a single two-story structure that meets the 35 foot Gateway height standard and that complies with the 100 year flood ordinance requirements. With the current Gateway standards in the Zoning Regulations, there is little area on the property on which a dwelling can be constructed. In addition, being a waterfront district, residential dwellings are a nonconforming use. As a result, setback variances (including the 100 foot riverfront setback) and a use variance are required. The current open deck is located within 12 feet of the "high water line". Nemergut reported that the Chester P&Z said that a letter of support from the GW Commission would be needed.

Laliberte reported that the current structure, although in two sections and connected by a enclosed room/breezeway, has a presentation of 70 feet to the parallel to the river. The proposed structure, occupying a single footprint, will present approximately the same frontage. The structure, however, will be two-story with a roof peak located at an elevation between 30 and 35 feet. A small cupola will exist above the roof peak. In order to appear less visible, a wood shake siding is planned. An existing hedge located immediately landward of the high water line is to be removed and replaced by native plants with which GW would be satisfied.

Nemergut and Laliberte reported that a one-story dwelling (less visually obtrusive, some members thought) would not accommodate the owner's space needs and they may need to eliminate a planned in-ground pool just to make room for a code-compliant septic system. There's little room on the property given its configuration to spread out the two-story structure in one that has less of a vertical profile. They indicated that they would review that possibility.

The Commission expressed concerns including how close the proposed structure is to the river in

combination with its significant mass (as compared to existing structure and those surrounding it). The proposed structure is also oriented parallel to the river, maximizing the river presentation. Members also noted that the structure is currently nonconforming and will be made *more* nonconforming. The proposal would allow a much greater structure presence (footprint) in the 100 foot river setback. The Commission concluded that they could not support the proposal in its current configuration. Solutions discussed included a smaller structure, reorientation of the footprint in an attempt to minimize the visual impact and stretching the space horizontally (one-story) as opposed to vertically (two-story).

Incentive Housing Regulations and Map, Old Saybrook. Staff reported that the GW Commission previously approved the Incentive Housing regulations and map because the standards of the Gateway Commission would be left intact where the IHZ zone overlapped with the Gateway Conservation Zone. The intent of the current proposal is to reapprove the regulations/map and to identify a portion of the project, known as “Ferry Landing”, as Phase 1 in order to gain state funding. The Gateway standards remain intact as before. This is the first IHZ project to occur in the State of Connecticut. Motion to approve the regulations and map change by **Fischbach**, seconded by **Wilson**. The motion passed unanimously.

Subdivision Regulations/Road Standards, Old Saybrook. Staff explained that subdivision regulations are most often written to exclude road standards, which are presented in a separate document which are referenced in the Subdivision Regulations. The Old Saybrook regulations have long included the road standards. The new subdivision regulations have been clarified and made more defensible while removing specific road standards. The removed road standards have been placed in an updated road standards document. The proposed subdivision and road standard regulations will have no significant impact on property located within the Gateway Conservation Zone. Motion to approve by **Fischbach**, seconded by **Wilson**. The motion passed unanimously.

Discussion of Tylerville Land Swap

Staff reported on a meeting held on Tuesday, November 16, 2010 in the First Selectman’s office in Haddam. Present were 1st Selectman Paul DeStefano, Town Planner Liz West Glidden, developer Steve Rocco and GW representatives **Melvin Woody**, **Stasia DeMichele**, **Susan Bement**, **Derek Turner** and Staff J. H. Torrance Downes.

First, staff reported on a telephone conversation with Representative James Spallone in which advice was sought regarding how to approach the possibility of the Tylerville property being included in a conveyance bill in the upcoming session in May, 2011. Staff reported to Spallone that the Commission feels there are numerous important steps in a sequence of steps that need to be in place before any conveyance of land is appropriate. Those steps would include, but aren’t limited to, the studying of zoning requirements for the Tylerville area (ongoing through committee work), determination of the overall environmental “value” of any land proposed for trading and the confirmation of the partnership with the Goodspeed Opera organization (Rocco stated that if Goodspeed theatre were not to move to the Tylerville site, development partners would have to reassess the financial assumptions regarding the planned hotel as its success depends greatly on the presence of the theater on-site). In short, many, many uncertainties exist at present and, therefore, it is too soon for the conveyance of the protected land to a private developer. The question, it would seem, is how to avoid having the property be proposed for conveyance prior to the removal of the numerous uncertainties existing in the overall plan. If the property found its way into the conveyance bill prior to the uncertainties being eliminated through negotiations with all of the involved partners, the Gateway Commission would likely feel compelled to again oppose the conveyance, this time on the basis that the proposal is premature given the GW’s participation in the ongoing discussions. Spallone’s recommendation was to have DeStefano or Rocco inform Senator Daily, who was responsible for submission of the property into the conveyance bill, that

insertion of the property into the upcoming session's bill would likely be premature and require opposition by the Gateway Commission if enough of the uncertainties weren't eliminate by that time.

