

**BOROUGH OF FENWICK  
PLANNING AND ZONING COMMISSION  
INLAND WETLANDS AGENCY  
SPECIAL MEETING  
DECEMBER 20, 2022  
MINUTES**

**Present in Person:** Chuck Chadwick – Chair, Robin Zubretsky, Marilyn Ozols – ZEO.

**Present via Zoom:** Art Wright, Sallie Boody, Rick Neely, Bill Christensen (Alternate).

**Absent:** Jonathan Keller (Alternate).

**Members of Public:** Woody Sarette.

Via Zoom: None.

**1. Call to Order.**

C. Chadwick called the meeting to order at 5:01 p.m. A quorum was established (Chadwick, Wright, Neely, Boody, Zubretsky).

**2. Election of Officers.**

**S. Boody moved to nominate S. Boody as Secretary of both the Planning and Zoning Commission and the Inland Wetlands Agency. A. Wright seconded the motion and S. Boody was elected unanimously.**

**Approved 5-0-0**

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

**R. Neely moved to nominate A. Wright as Vice Chairman of both the Planning and Zoning Commission and the Inland Wetlands Agency. R. Zubretsky seconded the motion and A. Wright was elected 5-0-0.**

**Approved 5-0-0**

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

**R. Neely moved to nominate C. Chadwick as Chairman of both the Planning and Zoning Commission and the Inland Wetlands Agency. R. Zubretsky seconded the motion and C. Chadwick was elected 5-0-0.**

**Approved 5-0-0**

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

**3. 24 Pettipaug Avenue, map 10, lot 46, Arthur & Joan Wright, owners, McDonald Sharpe & Associates, applicant. Site Plan / Coastal Site Plan Application ZSP22-003 to construct 2-story residential building and pool with associated site development.**

A. Wright recused himself for this application and B. Christensen was seated in his place for the remainder of the meeting.

W. Sarette, contractor for the project, presented. He stated that the previous house on the property was demolished 5 or 6 years ago; the proposal is for a new house and swimming pool; there will be a privet hedge on the north side of the property but, under the new building code, they may not need to install the fence if the pool has a safety cover; the basement is 8' in height; a three stall garage is shown but one bay is for a golf cart; the driveway will be stone penetration similar to others in the area; the pool utilities and generator are hidden on the north side of the garage; the ac units are shown; the pool surround will be bluestone set in concrete; the bluestone walkways will not be set in concrete; the septic system is on the south side of the property; they will tie into water and electric on the Pettipaug Avenue side as shown; the electric box will be hidden on the south side of the garage; there is a storm retention system on the east side of the property and all gutters will be piped underground to it; there will be an underground propane tank on the north side; the pool will include a whirlpool; and they are still working on the pool design and it may be slightly smaller but will not be any larger than what is shown. He also discussed the existing trees on the property: they will save the magnolia in front of the house and the large cherry and maples on the side of the house; the twin trees by the pool will be removed; the two trees on the east side will likely be removed; the hedge on the north side will be removed but the three tree clumps will remain; the magnolia near the pool will be retained.

A Wright stated that all zoning requirements are well withing the parameters set by the regulations.

C. Chadwick noted that there were no members of the public present and wishing to speak.

R. Neely asked for clarification regarding the regulation change for the pool fence; expressed concern relative to the grade drop off along Agawam Avenue; and questioned the reference to eight bedrooms when only four are shown. W. Sarette stated that the code change refers to the updated state building code. A. Wright stated that the drop off is on Borough property; the new hedge will be moved inward from the location of the existing hedge so that it will not be on Borough property. M. Ozols stated that the eight bedrooms relates to the Health Code definition of a bedroom which is also inclusive of items like disposals and is a generous calculation for the septic system design.

C. Chadwick asked about the setbacks and height, the euonymus, the driveway material, and whether there is any impediment to taking the driveway through to Agawam Avenue. W. Sarette stated that the setbacks and height are shown in the zoning data table; the euonymus is part of the hedge on the north side that will be removed; the location of the buried propane tank prevents the extension of the driveway; and the driveway will be stone penetration with a pea stone look.

M. Ozols stated that the septic system had been approved by CRAHD and a copy of the approval was received (Exhibit I) on this date so the suggested stipulation relative to the septic approval will not be necessary; revised plans updated to reflect the engineer comments were received this afternoon but had not been reviewed so a decision should be based on the plans already on file.

C. Chadwick reviewed the staff comments relative to the Coastal Site Plan Review noting no adverse impacts. He also reviewed the site plan review standards in Section 4.5.3 and requested that members indicate if they had any concerns:

- a. Preservation of Landscape
- b. Relation of Buildings and Structures to Environment
- c. Site Design
- d. Scenic Views
- e. Buffer Areas
- f. Water Quality and Drainage
- g. Utilities – Members clarified that all utilities will be underground.
- h. Other Site Features
- i. Natural and Historical Resources

B. Christensen asked if any of the material from the basement hole will be moved offsite. W. Sarette stated that it will all be used to level the site but they will not be increasing the grade.

