

CONNECTICUT RIVER GATEWAY COMMISSION

REGULAR MEETING MINUTES

October 28, 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 (arr. 8:35p)
Lyme:	J. Melvin Woody, Lisa Niccolai
Old Lyme:	Peter Cable, Suzanne Thompson
Old Saybrook:	Madge Fish, Vacancy
CRERPA:	Steve Williams
Midstate RPA:	Raul Debrigard (arr. 7:55p) Stasia DeMichele
DEP:	David Blatt
Staff:	J.H. Torrance Downes

Call to Order

Chairman **Melvin Woody** called the regular meeting of the Connecticut River Gateway Commission to order at 7:46p.

Approval of Minutes

Minutes from 9/23/10 were reviewed. Motion by **Fischbach**, seconded by **DeMichele** to approve as presented. Motion passed unanimously.

Correspondence/Staff Report

As reflected in the "Items of Interest" report, staff presented correspondence regarding (1) the appointment of Suzanne Thompson as Old Lyme's alternate member, (2) the DEP's P2View Fall pollution newsletter, and (3) an article from the Hartford Courant regarding the former Sibley Company in Haddam. The former owners have violated a DEP order to submit a report of findings regarding water pollution caused the metal plant over twenty years ago.

Staff Report

CT State Rail Plan Letter and CREMPO Meeting

Staff reported on the presentation of the draft State Rail Plan at the Region's CREMPO board meeting by representatives of ConnDOT on Wednesday, October 27, 2010. Staff also directed member's attention to a copy of the letter that was written and submitted to ConnDOT on their behalf (see minutes for September 23, 2010). A brief description of the presentation and the comments made at the meeting were presented. Highlighted was the issue of "cost/benefit" of the proposed freight rail extension up the CT River Valley. Many believe that "benefit" exists for limited parties and not the State as a whole and the potential costs would be more than the estimated \$22 million pricetag. Specifically, the cost could include any damage, both real or perceived, to the lower CT River valley and its character and environmental health, both conditions that are interwoven with the river's being at the center of much of Connecticut's economic engine. It was reported that the CREMPO board expressed caution and agreed with staff recommendations to fund a *study* rather than the upgrade itself. It is felt that a study would demonstrate that the need isn't as great as is being presented. Finally, staff indicated that, in a

letter to the DEP, the Valley RR reportedly “removed” the freight component of the project from their “wish list” included in the appendix of the draft State Rail Plan.

Haddam Transfer Station

Staff reported that, in a newspaper article, it was reported that the proposal of Walkely Hill Road as the potential site for Haddam’s new transfer station was removed from consideration. Also reported in the article was that the Town may consider a previously proposed site as an alternative. **DeMichele** reported that the latest discussion is to just do curbside pickup. A major component of the site’s removal from consideration was opposition to the proposal by the Haddam P&Z which did not feel that the proposal was consistent with the Haddam Zoning Regulations.

Village Districts/Essex

Staff reported on his recent visit to a planning subcommittee meeting of the Essex Planning Commission. The intent of the visit, which was requested by subcommittee member Janice Atkeson, was to provide information regarding Village Districts, currently under consideration in Deep River and Chester. A broader discussion of potential opposition to Village Districts, Historic Districts and the adoption of the 2004 Gateway Standards ensued. Chirico briefly pointed out what he felt were the reasons for such opposition. Chirico and staff commented that they will be meeting to further discuss the objectives and strategies for having the Essex Zoning Commission adopt the standards.

Discussion of CT Yankee Conservation Project

Staff reported that CYCP member Jim McHutchins and Coordinator Melissa Spear requested a postponement until the Commission’s December 2, 2010 meeting when they will have more information to discuss. Specifically, McHutchins indicated that CYCP expected to receive the long-awaited appraisal report but will not have had enough time to “digest” the information themselves. As it turns out, reported **Debrigard**, the appraisal wasn’t received as expected. CYCP will be scheduled for the December 2nd meeting.

