

# CONNECTICUT RIVER GATEWAY COMMISSION

## REGULAR MEETING MINUTES

August 24, 2017

Present/Absent: [Excused absence (E); Unexcused absence (U)]

<b>Chester:</b>	<b>Margaret (Peggy) Wilson, Errol Horner</b>
<b>Deep River:</b>	<b>Nancy Fischbach, Kate Cotton</b>
<b>East Haddam:</b>	<b>Harvey Thomas (E), Crary Brownell</b>
<b>Essex:</b>	<b>Claire Matthews, Jerri MacMillian (E)</b>
<b>Fenwick:</b>	<b>Fran Adams, Borough Warden</b>
<b>Haddam:</b>	<b>Susan Bement, Vacancy</b>
<b>Lyme:</b>	<b>J. Melvin Woody, Wendy Hill</b>
<b>Old Lyme:</b>	<b>Peter Cable, Suzanne Thompson</b>
<b>Old Saybrook:</b>	<b>Madge Fish, Bill Webb</b>
<b>Regional Rep:</b>	<b>Raul Debrigard</b>
<b>DEEP:</b>	<b>David Blatt</b>
<b>Staff:</b>	J H Torrance Downes
<b>Guests:</b>	Michael Whalen, Janet Stone, Frank Santorini, Paul (?) – Deep River Land Trust; Mike Picard, Mike Ott, David and Earla Frisbie – 17 Whisper Cove.

### Call to Order

Chairman **Woody** called the regular meeting of the Connecticut River Gateway Commission to order at RiverCOG offices located at 145 Dennison Road, Essex at 7:30 pm.

### Approval of 7/27/17 Regular Meeting Minutes

Because the draft minutes weren't available for review prior to the meeting, the Commission decided to put off approval until the September meeting. **Wilson** noted that, under the Treasurer's Report, **Matthews** read a *summary* of a letter from Joe Wollack regarding audits and compilations and not the letter itself.

### Deep River Land Trust Presentation

Michael Whalen presented a PowerPoint slide show. The DRLT is interested in acquiring, with partners, two parcels on the south (upland) side of Essex Street. The larger of the two parcels would connect a greenway located in the area. The parcels, primarily the smaller parcel on the north (river) side of Essex Street is visible as seen from the river across Pratt Cove. The smaller parcel is 0.64 acres and is appraised for \$53,400, with a \$40,000 asking price. The hope is to have the natural habitat restored. The larger parcel is 6.57 acres and is appraised for \$224,000, with an asking price of \$120,000. The market price is said to be \$129,000. There is an existing trail on the larger parcel which connects to a nearby TNC property. The total asking price is \$160,000 with donors pledging \$36,100 so far. The DRLT can contribute \$10,000, leaving needed funds in the amount of \$113,900. Janet Stone then talked about fundraising to date. DRLT has no experience with fundraising and has never purchased land. It has always been the recipient of gifts. The understanding from the owner is that the asking prices are firm and that he is looking for a February 1, 2018 settlement date, which would mean a contract in September, 2017. A question was raised with respect to whether or not an appraisal was necessary. **Wilson** reported that the Land Committee, which met on August 20, 2017, concluded that the parcels did meet previously established criteria for land acquisition consideration for the Commission. Motion made by **Wilson**, seconded by **Fischbach** to grant \$3500 toward necessary appraisals, passed unanimously. As a part of the discussion, a suggestion was made to propose a bargain sale to the owner. The consensus reached was that these parcels are appropriate to protect.

**Motion** to move 11 Whisper Cove up in the Agenda. **Fischbach/Brownell**, approved unanimously.

Variance Application, 11 Whisper Cove, Old Saybrook. Present for the presentation: David and Earla Frisbie

(owners); Mike Picard, Builder; Mike Ott (Site Engineer). Variance request for encroachment into 100 foot riparian buffer and structure setback. Downes provided background for the proposed development including information regarding previous application and Gateway response from 2014. In the previous application, the Gateway Commission requested that the footprint be moved landward, which the property owner did, resulting in a Gateway finding of “no opposition”. That project was approved by the Old Saybrook Zoning Board of Appeals and the Zoning Commission (via Special Exception). The variances were conditioned upon acquisition of building permit within two years, which didn’t occur. Result is this reapplication.