As requested by **Woody** at the 11/16/10 meeting, a map showing Rocco's thoughts on which portions of the property would be conserved and which parts would be available for development was presented and discussed.

As a result of this and other discussion, the Commission suggested that staff send a letter to Senator Eileen Daily reporting the progress that has been made through the numerous meetings convened in Haddam and that representatives of the Commission will continue to meet in an attempt to find a solution that will meet the needs of all involved. The letter would also express concern regarding the conveyance of the property prior to the elimination of the numerous uncertainties. Such a letter would put the Commission in a better position if forced to oppose the premature inclusion of the property in any conveyance bill. Basically, if the conveyance were to occur prior to removal of the uncertainties, the property would again be developable by the current partners or any succeeding owners. If the overall plan is not achievable for any reason, then development of *any* kind could occur at the property. It is understood that such development would be consistent with local zoning and the standards of the Gateway Commission, but the property as it exists is in conservation and not buildable at all. The conveyance should occur only after all other steps have been successfully negotiated and solidified. Staff commented that, although numerous "partners" attend the Haddam meetings, it would seem that several partners or potential partners aren't in attendance. Specifically, Senator Daily and Goodspeed Executive Director Michael Price.

Members acknowledged that, at this point, they will continue meeting regarding a possible common ground on the situation as they need to be responsive to the desires of the town. When queried whether any would oppose the conveyance based upon just principle without knowing anything about proposed plans, although some felt they could take that position, all agreed that they will continue being responsive to the town through involvement in the ongoing meetings.

Staff was instructed to draft a letter to Senator Daily; Downes offered to personally deliver the letter to the Senator and explain the Gateway Commission's concern in the premature insertion of the property in question in an upcoming conveyance bill.

Discussion of Riparian Buffer Standards

Commissioner's representative **Blatt** reported that the subcommittee comprised of himself, **Niccolai** and **Petrone** and staffed by Downes, concluded and recommend that the riparian buffer standards developed on behalf of the Commission by the Tidewater Institute should be utilized in an educational form at this time. If there was a need in the future for regulatory standards, the educational material could be fashioned into standards for proposal to member towns. The reasoning for the recommendation included that the Commission currently has a strong standard for no cutting within 50 feet of the river, its tributaries and associated wetlands (100 feet in Old Saybrook), and the educational materials could be beneficial for those Conservation Zone areas outside of that regulated buffer and throughout entire towns.

The brochures that were produced are being recommended for distribution in local town halls and libraries. The information would also be redrafted for inclusion on the Gateway website (www.ctrivergateway.org). Motion to accept subcommittee recommendation by **Fischbach**, seconded by **Fish**. The motion passed unanimously.

Committee Reports

Land. **Wilson** and staff reported that the final paperwork for the transfer of the Duncan property to the East Haddam Land Trust had been completed and is ready for Commission signature. Chairman Woody signed the appropriate documents, witnessed by W. Campbell Hudson. The Commission agreed that the transfer of the “Klar” property adjacent to Machimoodus State Park in East Haddam was the next transfer on which to concentrate. A member noted that Mrs. Klar just passed away last week.

Outreach. **Thomas** reported that the drafting of text for the mission booklet is in its last stages. He also reported that the Commission successfully submitted an application for funding in the amount of \$2,500 from the Rockfall Foundation. Notice of the grant recipients is scheduled to occur by the end of December, 2010 with the funds being disbursed in January, 2011. The committee is also seeking assistance with layout and design of the booklet as well. **Woody** has indicated that he will seek the advice of a designer who had done work for the Lyme Land Trust.

Thomas also reported that planning has begun for the Gateway’s annual boat trip in 2011. Of the two dates tentatively reserved (June 2, 2011 and June 9, 2011), the Commission chose to schedule the event on Thursday, June 9, 2011 so as to avoid absences due to the Memorial Day holiday. The cost was reported to be the same as last year, which was \$900. That price is good for weekdays after 5pm. Discussions have included a plan to develop a brochure that will list the locations of interest that the GW wants to point out as the boat travels downriver. A map to be displayed on both the brochure and on an easel would show the locations with explanations. The brochure could be done with desktop computer software and printing with little cost. The return trip upriver would be the “social” portion of the trip. All present supported the planning efforts of the Outreach committee.

Discussion of 2004 Standards

No report.

Gateway Properties

See report above. Klar property next.

Old Business: None came before the Commission.

New Business: None came before the Commission.

Adjournment

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