



# Lower Connecticut River Valley Council of Governments

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## Regional Planning Committee

### LOWER CONNECTICUT RIVER VALLEY REGIONAL PLANNING COMMITTEE

#### MINUTES OF REGULAR MEETING

Monday, July 22, 2019 - 7:00 pm

Lower Connecticut River Valley Council of Governments conference room

145 Dennison Road, Essex

#### Members:

Chester: Vacancy  
Clinton: Alan Kravitz \*  
Eric Bergman  
Cromwell: Chris Cambareri  
Anthony LaCava \*  
Deep River: Bruce Edgerton  
Tony Bolduc  
Durham: Frank DeFelice\*  
Joe Pasquale  
East Haddam: Crary Brownell  
Lou Salicrup  
East Hampton: Michael Kowalczyk \*  
Essex: Alan Kerr \*  
Sandra Childress \*  
Haddam: Raul deBrigard \*  
Stasia DeMichele  
Killingworth: Stephanie Warren \*  
Alec Martin  
Lyme: Mary Stone \*  
Middlefield: Kevin Boyle  
Erine Wilson  
Middletown: Beth Emery \*  
Stephen Devoto  
Old Lyme: Harold Thompson  
Old Saybrook: Kenneth Soudan  
Karen Jo Marcolini  
Portland: Elwin Guild \*  
Westbrook: Bill Neale \*  
Marie Farrell

\*Members Present

#### Staff Present:

Sam Gold  
Torrance Downes  
Eliza LoPresti

**Guests:** Martin Jaffe, Clinton P&Z Commission

# RiverRPC

### 1. Call to Order

The meeting was called to order by Chairman DeFelice at 7:04 pm.

### 2. Roll Call

Roll call was taken by Eliza LoPresti

### 3. Seating of Alternates

Stephanie Warren of Killingworth and Anthony LaCava of Cromwell were seated.

### 4. Adoption of Agenda

*Mr. deBrigard moved to adopt the agenda with the addition of a referral from Portland on Excavation Regulation Changes as item 8C. Second by Mr. Neale; voted unanimously in favor.*

### 5. Public Comments

None

### 6. Approval of Minutes of Past Meetings

Ms. Emery suggested corrections to the minutes to reflect a list of guests on the first page, to change Mr. Samolis' title and grammatical corrections as noted on page 4.

*Mr. Neale moved to approve the minutes of the June 24, 2019 meeting as amended due to comments above; second by Ms. Emery. Vote was unanimous in favor.*

### 7. Regional PoCD Status and Consultant RFP

Mr. Gold reported that Jon Curtis is no longer employed with RiverCOG. Permission has been obtained from the COG to fill a Planner position and hire a consultant to assist with the RPoCD project. Additional funding from OPM for our regional services grant will cover the associated costs.

Mr. Gold read through the tasks in the draft RFP. There was a question on the schedule for completion. It will be left open on the RFP so the length of the firm's timeline can be evaluated during scoring.

Comments will be solicited from each town and the plan will be presented to each town's land use commissions; in question was whether all the presentations will happen pre-adoption. There was general agreement that it would be best to go to each town pre-adoption.

Volunteers for the consultant RFP interview panel were as follows: Frank DeFelice, Beth Emery (after September 17), Raul deBrigard, and Mary Stone. Additionally, a Town Planner and possibly a CEO, and a RiverCOG staff member will be involved.

Mr. deBrigard suggested that we ask in the RFP if consultants have done work with any of our towns. He then asked about the effect of this plan, which was discussed. The RPoCD will be an advisory document mainly for planning and zoning commissions in our region to use as a resource.

There was further discussion on public meetings and/or meetings with each town's commission(s) and the possible logistics of such. Mr. DeFelice suggested that task 5 in the RFP be phrased as meetings in "each of the seventeen towns" rather than specifying that the meetings are at each planning and/or zoning commission. Mr. Gold will expand the description of task 5 based on the longer discussion.

## 8. Referrals

### **Portland: Proposed zoning regulations concerning Farm Breweries**

Mr. Downes previously sent out the proposed regulations and a draft letter regarding them. The letter mentioned the need for more standards and controls, especially in residential neighborhoods. He suggested that wording should be included in the regulations regarding standards for hours of operation, light, noise, etc.

Mr. Guild stated that there is not yet a proposed site for a farm brewery, these are proactive regulations suggested by the Economic Development Commission. Discussion was held and suggestions were made including that the concept of “farm brewery” be closely defined, that the activity be regulated by special permit, that reviews by others such as health director, fire marshal, etc. are included, and that language be included that it should be demonstrated whether there is a sufficient septic system to manage large events. There was also a discussion of possible farm distilleries, and how these “farm” activities relate to farming, using local ingredients, the “CT Grown” label, etc.