Proposal is to build a 5-bedroom home on a smaller footprint than 2014 approved development. The current structure location, although encroaching within the riparian buffer and structure setbacks, is further landward than the previously approved location. The proposed location is no further waterward than the footprint of the previously existing structure that was demolished in 2014. Being on a sloping property, a retaining wall is necessary that, without fill, will result in a measured height of less than 35 feet. WITH fill, the top 2 to 2.5 feet will be visible. The applicant discussed several reasons for not moving the structure *further* landward and out of the setbacks altogether included (1) limited area available for leaching field, (2) ledge outcroppings on the northwest corner of the property and (3) the steepness of the driveway to the site if leveling had to occur. Downes reported that he had been to the site twice and had met with the site engineer, the builder and the Frisbies. The proposal will allow for retention of significant mature trees (which will be “limbed up” as permitted by standards) and allow for replanting of the disturbed vegetated buffer (landward of the steep vegetated slope to the marsh below) with non-invasive native plants, which is being offered by the property owner. Proposed backfill will hide most of the retaining wall with the planted vegetation being planted on that fill, further hiding the top of the retaining wall. The proposed landscape plan would provide continuous vegetation from the edge of the marsh up the slope to the retaining wall.

Downes discussed the idea of requesting conditions being applied by the ZBA that would require the installation of a highly visible construction fence marking the edge of where activities required specific approval after coordination on-site. The conditions, to be developed in coordination with the applicant’s site engineer and landscape architect, would further specify how activities would proceed in areas waterward of that construction fence. A motion by **Fischbach**, seconded by **Bement**, was made to send a letter to ZBA expressing “no opposition” as long as conditions developed by Gateway staff in coordination with the applicant’s representatives were included in any ZBA approval. Motion passed unanimously. **Fish** abstained from voting while **Webb** voted affirmatively.

#### Treasurers Report

**Wilson** reported that the Finance Committee will meet with Essex Financial on 8/28/17 for a review of investments. Ensuing discussion included the thought that the Gateway investment policy may need review and possible adjustment to clarify what should be considered as “acceptable bonds”.

**Wilson** reported that submitted bills total \$1,232.43. Motion by **Bement**, seconded by **Fischbach**, to approve. Motion passed unanimously.

#### Items of Interest Report

- Goodspeed Airport Scenic Easement/Campbell Hudson.  
The last small changes offered by Mellon were incorporated in the easement language. The “final” awaits final confirmation from Campbell Hudson before being sent over to the Attorney General for final State approval. Clarke has contacted Hudson seeking his final go ahead for AG submittal.
- Phragmites Eradication Partnership, Lords Cove, Lyme.  
The project remains on schedule. Spraying of herbicide continues. As a note of interest, the areas that were cut back in the late winter/early spring have recolonized with phragmites stalks upwards of 5 to 6 feet tall. It’s this new growth that gets the herbicide treatment.
- Carlson Landing, Essex.  
On Monday night, August 24, 2017, the Zoning Commission approved 3 applications from Carlson’s landing. The

first was for a principal building for a marina use. The second was for a restaurant as an accessory use. And the third was a Coastal Area Management application. Approved is one building for a marina and restaurant. There are approximately 55 seats for the restaurant. 35% of the property will be landscaped. The on-site traffic flow will be one-way. Traffic enters from Main Street and exits at Ferry Street. The building will be approximately 35 feet high as to be above flood level.

Variance Application, 171 Injun Hollow Road, Haddam

Downes provided background and projected aerial showing the riverfront property located in Haddam Neck. The historic structure, located within the street line setback and several hundred feet away from the riverfront, is proposed to be expanded resulting in almost double the size of the existing structure. Although the riverfront tree cover appears significant and the structure is located a distance from the river, the doubling of the size of the structure resulted in the decision to have the full Commission review the variance application. Based upon the review, motion was made by **Wilson**, seconded by **Brownell**, to have Downes send a letter of “no objection” to the Haddam ZBA with a request that a condition be placed prohibited tree removal near the river in a way that would expose the proposed structure to greater visibility from the river. The motion passed unanimously.

Staff Review of Variances: None of significance.

Regulation Referrals: None.

Committee Reports

Land.

**Wilson** reported that the Land Committee met on August 10<sup>th</sup> with David Brown of MxLT and Jim McHutchison of the Haddam Spirit to discuss Haddam Neck acquisition opportunities and updates.

Governance. **Fischbach** reported that she is continuing the work on the CT River Land Trust transfer. No update on Gateway Standards.

Outreach. **Cotton** reported that she has the press release addresses in hand and has the 2014 Outreach statement to review. Plans include meeting to discuss a 12-month plan for 2018.

New Business.

**Debrigard** reminded the members that the Haddam Neck Fair was coming up on Labor Day Weekend and that volunteers to man the Gateway booth were needed. **Cotton** and Downes reported that they’d send emails soliciting members to fill slots.

Old Business.

None.

Adjournment. Motion to adjourn at 8:55pm by **Fischbach**, seconded by **Matthews**, passed unanimously.