

**BOROUGH OF FENWICK
PLANNING AND ZONING COMMISSION
INLAND WETLANDS AGENCY
SPECIAL MEETING via ZOOM**

March 9, 2022

MINUTES

Present: Chuck Chadwick – Chair, Rick Neely, Sallie Boody, Art Wright, Bill Christensen (Alternate), Jonathan Keller (Alternate). Marilyn Ozols – ZEO.

Absent: None.

Members of Public: Brooke Girty, Frank Sciamie, Andrea Jones, Maggie Stokes, and others.

1. Call to Order.

A. Wright called the meeting to order at 5:00 p.m. and seated B. Christensen as a voting member and J. Keller as a voting member until C. Chadwick's arrival. A quorum was established (Boody, Wright, Neely, Keller, Christensen).

2. Public Hearing:

- a. Proposed amendments to the Zoning Regulations to add new Section 4.2.5 relative to uses allowed under state law and new Section 4.2.6 to opt out of the provisions of Section 6, subsections (a) through (d), inclusive, of Public Act 21-29 relative to accessory apartments, and to delete Section 5.2.1 relative to minimum first floor living area.**

M. Ozols summarized the three items:

- Section 4.2.5 authorizes application for uses added to the statutes but not included in the regulations; the application must comply with the statutes; most uses added relate to commercial zones and Fenwick only has a residential zone.
- Section 4.2.6 opts out of regulating accessory apartments as defined in the statutes; allows Fenwick to continue to regulate accessory apartments as it does currently; must also be approved by the Board of Warden and Burgesses.
- Section 5.2.1 deletes the minimum first floor area requirement; state statutes now prohibit setting a minimum.

At this time, C. Chadwick arrived and assumed his seat as Chair. J. Keller stepped down.

R. Neely asked what regulations apply to the Coast Guard property if it is sold? M. Ozols stated that the lot is part of Fenwick and subject to the Borough of Fenwick Zoning Regulations.

C. Chadwick asked for any public comment or additional comment from the Commission. There being none, he closed this portion of the public hearing.

b. Accept comment on the Draft Borough of Fenwick Affordable Housing Plan.

M. Ozols read the full text of the proposed Affordable Housing Plan.

M. Stokes stated that she had sent comments. S. Boody read them into the record:

“Like other municipalities, Fenwick under State law must adopt an affordable housing plan by June 1. The current rate of affordable housing in Saybrook is 4%; in Fenwick 0%.

This requirement suggests the following opportunities:

- housing for workers and elders
- expansion of our community
- improved relations with our town
- tax benefits of donating public space, possibly near the Borough office
- enhanced property values as suggested by the Center for Housing Policy and demonstrated by Project Hope in Centerbrook
- creative design work for our resident architects
- avoidance of legal expenses by supporting housing equity now

We have so much to share and so much to gain! What do you think?"

C. Chadwick stated that the comments will be considered when the Commission considers adopting the Plan.

C. Chadwick asked for any additional public comment or comment from the Commission. There being none, he closed the public hearing.

3. Possible Action on Proposed Amendments to the Zoning Regulations Section 4.2.5, 4.2.6, 5.2.1.

R. Neely moved to adopt the Section 4.2.5 as drafted effective April 1, 2022. A. Wright seconded the motion and it was approved unanimously.

Approved 5-0-0

For: Chadwick, Boody, Wright, Neely, Christensen.

Against: None.

Abstain: None

R. Neely moved to adopt Section 4.2.6 effective May 1, 2022, contingent upon approval by the Board of Warden and Burgesses. A. Wright seconded the motion and it was approved unanimously.

Approved 5-0-0

For: Chadwick, Boody, Wright, Neely, Christensen.

Against: None.

Abstain: None

R. Neely moved to adopt the Section 5.2.1 as drafted, effective April 1, 2022. S. Boody seconded the motion and it was approved unanimously.

Approved 5-0-0

For: Chadwick, Boody, Wright, Neely, Christensen.

Against: None.

Abstain: None

4. Possible Action to Adopt Borough of Fenwick Affordable Housing Plan.

Members considered the comments submitted and noted that the overarching problem of the conservation easements makes no Borough land available for development with the possible exception of the lot adjacent to the maintenance building. C. Chadwick stated that he appreciates the points made; adopting the draft explains why it is difficult, but does not preclude the Borough from doing something with the parcel that it owns. A. Wright added that through the taxes that the Borough pays to the town of Old Saybrook, it gives incredible support to affordable housing in Old Saybrook; the plan allows for the possibility in the future but points out the obstacles. S. Boody added that the Borough supports affordable housing but does not have the land. Members concurred that if there is no land, the opportunities are not available.