Treasurer’s Report

Wilson reported that there is a meeting of the Finance Committee with Merrill Lynch scheduled for November 15, 2010 and that coordinating a time when all necessary parties could meet at the same time has been a challenge. Monthly bills were presented for approval including \$3924.92 for CRERPA (staff services, letterhead and insurance), and \$1820 for legal services rendered by LeClair Ryan in the Marina Village discussion and application. Motion by **Fischbach** to approve, seconded by **Petrone**. Approved unanimously.

Wilson also reported that a new line item will be included on the monthly treasurer’s report which shows the cash balance in the Gateway checking account. Also reported was the decision to transfer \$5000 to the account monthly to cover expenses rather than keeping a large balance in the account.

Referrals

22 Racketts Lane, Essex. As a result of a redesign and subsequent compliance with Essex Zoning Regulations, the variance appeal was withdrawn. Staff reported that the proposed house location, although compliant with current zoning regulations and the *previous* set of Gateway standards, would not comply with the 2004 standards if they had been adopted by the Zoning Commission. Specifically, the footprint would extend approximately 10 feet into the 100 foot structure setback. The proposed location, it was noted, is a preferable location even though it wouldn’t totally comply with the unadopted standards.

21 Dock Road, Chester. Staff reported that representatives of the owners again asked for a

postponement of the preliminary discussion.

17 Third Avenue, Floral Park, Old Saybrook. Staff used aerial photographs projected on a screen to show the layout of the property in question, its location in reference to the CT River, its location with respect to surrounding trees and with respect to the adjacent “associated wetlands” and, finally, a description of the structure itself. The applicant proposes to modify a garage roof structure to allow for the expansion of a limited second story storage area to be utilized as living space and not increase in footprint will occur. The structure, including its garage, is located within Old Saybrook’s 100 foot structure and riparian buffer setbacks and thus is nonconforming within those setbacks. Although a wall surface facing the river is proposed to be increased by almost two times, the overall height of the peak of the roof to be modified will be *lowered* by 3 feet. Staff reported that, if this were not a “waterfront” property, this application would have been handled administratively and without Gateway review, consistent with past practices. The application, thought to be relatively minor in impact, was brought before the Commission as a whole due to its waterfront location. Upon review and upon a motion by **Fischbach**, seconded by **Petrone**, the Commission voted unanimously to *not* oppose the granting of the requested variance, including no conditions of approval.

Discussion of Tylerville Land Swap

Fischbach and staff both reported having spoken with Mr. Steve Rocco, owner of property in Tylerville and the party interested in the swap of state land for private development purpose, at the October 8, 2010 Rockfall Annual Meeting. Mr. Rocco urged the convening of another meeting with GW, the Town of Haddam and himself to continue discussions regarding the conveyance. After discussion of political circumstances in Haddam, it was Commission consensus that a subcommittee of GW members and staff should contact Representative Jamie Spallone and Senator Eileen Daily prior to the December 2, 2010 GW meeting in order to discuss the Gateway Commission’s position on the potential conveyance of the Tylerville property in question. First Selectman Paul DeStefano should be made aware of the meeting as a courtesy.

The Commission discussed that, prior to any conveyance going forward (and not opposed by the Commission), a planning and rezoning effort should be conducted by the Town which will result in a well thought-out strategy with regard to the entire Tylerville area that is a part of the village discussion. As a part of the discussion, the Commission reiterated that without such planning being well established and well along in its completion, the resubmission of a conveyance bill which includes the property in question would likely have to be opposed by the Gateway Commission once again. A reference to conveyance of the land prior to fully working through the local planning and zoning issues was made and referred to as “*placing the cart before the horse*”.

