

BOROUGH OF FENWICK
PLANNING AND ZONING COMMISSION
SPECIAL MEETING
Tuesday, April 7, 2015

Present: Chuck Chadwick – Chair, Sallie Boody, Bill Christensen, Marilyn Ozols – ZEO.

Absent: Art Wright, Dick Berlutti, Newton Brainard, Rosalind Shenkman, Carol Coutts.

Members of Public: Ed Cassella.

1. Call to Order.

The meeting was called to order at 5:33 p.m. A quorum was established (Chadwick, Boody, Christensen).

2. Public Hearing: ZSpP15-001. Nibang and Sequassen Avenues; Borough of Fenwick owner and applicant. Special Permit and Coastal Site Plan Review application to allow riprap structural embankment within 50' of Coastal Jurisdiction Line.

M. Ozols explained that this is a Borough application to raise portions of Nibang and Sequassen Avenues approximately two feet and move sections slightly landward to help address the recurring flooding and erosion of the roadbed. The project may be undertaken as a single project or in two phases. The new roadbed will be armored by a rip rap wall with the rock grouted in cement. The wall will not extend higher than the roadbed and there will be a two foot turf strip between the pavement and the wall to absorb drainage. Because the wall is considered a Shoreline Flood and Erosion Control Structure (SFECS), a Coastal Site Plan Review with a mandatory referral to DEEP OLISP is required; and because it is a structure, a Special Permit for construction less than 50' from the Coastal Jurisdiction Line is required. She stated that the OLISP referral had been made and members had received a copy of the OLISP comments; OLISP had also received a copy of the draft motion which included the conditions that the OLISP permitting section had requested in order to not require a COP. Members reviewed the plans and location of the work and the criteria for approval of a SFECS, noting that the wall is required to protect existing infrastructure. Chairman Chadwick stated that flooding events are becoming more frequent, that this is a tricky area that the Borough is trying to fix, and that there appears to be no feasible, less damaging option. B. Christensen expressed concern with the appearance but noted that there does not appear to be a less bad option and that a significant area of sea grass will be retained between the bottom of the wall and the edge of the water.

There being no further comment, Chairman Chadwick closed the public hearing at 5:56 p.m.

3. ZSpP15-001. Nibang and Sequassen Avenues. Possible Decision.

Based on the discussion at the hearing, **S. Boody moved that the Commission finds that Application ZSpP15-001 for the reconstruction of Nibang and Sequassen Avenues complies with the review standards in the Borough of Fenwick Zoning Regulations and is consistent with the goals and policies of the CT Coastal Management Act inclusive of the criteria for Shoreline Flood and Erosion Control Structures and approves the application as presented with the following conditions as recommended by the Office of Long Island Sound Programs:**

- 1. The tidal wetland line as shown on the plans revised to 3/5/15 shall be staked prior to the start of construction and the stakes shall be linked with construction fence, which shall be maintained until construction is complete. No silt fence shall be required.**
- 2. The work shall be performed in increments and all materials shall be stored, and equipment staged, landward of the tidal wetland line.**
- 3. The Zoning Enforcement Officer and the Office of Long Island Sound Programs shall be notified prior to the start of construction.**

B. Christensen seconded the motion and it was approved unanimously.

Approved 3-0-0.

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

The record plans for this application are:

Nibang Avenue & Sequassen Avenue Improvements, Borough of Fenwick by Nathan L. Jacobson & Associates, Inc.

Concept #2 Layout Plan Sheet 1 dated December 2014, rev to 3/5/15

Concept #2 Layout Plan Sheet 2 dated December 2014, rev to 3/5/15

Sections "A" & "B" dated March 2015, rev 3/9/15

4. **ZSP15-001. 10 Park Avenue; map 5, lot 10;** Holly Park LLC owner and applicant. Site Plan and coastal Site Plan Review application to allow removal, reconstruction and enlargement of house on existing foundation; relocation of garage and conversion to poolhouse; installation of swimming pool; and associated site work.