It was suggested to include Cromwell and Middletown in the intermunicipal review since sound and light can travel across the river easily.

*Mr. Neale moved that there could be potential intermunicipal impacts due to the proposed regulations. Second by Ms. Emery. Vote was unanimous in favor.*

*Mr. Guild moved that Mr. Downes’ letter be sent to the Town of Portland. Second by Mr. Kravitz; vote was unanimous in favor.*

### **Old Lyme: Proposed zoning regulations concerning Tidal Waters Protection**

Typically, tidal wetlands have setbacks of 50’. Within the Gateway conservation zone the setback is 100’, unless the structure is marine-related (example: a dock), which can be regulated through special permit. The proposed zoning regulations are to address sea level rise and add a series of considerations for permitting of marine-related structures in the setback area. The activity will still be regulated by special permit but gives the zoning commission more leeway to consider issues related to the sea level rise. Additionally, the setback is within 100’ now and the board of appeals will not be allowed to grant any variances.

There was discussion on this last point, as there is a question of legality on stating that the ZBA cannot grant variances. Mr. Downes suggested that in the letter the RPC state that counsel should be consulted regarding that statement, as there was some concern. Further discussion occurred on this topic, and a question arose of the purpose of that particular regulation.

It was discussed that this proposed regulation change reduces the possibility of intermunicipal impact. Mr. Downes’ letter will state as such and suggest that they check with counsel about the question above on ZBA regulation.

*Mr. Neale moved that there are no intermunicipal impacts due to this proposed regulation; second by Ms. Emery. Vote was unanimous in favor. Mr. Downes is authorized to send a letter as discussed.*

### **Portland: Proposed Excavation Regulation Changes**

There are no existing gravel pits in Portland that are within 500’ of another town, but there could be in the future as this regulation will apply town-wide. This review is looking at future intermunicipal protection for East Hampton.

Mr. Downes and Mr. Guild gave background information on why these regulations are being looked at. They are in part a reaction to developers that take out permits for development such as single family homes, but the site plan is never built. Instead, material is excavated. These proposed regulations will strengthen the P&Z's control in such a situation. Mr. Downes went over the details of the additional restrictions and definitions.

Mr. Downes stated that the fact that more control is being put into the regulations would make them have less negative intermunicipal impact. However, there are some impacts such as Saturday work being allowed (when it was not previously) and the amount of truck traffic potentially generated. There was discussion on lowering the threshold of the second category for review since there is a large gap between the first two. The question arose of blasting in areas of rock. There is nothing related to blasting in the proposed regulations, but that could be a consideration. Discussion occurred on concern of the health of the river as that is an intermunicipal consideration.

*Mr. Neale moved that there are potential intermunicipal impacts; second by Ms. Stone. Voted unanimously in favor.*

*Discussion: Mr. Downes noted that there are potential intermunicipal impacts. With the new regulations there are fewer because of more management, but that could be reduced even more if, for instance, Saturday work was not allowed and consideration was given to dropping the upper threshold of the site plans so as to reduce the number of trucks on any streets, particularly residential, and if there is consideration for blasting.*

There was discussion on the letter, with content to be addressed as described above. The question arose as to whether the letter should present best practices and this was discussed, along with requirements by the state for submitting a report on referrals and the fact that the local commissions do not need to heed the RPC's suggestions. The topic of the effect of letters that the RPC sends was discussed.

*Mr. Neale moved to allow Mr. Downes to write the letter as described in the previous motion above. Second by Mr. Kravitz; vote was unanimous in favor.*

## **9. Miscellaneous: State, Regional and /or Local Planning Issues**

Ms. Emery asked if anyone knew what happened at the Berlin P&Z meeting (in regards to the referral reviewed at the June RPC meeting). Mr. Downes will check the minutes in the morning and send out an email.

Mr. Neale brought up beach access in Westbrook. There is a large lot at the beach, and parking is allowed at the Town Hall. The conversation was in regards to the fullness of the beaches at fourth of July weekend and too-little public access to beaches.

Mr. Gold stated there is still no RSG agreement. This is the funding that will allow the COG to hire a planner and a consultant for the RPoCD. He received a narrated PowerPoint on tolling from the State, which he will distribute. He explained what he is writing to the state in response.

## **10. Adjourn**

*At 9:05 P.M., Mr. deBrigard moved to adjourn the meeting; Mr. Kravitz seconded. Vote was unanimous in favor.*

Respectfully submitted,  
Eliza LoPresti