

**Essex Conservation Commission**  
**Town of Essex**  
**29 West Avenue**  
**Essex, CT 06426**

**December 8, 2011**

**Presentation – Torrance Downes, CT River Gateway Commission**  
**The December 8, 2011 Regularly Scheduled Meeting to Follow Presentation**

Mr. Torrance Downes, Senior Planner of the CT River Gateway Commission presented a power point display and narrative on the CT River Gateway Commission to the Essex Conservation Commission in the auditorium of the Essex Town Hall prior to the regularly scheduled meeting on December 8, 2011. The following is an encapsulation of that presentation:

The mission statement of the Gateway Commission is “to preserve the aesthetic and ecological natural beauty of the lower Connecticut River Valley for present and future generations”

Per the HR 145 – Federal National Recreation Area, January, 1971

There is an “acute” need in New England for recreation opportunities in the following areas: U.S . Dept. of Interior/ National Park Service; The CT River National Recreation Area / Three “Units”:

Coos Unit (NH and VT)  
Mount Holyoke Unit (Mass)  
Gateway Unit (Haddam to I-95)

Within the Gateway Unit “Conservation Zone” the minimum standards, established by the U. S. Secretary of Interior, must be included in the local Zoning Regulations. The states are encouraged to transfer state-owned land to the Federal government. The Federal Government may acquire up to 5,000 acres privately owned lands “*without owner’s consent*” to meet purpose of the Act.

Some of the responses to the Connecticut River National Recreation Park proposal included residents in New Hampshire, Vermont, Massachusetts and Connecticut voicing objections to the Federal plan. It was noted that the lower valley cannot open to a National Park without destroying the “*priceless, natural beauty*” to which Senators Ribicoff and Kennedy made reference and these quiet river communities cannot handle the challenges that hordes of park visitors would “*throw upon us*”.

The local reaction to the formation of the Gateway Advisory Committee made suggestions to review and comment upon Federal proposals. The Committee pressed for two main elements:

- Preservation of resources and present “way of life”; A strong local voice in determining boundaries, standards and policies for park;

- Committee rejection of the Federal plan and preparation of an alternative plan; State legislation sponsored by Senator Peter Cashman proposed Public Act No. 74-103 - An Act Concerning the Connecticut River Gateway Zone.

The Gateway Committee and the Gateway Commission in Old Saybrook, Old Lyme, Lyme, Essex, Deep River, Chester, Haddam and East Haddam are comprised of 21 members. Five of the eight member towns voted at town meetings to join the conservation compact. On July 23, 1974 the first Meeting of the Connecticut River Gateway Commission was conducted. The goal of the Committee was for uniform zoning standards to be adopted into local town Zoning Regulations, to create a Gateway Conservation Zone; to make recommendations for areas where the DEEP should purchase easements and development rights.

Per CGS Sec 25-102a some of the legislative findings included:

“...the lower Connecticut River and the towns abutting the river possess unique scenic, ecological, scientific and historic value contributing to public enjoyment, inspiration and scientific study, that it is in the public interest; and ... "to preserve such values and to prevent deterioration of the natural and traditional riverway scene for the enjoyment of present and future generations of Connecticut citizens”

The “natural and traditional riverway scene”, as historically interpreted by the Gateway Commission, is that which existed at the time of the enabling legislation in 1973. At that time, large homes carved into the treed hillsides were largely absent. Some of the **Gateway Tools** include land acquisition, minimum zoning standard, regulatory “veto” power, variance review authority and special exception reviews for structures in excess of 4,000 square feet.

**Tool #1** embellished upon the Connecticut River Gateway Conservation Fund:

- Lawsuit over visually obtrusive Northeast Utilities power line towers, East Haddam to Haddam
- Gateway chosen in 1982 to receive a \$1,000,000 settlement to be used for “conservation and preservation projects”
- Fund used for land acquisition and other conservation-related purposes

**Tool #2** speaks to minimizing zoning standards addresses the regulated uses of property consistent with the Gateway mission and to promote protection and development consistent with the Gateway mission according to uses, frontage, building coverage, setbacks from the river and associated wetlands, design and building height maximums and tree cutting.

The Gateway Standards were last revised and adopted in 2004. Since 1973 over \$1,000,000 has been spent in partnership with other conservation groups (TNC, DEP, local land trusts and conservation commissions); Over 1,000 acres have been preserved in the form of conservation easements, acquisition of development rights and, to a limited extent, in fee simple, Gateway is the “middle man”; as Gateway acquires and then transfers land to the State of CT.

**Tool #3** addresses veto power and states:

"No adoption, amendment or repeal of a local zoning, subdivision or planning regulation with respect to property within the conservation zone within [a member] town shall be effective which has not received the approval of the Connecticut River Gateway Commission."

**Tool #4** addresses variance review authority and states that variances of local regulations for properties in Conservation Zone must be referred to the Gateway Commission [and local Conservation Commission] for comment. The Gateway Commission will oppose, not oppose or not oppose if certain conditions are applied. The Gateway Commission has automatic legal standing in any case where variances of Gateway standards are involved.

**Tool #5** addresses special exception reviews for structures > 4,000 square feet: The goal is to minimize the visual "bulk" of development as viewed from the river and to minimize tree removal. The Zoning Commission conducts Special Exception Review using Gateway Standards in Zoning Regulations. The Gateway provides a courtesy review by staff with a report of findings submitted to P&Z at Gateway's cost.

The challenges leading to the necessity for the implementation of new standards include site platforming and height measurement from the existing natural grade. Clear cutting and removal of visually-buffering trees and other vegetation. Riparian buffers and protection of water quality.

The 2004 standards versus the existing standards include.

- Structure height measured from "*existing natural grade*", not "*finished*" grade;
- 100 foot river setback, increased from 50 feet;
- New 50 foot "no cut" riparian buffer – preservation of riverfront vegetation;
- Special Exception Reviews for structure(s) over 4,000 square feet in total area.

In any review of development performed by the Gateway Commission or their staff, recommendations are often made regarding the retention of "visually buffering" trees, the planting of new visually "softening" vegetation, and enhancement of existing riparian buffers.

In a discussion following the presentation, Mr. Downes addressed the Gateway Boundary Proposal noting that the existing standard for the conservation zone was defined in 1973. Mr. Downes indicated that the Zoning Commission will conduct a public meeting on December 19, 2011. Mr. Downes stated that he hoped that the Essex Conservation Commission would forward a written recommendation to the Town suggesting that Essex adopt the standards of the Gateway district. Mr. Downes noted that the Essex Zoning Commission had made a decision to not adopt the 2004 Gateway standard.

Mr. Downes noted that communities situated on both sides of the river would benefit from the adoption of the Gateway Conservation Zone. Mr. Downes concluded the Gateway presentation at 8:25 p.m.

**For further information on the CT Gateway River Gateway Commission, please visit the website at [ctrivergateway.org](http://ctrivergateway.org).**