

BOROUGH OF FENWICK
PLANNING AND ZONING COMMISSION
INLAND WETLANDS AGENCY
SPECIAL MEETING via ZOOM
MAY 3, 2022
MINUTES

Present in Person: Chuck Chadwick – Chair, Rick Neely; Marilyn Ozols – ZEO.

Present via Zoom: Sallie Boody, Robin Zubretsky, Art Wright, Jonathan Keller (Alternate), Bill Christensen (Alternate).

Absent: None.

Members of Public: Tom Metcalf.

1. Call to Order.

C. Chadwick called the meeting to order at 5:00 p.m. A quorum was established (Chadwick, Wright, Neely, Boody, Zubretsky).

2. Public Hearing: 52 Sequassen Avenue, map 11, lot 4, Anne Schmitt, owner, T. Metcalf, applicant.
Application ZSpP22-001 to relocate septic system within the 50 foot coastal resource buffer.

T. Metcalf, engineer, presented. He submitted the Certificates of Mailing and a copy of the CRAHD approval received on this date (**Ex. J**). He stated that the application is to construct a new septic system and oriented the Commission on a copy of the site plan pointing out the locations of the existing and proposed system. He added that over the winter, river shoreline erosion exposed the septic system and he submitted an additional photo (**Ex. K**). He further stated that they did soil testing and designed a code complying system to the north of the house. He added that CRAHD was requiring some additional notes on the plan but no substantive changes; the applicant has no issues with any of the proposed stipulations; work will start as soon as possible; and the current situation is a public health nuisance with a non-functional, exposed septic system. He then reviewed the site plan review standards in Section 4.5.3:

- a. Preservation of Landscape.** There will be no change; any temporary disturbance will be restored.
- b. Relation of Buildings and Structures to Environment.** Not applicable. There is no work aboveground.
- c. Site Design.** The septic system will be moved to the back side of the dune; due to the existing topography, any other location would require fill and more disturbance.
- d. Scenic Views.** There are no aboveground changes.
- e. Buffer Areas.** All work is landward of the 50' vegetative buffer requirement; the proposal moves everything farther from the river than it is currently.
- f. Water Quality and Drainage.** There is no impact on drainage; the relocation enhances water quality.
- g. Utilities.** Not applicable.
- h. Other Site Features.** Not applicable.
- i. Natural and Historical Resources.** The proposal maintains the status quo.

C. Chadwick thanked him for reviewing the items in Section 4.5.3 so thoroughly, adding that this does not often happen, and requested explanation of some of the soil test information which T. Metcalf provided.

R. Neely asked about any conflict with the fact that T. Metcalf also reviews plans on behalf of the Commission. T. Metcalf explained that this presented an awkward situation, but he did not realize that the septic system would need to come before the P&Z (an unusual situation) and had already committed to the

Schmitts when he was advised of this; it is not the type of application that would have been referred for engineering review. M. Ozols concurred with this.

Members all agreed that the application was well presented and very clear.

C. Chadwick noted that no public was present and asked for any additional comment from the Commission. There being none, he closed the public hearing.

3. Possible Action Possible Action on ZSpP22-001, 52 Sequassen Avenue.

Members had no additional comments beyond what was discussed in the public hearing.

S. Boody moved that the Commission finds that the application for Special Permit and Coastal Site Plan Review for the repair/alteration of the septic system at 52 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. There shall be no clearing of vegetation or change in property topography from what is depicted on the Site Development Plan.**
- 3. Additional silt fence shall be installed if deemed necessary by the Zoning Enforcement Officer at the time of installation.**
- 4. 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.**
- 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 as-built survey prepared by a licensed surveyor shall be submitted upon completion of the work.**
- 7. The approved site plan and Certificate of Decision 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 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. No costs have been incurred as of this date.**

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

Approved 5-0-0

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

Against: None.

Abstain: None

The record plan for this application is:

Proposed Septic System Repair/Alteration, Anne B. Schmitt, 52 Sequassen Avenue, Borough of Fenwick, by Thomas E. Metcalf, PE, LS, dated April 2022.

4. **Borough of Fenwick Zoning Regulations** - Definitions and Regulations Relative to Front Yards.
This item was deferred to the next meeting.

5. **Approval of Minutes** of previous meeting: Planning & Zoning/Inland Wetlands – March 9, 2022.

R. Neely moved to accept the Borough of Fenwick Planning and Zoning Commission minutes for the March 9, 2022 meeting as submitted. S. Boody seconded the motion and it was approved unanimously.

Approved 5-0-0

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

Against: None.

Abstain: None

6. Staff Report.

M. Ozols stated that she was not aware of any new construction projects that will require P&Z action; major projects are anticipated to be substantially complete by the start of the Hammer Law although some interior work may need to wait until fall. She stated that this week, the state legislature passed a bill that will make hybrid and remote meetings a permanent option and that Fenwick is working with Old Saybrook, Westbrook, and Clinton on a Long Island Sound Futures Fund 2022 grant application to develop a regional resiliency plan that will include concept drawings with anticipated costs for the prime proposed projects in each of the four municipalities. This will help set up each municipality for seeking future project specific funding. The Planning & Zoning Commissions for each town are being asked for a letter of support.

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

A preargument conference was held on April 11. Due to the nature of the issues (what newspaper can the Borough safely use), Justice Palmer agreed that there really was no good way to resolve the case short of going through the appeal process. The Appellate Court clerk will prepare the record; Fenwick will then have 45 days to file our brief; the plaintiffs will then have 30 days to file their brief; and Fenwick will then have 15 days to file a reply brief. The oral argument will be scheduled after that.

No executive session was deemed necessary.

8. Adjournment.

At 5:34 p.m., it was moved by S. Boody and seconded by A. Wright to adjourn the meeting. The motion passed unanimously.

Respectfully submitted,
Marilyn Ozols, Acting Secretary