

**BOROUGH OF FENWICK
PLANNING AND ZONING COMMISSION
INLAND WETLANDS AGENCY
SPECIAL MEETING
JANUARY 6, 2022
MINUTES**

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

Absent: Bill Christensen (Alternate).

Members of Public: Sheldon Crosby, Frank Sciame, Bar Chadwick, Peter Brainard, Charlie Robertson.

1. Call to Order.

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

2. Approval of Minutes of previous meeting: Planning & Zoning/Inland Wetlands – August 16, 2021.

Page 4, item 5 should indicate the deadline for opting out as January 1, 2023.

R. Neely moved to accept the Borough of Fenwick Planning and Zoning Commission minutes for the August 16, 2021 meeting as amended. A. Wright seconded the motion and it was approved unanimously.

Approved 5-0-0

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

Against: None.

Abstain: None.

3. ZSP21-002 100 Sequassen Avenue, map 10, lot 22. L'ARC Architects LLC, applicant, Richard & Vicki Rosenthal Trustees, owners; Site Plan and Coastal Site Plan application for extension of existing deck.

Sheldon Crosby, architect, presented. He stated that they propose to add about 230 square feet to an existing upper level deck, add piers to enclose the lower level, and guard the deck with glass panels. He added that the coverage will increase from about 5% to about 9%; portions of the new deck will extend farther out than the existing deck but no farther than the structure currently in the corner. S. Boody asked about the abutter notification. M. Ozols stated that the certified notices had not been sent, but the two abutters had been notified by email and were aware of the application: F. Sciame was present and B. Gay had called her when he received the email. S. Crosby confirmed that the proposal had been to HDC. C. Chadwick reviewed the staff comments.

Relative to the bollards, S. Crosby stated that they are hammock posts and they are on this property. M. Ozols stated that they are relevant to this application only if the Commission considers them to be a zoning violation which might impact action on this application. Members reviewed the relevant regulations and discussed the posts, noting that they have no impact on public access or the coastal resource (beaches and dunes) and they are not permanently affixed to the ground. It was noted that a regular hammock stand would be considered seasonal furniture but would be more impactful than the posts. The Commission determined that the posts should be considered in the same way that seasonal furniture would be considered and do not constitute a zoning violation.

C. Chadwick asked for any public comment on the application. F. Sciame stated that he is fine with the proposal and noted that the hammock posts on his property are in the sand and not set in concrete.

S. Boody moved that the Commission finds that the application for Site Plan and Coastal Site Plan Review to enlarge the existing deck at 100 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 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.**
- 4. All exterior lighting shall comply with Section 4.5.1 of the Zoning Regulations.**
- 5. All work shall be consistent with applicable HDC Certificates of Appropriateness.**
- 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. 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, Keller.

Against: None.

Abstain: None.

The record plans for this application are:

- *Map Depicting As-Built Conditions Property of Richard B Rosenthal and Vicki L. Rosenthal Trustees* dated 9/27/2021 and annotated by architect
- *Rosenthal Cottage Deck Expansion* by L'ARC Architects dated 10/18/21
- *Rosenthal Cottage Deck Expansion* by L'ARC Architects dated 11/4/21

4. Affordable Housing Plan.

M. Ozols explained that although the Borough of Fenwick is included in the Old Saybrook Affordable Housing Plan, the Old Saybrook Planning and Zoning Commissions do not regulate Fenwick, so Fenwick must adopt its own Affordable Housing Plan by July 1, 2022. The AHP for Fenwick can be short just like Fenwick has a short Plan of Conservation and Development. She will do a preliminary draft utilizing the premise that the Borough of Fenwick recognizes the need for affordable housing, but because Fenwick is already almost entirely developed, it has virtually no ability to add significantly to the state's affordable-housing stock. Moreover, Fenwick's zoning regulations already provide for relatively small lot areas, consistent with affordable-housing practices. However, given the Borough's prime coastal location, market forces would generally preclude the creation of additional dwelling units at prices or rental rates that would be deemed affordable under state law.

This item will be carried on the next agenda.

5. Borough of Fenwick Zoning Regulations.

- a. Proposed Modifications to Conform to Recent Changes to State Statutes.

M. Ozols reminded the Commission that Attorney Zizka had reviewed the changes in the statutes at the last meeting and had proposed regulation amendments for the Commission to discuss. Members discussed the proposed amendment options and will propose 1) deleting the current Section 5.2.1, which requires a minimum first floor living area and 2) adding a new Section 4.2.6 to state, "The Borough of Fenwick hereby opts out of the provisions of Section 6, subsections (a) through (d), inclusive, of Public Act 21-29". A public hearing will be scheduled. Section 4.2.6 will require a two-thirds vote of the Commission for approval as well as a two-thirds vote of the Board of Warden and Burgesses.

b. Definitions and Regulations Relative to Front Yards.

C. Chadwick stated that he is about halfway through reviewing all of the lots in Fenwick to determine the impact of changing yard requirements. Further discussion will be scheduled for a future meeting.

c. Short Term Rental Regulation.

The Appellate Court has accepted the appeal and the Commission will wait for the outcome of that appeal before taking any additional actions.

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

No discussion.

C. Chadwick asked Commission members to notify M. Ozols in the future of any items they would like added to the agenda.

7. **Adjournment.**

At 5:47 p.m., it was moved by A. Wright and seconded by S. Boody to adjourn the meeting. The motion passed unanimously.

Respectfully submitted,
Marilyn Ozols, Acting Secretary