

# **MINUTES OF THE SPECIAL MEETING OF THE WARDEN AND BURGESSES ON THURSDAY, AUGUST 30, 2018 AT 5 PM AT 4 NIBANG AVE, FENWICK, CT.**

**PRESENT:** Warden Newt Brainard, Arthur Wright, Pam Christensen, Frank Keeney, David Savin (arrived 5:45 PM), General Manager Jeff Champion, ZEO Marilyn Ozols, Attorney Mike Zizka.

**NOT PRESENT:** Peter Brainard Jr., Jonathan Gengras

**MEMBERS OF THE PUBLIC:** Jessica Gay, Debby and Rick Neely, Charlie Robertson Jr., Laurie and Bruce Goldsmith.

The Warden called the Meeting to Order at 5:01 PM.

A Quorum was not met as David Savin was still on route to the Meeting. Therefore, the Warden rearranged the Agenda until Mr. Savin arrived.

## **Open Forum for Residents to Speak**

Jessica Gay spoke to the noise disturbance of a seaplane arriving six times near the Field Cottage this week in one afternoon. She inquired who has jurisdiction to regulate this activity. During the Meeting, Frank Keeney contacted Chief Spera of the Police Department who stated that the Police Department has no authority while the seaplane is in the air. Once the seaplane hits the water it becomes a boat and is regulated either by Fenwick or the Town.

## **Board, Commission and Committee Reports**

**Planning and Zoning:** Art Wright reported that a Public Hearing was held on August 22, 2018. Four pieces were proposed to amend Zoning Regulation:

- “Create a Special permit mechanism to allow minor additions or accessory structures on a previously developed property where the developed area falls within the 50 foot buffer adopted in 2011.” DENIED
- add definition for “developed”-DENIED
- Delete reference to inland wetlands because there are now separate Inland Wetland Regulation-APPROVED effective 9/1/2018
- “Create a special permit mechanism to raise an existing structure in a flood zone when the new height will exceed the maximum permitted height-APPROVED effective 9/1/2018

The voting was unanimous with one abstention. It was noted in the Meeting that a homeowner could be approved to raise their home with the P & Z standards and be denied by the Historic District Commission.

## **General Manager’s Report**

Two items were discussed: Playscape and EZ Links.

**Playscape:** Jeff Champion and Frank Keeney met with the Inspector of the Playscape to determine the safety condition of the Playscape. It was discovered that it is not legally required to have the Playscape inspected every year but for insurance purposes it is. The Inspector will be sending his report in the next week with a detailed report on the footings and posts to insure the safety condition of the equipment. The

lifespan for the equipment is 15 years and we are in our 17th year. Clearly we are on “borrowed time” with the equipment but we will see how sound the structure is before investing time in researching new equipment.

**EZ Links:** EZ Links has sent a contract and has been reviewed by Attorney Mike Wells, a partner of Campbell Hudson. Mr. Wells is now assigned to review transactional business for the Borough. Jeff Champion will distribute the Contract and Proposal to the Burgesses for the next Meeting to review and will include an abstract highlighting the objective of the Program and the Borough’s obligations.

Frank Keeney reported that August Revenues for the Golf Course are tough. Weather and Rain have not cooperated. He also reported that this past Wednesday was an “active” day in the Borough with unfortunate accidents. A boating accident occurred and the Saybrook Police, EMS and Fire responded quickly. In addition, a car flipped over outside the entrance of the Borough on the causeway. Jeff Champion, Daryl Aresco, and Jason McWade called 911, for the victim out of the car, stabilized her and waited for the Police to come. He would like to give them a special commendation for reacting so quickly.

### **Short Term Rental Regulation**

Prior to the Meeting, the Burgesses were sent a draft of the Short Term Rental Regulation from Attorney Mike Zizka. Mr. Zizka went through the definitions and the proposed regulations.

Warden and Burgesses discussed the following:

- dwelling unit needs to include “seasonal use” of homes
- does this regulation actually “fix” what the community is concerned with which is the turnover of rentals in a short period of time? Does adding a two week rental within a 30 day period achieve the objective?
- “Grandfathering Issue”-how long a period of time renting would allow a homeowner to continue to short term rent
- the issue that the Regulation can control “use of property” but may not control the contractual arrangement
- there is no legal precedent for short term rentals
- add that the purpose of the Regulation: “Protect and maintain the character of the single family residence”

It was decided to add to the Proposed Regulation that there could not be more than two rentals in a thirty day period. This would only prevent having a third rental in any month.

**A Motion was made by Frank Keeney seconded by David Savin to ask Attorney Mike Zizka to draft new language concerning Short Term Rentals for the Zoning Commission to consider, as discussed in today’s meeting.**

Discussion: Art Wright felt the original time period of two weeks was sufficient and to add within a thirty day period was punitive to the Rental Homeowner.

**IN FAVOR: Christensen, Savin**

**NOT IN FAVOR: Keeney, Wright**

**Warden Breaks the Tie: IN FAVOR**

**MOTION PASSES.**

**A Motion was made by David Savin seconded by Pam Christensen to approve the August 20, 2018 Minutes as presented.  
PASSED UNANIMOUSLY.**

**Other Business**

Art Wright asked that the Burgesses put together a Capital Budget to provide to FIF. The Warden asked that the Burgesses come to the next Meeting with their list to discuss.

Pam Christensen announced that the Concerns Committee was meeting tomorrow. Mike Zizka reviewed the notes from the last meeting and the Committee will discuss and Pam will report back to the Burgesses at the next Meeting.

**Being no further business, at 6:25 PM a Motion was made by David Savin seconded by Frank Keeney to close the Meeting.  
PASSED UNANIMOUSLY.**

**NEXT MEETING: SEPTEMBER 27, 2018**

Respectfully Submitted,

Julie G. LeBlanc, Clerk