M. Ozols stated that she received an email from T. Metcalf indicating that the issues he raised in his comments were not substantial and could all be addressed as stipulations.

W. Sarette clarified that no footing drains are proposed; they are installing a sump pump as backup but it will not have a surface discharge.

A. Wright stated that they hope to start after the first of the year and complete the framing, doors, and windows by July 1; then complete the construction by the spring of 2024.

Based on the discussion, **S. Boody moved that the Commission finds that the application for Site Plan and Coastal Site Plan Review to construct a new house, swimming pool, and associated site development at 24 Pettipaug 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. All proposed soil and erosion control measures should be shown on the plan. Additional silt fence shall be installed if deemed necessary by the Zoning Enforcement Officer at the time of construction.**
- 2. Specifications for the generator and ac units shall be submitted prior to issuance of a zoning permit.**
- 3. All stormwater and footing drain items noted in T. Metcalf's letter dated December 19, 2022 shall be addressed to his satisfaction. All roof drainage shall be piped underground to the infiltration system and this shall be noted on the plan.**
- 4. The plan shall indicate whether the existing shrub/hedge row and trees along Agawam Avenue that appear to be within the street right of way will remain or be removed.**
- 5. All utilities shall be underground.**
- 6. 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.**
- 7. An existing conditions survey (including the buildings, pool, septic system, drainage structures, driveway, and patio/terrace) with distances to property lines, certification of finished roof 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.**
- 8. Revised plans shall be submitted to address the above conditions and the approved site plan shall be endorsed by the Commission chairman and filed on the Land Records of the Town of Old Saybrook.**
- 9. 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. Zubretsky seconded the motion and it was approved unanimously.**

**Approved 5-0-0**

For: Chadwick, Christensen, Neely, Boody, Zubretsky

Against: None.

Abstain: None

The record plans for this application are:

- *Site Development Plan Prepared for Arthur W. Wright & Joan H. Wright, 24 Pettipaug Avenue, Borough of Fenwick, Old Saybrook, Connecticut by Angus McDonald Gary Sharpe & Associates*

- Site Development Plan, sheet 1 of 2 dated, November 16, 2022, rev. 11/30/2022
- Detail Sheet, sheet 2 of 2, dated November 16, 2022, rev. 11/30/2022
- *Wright Residence, 24 Pettipaug Avenue, Borough of Fenwick, Old Saybrook, CT* by Matthew R. Dougherty
  - *Cover Sheet / General Notes*, sheet !-001, dated 11/04/2022
  - *Basement Plan*, sheet A-100, dated 11/04/2022
  - *First Floor Plan*, sheet A-101, dated 11/04/2022
  - *Second Floor Plan*, sheet A-102, dated 11/04/2022
  - *Roof Plan*, sheet A-103, dated 11/04/2022
  - *Elevations* (front, right), sheet A-200, dated 11/04/2022
  - *Elevations* (rear, left), sheet A-201, dated 11/04/2022
  - *Sections*, sheet A-300, dated 11/04/2022
  - *Sections*, sheet A-301, dated 11/04/2022
  - *Window Schedule*, sheet A-400, dated 11/04/2022
  - *Door Schedule*, sheet 401, dated 11/04/2022

4. **Approval of Minutes** of previous meeting: Planning & Zoning/Inland Wetlands – May 3, 2022.

**R. Neely moved to accept the Borough of Fenwick Planning and Zoning Commission minutes for the May 3, 2022 meeting as submitted. S. Boody seconded the motion and it was approved unanimously.**

**Approved 5-0-0**

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

Against: None.

Abstain: None

## 5. **Staff Report.**

M. Ozols stated that

- She is not aware at this time of any additional new construction projects that will require P&Z action.
  - Recent legislation requires four hours of training annually for P&Z commissioners. Statewide programs are being set up but are not ready. Additionally, she will work with Attorney Zizka on providing training locally.
  - The Borough of Fenwick in conjunction with the towns of Old Saybrook, Westbrook, and Clinton had been awarded a \$150,000 grant from the Long Island Sound Futures Fund and the National Fish and Wildlife Foundation for development of a regional resiliency plan. This plan will include
    - 1) a review of existing plans and programs,
    - 2) an inventory of existing hazards and issues,
    - 3) hydrodynamic modeling,
    - 4) characterization of existing and future hazard areas and flooding vulnerabilities,
    - 5) alternatives evaluation,
    - 6) a collaborative community and stakeholder education and engagement process,
    - 7) an implementation plan that will prioritize recommendations,
    - 8) concept design and costs for high priority projects, and
    - 9) a Resilience Plan.
  - Old Saybrook has started the 5 year update to the Hazard Mitigation Plan; the contract will again be with GZA. This time Fenwick won't be added as an afterthought but will be part of the process from the start. This is clearly spelled out in the contract with GZA.
6. **Current Litigation:** 9 Pettipaug, LLC and Eniotna, LLP v Planning & Zoning Commission for the Borough of Fenwick. Executive Session anticipated.

No executive session was deemed necessary. C. Chadwick reported that he had attended the Appellate Court session where this was heard.

**7. Adjournment.**

**At 5:44 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