A. Wright moved to adopt the Borough of Fenwick Affordable Housing Plan as currently written. B. Christensen seconded the motion and it was approved unanimously.

Approved 5-0-0

For: Chadwick, Boody, Wright, Neely, Christensen.

Against: None.

Abstain: None

5. **ZSP22-001 102A Sequassen Avenue, map 11, lot 18.** Brooke Girty, applicant, Frank Sciamme, Jr., owner; Site Plan and Coastal Site Plan application to add 11'x17' porch, enclose existing porch, roof and enclose existing deck, move septic system.

B. Girty presented. She clarified that the septic tank is only moving a few feet to accommodate the new construction and the leaching fields are not changing. She used the site plan to point out the porch addition, the existing porch to become a sunroom, and the porch to be roofed and enclosed to create more living space. She stated that the proposal meets all setbacks; there is no coverage issue; all work is behind the neighborhood setback line; and it is all one story so there are no height issues.

J. Keller, speaking as an abutter, stated that his property is closest to the house; there is a tree line between the two properties; and he is fine with the proposal.

R. Neely asked about the proposed chimney. B. Girty stated that it will be 2 feet above the portion of the house that is 10' away in order to comply with building code, but it will definitely be less than 35 feet in height.

A. Wright moved that the Commission finds that the application for Site Plan and Coastal Site Plan Review to add an 11'x17' porch, enclose an existing porch, roof and enclose an existing deck, and move the septic system at 102A Sequassen Avenue, with the stipulations noted, is consistent with the goals and policies of the CT Coastal Management Act and that it complies with the review standards in the Borough of Fenwick Zoning Regulations, and approves the application based on the plans and documents submitted with the following stipulations:

- 1. There shall be no temporary on-site stockpiling of demolition debris. Any demolition debris/material, inclusive of the abandoned septic system shall be loaded directly into trucks or dumpsters for removal from the site. No demolition material shall be buried onsite.**
- 2. Silt fence shall be installed if deemed necessary by the Zoning Enforcement Officer at the time of construction.**
- 3. All exterior lighting shall comply with Section 4.5.1 of the Zoning Regulations.**
- 4. The applicant shall make every effort to build and finish construction during the 10 month period from September through June or to minimize any disturbed or unfinished appearance of the site and building between July 1 and Labor Day.**
- 5. An existing conditions survey (including the buildings, septic system,) with distances to property lines, and calculation of post construction coverage shall be submitted prior to issuance of zoning compliance for a Certificate of Occupancy. All surveys and certifications shall be prepared by a licensed surveyor.**
- 6. The approved site plan shall be endorsed by the Commission chairman and filed on the Land Records of the Town of Old Saybrook.**
- 7. In accordance with the adopted fee schedule, the applicant shall reimburse the Borough for all engineering fees prior to issuance of a zoning permit for construction and prior to issuance of zoning compliance for a Certificate of Occupancy. Reimbursement shall include all costs incurred to that point in time.**

R. Neely seconded the motion and it was approved unanimously.

Approved 5-0-0

For: Chadwick, Boody, Wright, Neely, Christensen.
Against: None.
Abstain: None.

The record plans for this application are:

- *Site Plan Prepared for Frank J Sciamme Jr., 102A Sequassen Avenue, Map 11, Lot 18, Borough of Fenwick by Indigo Land Design, dated February 9, 2022, revised through 2/23/2022.*

- The Sciamie Cottage, 102 Sequassen Avenue, Fenwick, Connecticut by Brooke Girty Design,
 - *Proposed Plan for South Porch*, Sheet A1, dated Oct. 12, 2017, rev. 2/7/22
 - *Proposed Plan for South Porch*, Sheet A2, dated Oct. 12, 2017, rev. 2/7/22

6. **ZSP22-002 16 Fenwick Avenue, map 10, lot 54.** Brooke Girty, applicant, Andrea Jones, owner; Site Plan and Coastal Site Plan application to enclose existing porch; add garage bay, north porch, generator, ac units, underground propane tank; revise driveway.

B. Girty presented. She stated that there is no big addition and reviewed the plans from each direction:

North: the driveway is redesigned; the garage doors are moved; there is less paved area; there is room to do additional planting if there is a need to screen the cars in the driveway; there will be a new generator screened with plantings; the above ground propane tank will be replaced with a buried tank and a porch will be added.

West: there is a new golf cart bay, which will give them room to put the cars in the garage, and a bluestone walk.

South: the line on the plan indicates the addition to the existing porch, which will be enclosed to create a dining room, and the new screened porch; the ac units are behind the garage with a fence for screening.

A. Wright asked about the grill and the bluestone terrace. B. Girty stated that the grill is portable; no outside kitchen is proposed; the bluestone will be set in stone dust.