Although the Gateway Commission has met numerous times with representatives of the Town and Mr. Rocco on this issue, the priorities of the Town – the Gateway Commission’s “client” – have appeared to have shifted to a point where conveyance discussions are not as urgent as they had previously been. Although the Commission continues to be willing to participate to determine if a solution exists that would satisfy all parties, they have agreed that they cannot and will not be initiators of discussions that may result in the conveyance of public conservation land to private concerns, even if the private parties are willing to transfer *other* lands into conservation in return. As has been the case, the Gateway Commission awaits guidance from representatives of their member town, Haddam. In reference to a potential meeting, **Debrigard** informed the Commission that he will be unavailable for most of November and the first week of December. **Thomas** suggested that, in preparation for such a meeting, participants have a plan to discuss that is written out and can be provided to both Daily and Spallone. Staff indicated that a call will be placed to Representative Spallone in order to discuss such a meeting and to confer and gain advice on the way to proceed.

Discussion of Riparian Buffer Standards

Discussion of the next step in the process of determining how to move forward with recently developed riparian buffer standards. A meeting with subcommittee members **Niccolai, Blatt** and **Petrone** is anticipated in the near future.

Committee Reports

Land. **Wilson** reported that the Duncan property transfer is moving forward after Rob Smith of the East Haddam Land Trust reported that the shed, owned by adjacent property owners Kaisers, was removed and placed on the Kaiser's property. A staff communication with Attorney Jane Marsh resulted in advice regarding what information needs to be supplied in order to complete the transfer. The Commission resolved to appoint Chairman **Woody** as the delegated signer of any documents supporting the transfer in the place of the entire Commission. A motion by **Fischbach**, seconded by **Cable**, passed unanimously. Staff reported that a draft Resolution has been prepared for signature.

In an effort to demonstrate the juxtaposition of conservation land in the Salmon River area of East Haddam, staff presented an aerial photograph with colored outlines of the Sunrise State Park, Machimoodus State Park, the Connecticut Yankee site, and the 36 acre, Gateway-owned property known as the "Klar" property. Discussion included whether or not the Commission should consider offering the Klar property to the East Haddam Land Trust, as was previously done with the Duncan property further south. Due to the Klar property being surrounded on all sides (with the exception of the Salmon River) by Machimoodus State Park, the Commission concluded that it made most sense to offer the parcel to the State of Connecticut first. The question of the significant amount of time necessary to transfer a property to the State of Connecticut was discussed with the Commission reaching consensus that the time will be worth it given the fact that they felt that the Klar property should become part of the Machimoodus State Park and under State ownership/stewardship if at all possible.

Outreach. Thomas reported that a draft of the Commission's Mission Booklet has been vetted by members of the Outreach committee and is close to being ready for inclusion of "art", including maps, diagrams and photographs. Question was raised with respect to whether or not grants were researched for the reprinting. Debrigard indicated that the Rockfall Foundation would be a perfect source of funding for such a reprinting. It was announced that the next Outreach meeting will take place on Monday, November 1, 2010 at 1pm. At that meeting, the annual Gateway Boat Trip will be discussed for potential scheduling dates in the spring.

Discussion of 2004 Standards

Chirico and staff indicated that they have plans to meet in order to determine what approach may be most advantageous as the Commission furthers their efforts to have the Essex Zoning Commission adopt the 2004 Gateway standards.

Gateway Properties

No report as the report occurred under Committee Reports.

Old Business: None came before the Commission.

New Business: Debrigard reported on conversations with Essex First Selectman Phil Miller regarding the efforts of Attorney General Richard Blumenthal in the matter of "The Preserve" development. Debrigard asked Commission members to remember Blumenthal's assistance when they go to the polls on Election Day. Thomas reported on an upcoming meeting of the East Haddam Land Trust on Saturday,

November 13, 2010 at 9a – noon when the LT will recognize those who have committed land to open space in Town. Commission members are welcomed and a luncheon will be held afterwards.

Adjournment

Upon motion by **Thompson**, seconded by **Wilson**, the annual meeting adjourned at 9:04p p.m.