E. Cassella, attorney for the applicant, presented. He stated that this is the one residential parcel north of Maple Avenue and that they are proposing to reconstruct the house on the existing foundation and enlarge it, move the existing garage to a more conforming location and convert it to a poolhouse, install a pool and new septic system, and do site work and landscaping. He reviewed the variances that had been granted and stated that they were in the process of obtaining a CT DOT encroachment permit to move the driveway to Maple Avenue, which he believed would not be an issue. He reviewed the elevations and floor plans indicating the areas where the building would be changing. Members reviewed the plans and the proposed conditions of approval. In response to questions, E. Cassella stated that there would be no heat in the poolhouse; there would be no garage for the house; and the lot is about 22,000 square feet, the total proposed coverage is 12%. He stated that the lot is not in the Historic District, but a great deal of care and attention had been put into the design of the house and the landscaping. He also discussed the coastal resources, primarily flood zone, and noted that there is no impact on them.

Based on the presentation and discussion, **S. Boody moved that the Commission finds that application ZSP15-001 for Site Plan and Coastal Site Plan Review to remove, reconstruct and enlarge the house on the existing foundation, relocate the garage and convert it to a poolhouse, install a swimming pool, and perform associated site work as shown on the plans submitted is consistent with the goals and policies of the CT Coastal Management Act and 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 shall be loaded directly into trucks or dumpsters for removal from the site.**
2. **A copy of the CT DOT permit for the new driveway location shall be provided to the Zoning Enforcement Officer prior to construction of the driveway.**
3. **If and when a LOMA is obtained, a copy shall be provided to the Zoning Enforcement Officer.**
4. **An as-built plan in accordance with Section 6.9.2 of the Zoning Regulations and a copy of the Permit to Discharge issued by CRAHD shall be provided prior to issuance of a Certificate of Zoning Compliance.**
5. **Construction fence shall be installed along the east and west property lines to prevent accidental intrusion onto the land under Land Trust easement.**
6. **The approved site plan shall be endorsed by the Commission chairman and filed on the Land Records of the Town of Old Saybrook prior to issuance of a Zoning Permit.**

B. Christensen seconded the motion and it was approved unanimously.

Approved 3-0-0

For: Chadwick, Boody, Christensen.

Against: None.

Abstain: None.

The records plans for this application are

- *Site Development Plan, Property of Holly Park, LLC*, 10 Park Avenue, Old Saybrook, Connecticut by McDonald Sharpe & Associates, LLC, dated October 16, 2014, rev. through 2/24/15.
- *Jones Residence, 10 Park Avenue, Old Saybrook, CT Landscape Master Plan* by Traut Landscape Studio, dated October 15, 2014.
- *Jones Residence, Fenwick, CT Exterior Elevations*, by Proctor Architects, dated 24 February 2015.
- *Jones Residence, Fenwick, CT Proposed Floor Plans*, by Proctor Architects, dated 24 February 2015.
- *Jones Residence, Fenwick, CT Proposed Garage Plans and Elevations*, by Proctor Architects, dated 24 February 2015.

5. **Approval of minutes of previous meeting:** December 11, 2015.

S. Boody moved to accept the Borough of Fenwick Planning and Zoning Commission minutes for the December 11, 2014 meeting as submitted. B. Christensen seconded the motion and it was approved unanimously (3-0-0).

For: Chadwick, Boody, Christensen.

Against: None.

Abstain: None.

6. **Staff Report.**

M. Ozols reported that:

- The ZBA has requested that P&Z consider addressing handicapped access in the Regulations to avoid repeated variance applications. Sample regulations from other towns were distributed. Members briefly discussed whether to consider an amendment for handicapped access and agreed to place the item on the next agenda for further discussion when more members could be present.
- The Commission had previously discussed addressing commercial uses that are accessory to a single family dwelling so that what is prohibited is clearer in the Regulations. An example of a definition of a “De Minimis Home Occupation” was distributed. Members agreed that it had always been the understanding that commercial uses beyond those that might be considered de Minimis are not permitted and that this should be clear in the regulations. The item will be placed on the agenda for the next meeting.
- Applications are anticipated for 3 Old Fenwick Avenue (Gagne) and 23 Pettipaug Avenue (Albani). Both are currently before the Historic District Commission and are preparing for construction in the fall.

7. **Other Business.** None.

8. **Adjournment.**

At 6:52 p.m., it was moved by B. Christensen and seconded by S. Boody to adjourn the meeting. The motion passed unanimously.

Respectfully submitted,

Marilyn Ozols, Acting Secretary