B. Girty summarized that the proposal meets height, coverage, and setback requirements; the coverage increases from 11.6% to 13.2%; there is a zoning table on the plan.

S. Boody moved that the Commission finds that the application for Site Plan and Coastal Site Plan Review to enclose an existing porch; add a garage bay, north porch, generator, ac units, underground propane tank; and revise the driveway at 16 Fenwick Avenue, with the stipulations noted, is consistent with the goals and policies of the CT Coastal Management Act and that it complies with the review standards in the Borough of Fenwick Zoning Regulations, and approves the application based on the plans and documents submitted with the following stipulations:

1. **There shall be no temporary on-site stockpiling of demolition debris. Any demolition debris/material, inclusive of the abandoned septic system shall be loaded directly into trucks or dumpsters for removal from the site. No demolition material shall be buried onsite.**
2. **Silt fence shall be installed if deemed necessary by the Zoning Enforcement Officer at the time of construction.**
3. **Approval by CRAHD shall be required prior to the issuance of a Zoning Permit. Any site design changes that are required by CRAHD shall require review by the Planning and Zoning Commission unless determined by the Zoning Enforcement Officer to be consistent with the approved plan.**
4. **All exterior lighting shall comply with Section 4.5.1 of the Zoning Regulations.**
5. **The applicant shall make every effort to build and finish construction during the 10 month period from September through June or to minimize any disturbed or unfinished appearance of the site and building between July 1 and Labor Day.**
6. **An existing conditions survey (including the buildings, septic system if there is a required change, generator and ac units, underground tank, driveway, and walkway/terrace) with distances to property lines, certification of finished ridge elevation from natural grade, and calculation of post construction coverage shall be submitted prior to issuance of zoning compliance for a Certificate of Occupancy. All surveys and certifications shall be prepared by a licensed surveyor.**

7. **Revised plans shall be submitted to address the above conditions. The approved site plan shall be endorsed by the Commission chairman and filed on the Land Records of the Town of Old Saybrook.**
8. **In accordance with the adopted fee schedule, the applicant shall reimburse the Borough for any engineering fees prior to issuance of a zoning permit for construction and prior to issuance of zoning compliance for a Certificate of Occupancy. Reimbursement shall include all costs incurred to that point in time.**

R. Neely seconded the motion and it was approved unanimously.

Approved 5-0-0

For: Chadwick, Boody, Wright, Neely, Christensen.
Against: None.
Abstain: None.

The record plans for this application are:

- *Proposed Improvements on Land of Andrea B. Jones, 16 Fenwick Avenue, Borough of Fenwick, by Richard W. Gates dated Feb. 23, 2022.*
- *The Jones Cottage, 16 Fenwick Avenue, Fenwick by Brooke Girty Design*
 - *Proposed Plans, (first floor plan), Sheet A1, dated 2/12/22*
 - *Proposed Plans, (east and north elevations), Sheet A2, dated 2/12/22*
 - *Proposed Plans, (west and south elevations), Sheet A3, dated 2/12/22*
 - *Existing Plans, (first floor plan), Sheet Ex1, dated 2/12/22*
 - *Existing Plans, (east and north elevations), Sheet Ex2, dated 2/12/22*
 - *Existing Plans, (west and south elevations), Sheet Ex3, dated 2/12/22*

9. Borough of Fenwick Zoning Regulations - Definitions and Regulations Relative to Front Yards.

C. Chadwick stated that the objective is to eliminate the ambiguity that currently exists and added that R. Neely had given him a copy of the Milton, MA regulations as an example of more straightforward language, which he will share with the Commission. He added that he is still working on his survey of all of the properties in Fenwick. This item will be scheduled for a future meeting.

10. Approval of Minutes of previous meeting: Planning & Zoning/Inland Wetlands – January 6, 2022.

S. Boody moved to accept the Borough of Fenwick Planning and Zoning Commission minutes for the January 6, 2022 meeting as submitted. R. Neely seconded the motion and it was approved unanimously.

Approved 5-0-0

For: Chadwick, Boody, Wright, Neely, Christensen.
Against: None.
Abstain: None

11. Staff Report.

M. Ozols stated that she had nothing significant to report.

In response to questions, she stated that she expects the current large projects to be complete or at least complete on the exterior before summer.

12. Current Litigation: 9 Pettipaug, LLC and Eniotna, LLP v Planning & Zoning Commission for the Borough of Fenwick. Executive Session anticipated.

C. Chadwick stated that M. Zizka had recently reported that they are waiting for the court to complete some administrative actions. No executive session was deemed necessary.

13. Adjournment.

At 6:05 p.m., it was moved by S. Boody and seconded by R. Neely to adjourn the meeting. The motion passed unanimously.

Respectfully submitted,
Marilyn Ozols, Acting Secretary