

**BOROUGH OF FENWICK  
PLANNING AND ZONING COMMISSION  
INLAND WETLANDS AGENCY  
SPECIAL MEETING  
SATURDAY, FEBRUARY 18, 2017  
MINUTES**

**Present:** Chuck Chadwick – Chair, Sallie Boody, Rick Neely (Alternate), T. Van Itallie (Alternate), Marilyn Ozols – ZEO.

**Absent:** Art Wright, Bill Christensen, Rosalind Shenkman.

**Members of Public:** Ethel Davis, Skip Glance, Sam & Darcy Scatterday.

**1. Call to Order.**

C. Chadwick called the meeting to order at 9:31 a.m. and seated T. Van Itallie as a voting member for the full meeting and R. Neely as a voting member commencing at Item 3 on the agenda. A quorum was established (Chadwick, Boody, Van Itallie / Chadwick, Boody, Van Itallie, Neely).

**2. ZSP16-003, 6 Neponset Avenue, map 11, lot 10.** Ethel Davis, owner, Hope Proctor, applicant; Site Plan and Coastal Site Plan Review Modification application to relocate ac units and generator; change driveway material.

E. Davis presented. She first addressed the driveway noting that the proposal is to change the semi-circle portion from grass pavers to crushed shells for increased durability. Both surfaces are pervious. Members had no objection.

E. Davis continued that they are also proposing to move the generator and air conditioner location from their original location between the garage and house to the northeast corner on the side of the house; this location is near the electric box and will not preclude the potential to attach the garage to the house in the future. She noted that they had originally proposed a location in the southeast corner but the abutting neighbor complained about this location so HDC moved the location to the front of the house. She had understood that the location approved for the Certificate of Appropriateness was on the side of the house, not the front, which is what is in this current application. T. Van Itallie noted the email from M. Staniford, included as Exhibit K, which finds the proposed location acceptable although not her first choice. He also asked about the location of the windows on the Staniford property. M. Ozols stated that she had not required them since the distance exceeded 30 feet but that she would in all future applications.

Sam Scatterday (7 Neponset Avenue) indicated he was the neighbor directly across the street and that he preferred the original location between the house and garage. He added that he thought the intent was to keep the units out of sight and in this original location they would be shielded from all neighbors. He added that he found both northeast corners unacceptable and noted that likely there would be many applications for compressors / generators in the Borough in the future, and to permit a location in plain view of the street, pedestrians and neighbors when the units could be readily hidden from view set an undesirable precedent.

E. Davis stated that there was not sufficient space for the units in the location between the house and garage; that the space is so limited in that area there would be little room for passage between the buildings even if the units were moved back; and that the location between the two building walls created the possibility for echo.

Darcy Scatterday (7 Neponset Avenue) stated that she did not want to look out her front window at the units. It was noted that it would be possible to totally screen them from view similar to the situation at the Savin house.

Rick Neely (4 Neponset Avenue) stated that he is in the process of applying for generator and ac units and is battling the same issues with location; the goal is to be as unobtrusive as possible to the neighbors and the public.

S. Boody asked about the southeast corner originally proposed. E. Davis stated that there is nothing else in that location, which is 50 feet from the property line, and the units could be screened with bushes. S. Boody stated that this location looks like the natural location; the units can be screened; and sound reverberating between the two building walls would not be fair.

C. Chadwick reviewed the various locations noting the originally approved location which is not feasible, the possible southeast location, and the location represented as HDC's preference. He stated that he understood the issue with the originally approved location but had difficulty understanding any issue with the southeast location. He added that when the generator is on, everyone's is on, and ac units now are very quiet so should not disturb the neighbors.

Members questioned whether they could act on a plan that was not the one before them. M. Ozols noted that the current plan reflects a change made after the HDC meeting, but Exhibit C in the file (marked superseded when the revised plan was submitted) shows the previously proposed southeast corner location. There is a plan of record that can be referenced.

**Based on the discussion, S. Boody moved that the Commission finds that the application to modify the approved Site Plan / Coastal Site Plan for 6 Neponset Avenue to relocate the ac units and generator and to change the driveway material from grass pavers to crushed shells 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 with the stipulations that the location shall be as shown in Exhibit C and the 4'x6' cedar fence shall be replaced by evergreen bushes to screen the units. All stipulations attached to the original approval shall remain in effect with the exception of the first stipulation, which shall be restated to require that the driveway remain a pervious material.**

**C. Chadwick seconded the motion and it was further discussed.**

T. Van Itallie voiced concern that the neighbors were not present and were not aware of the location to be approved by the motion on the floor. E. Davis noted that they had submitted written comments and those comments addressed this location along with the others. They had expressed their concerns with this location and the Commission was aware of them. C. Chadwick stated that he found the observations of the neighbors about the southeast corner to be of low merit. He explained that there are very few properties in Fenwick where a separating distance this large exists, that the view in this direction is already blocked by the rear extension on the house, and that since the proposed units and screening will not be as tall and will not protrude any farther than this portion of the house, they will not affect the view in this direction.

**S. Boody called for the vote and the motion was approved 2-1-0.**

For: Chadwick, Boody.  
Against: Van Itallie.  
Abstain: None.

T. Van Itallie stated for the record that his objection was based on his concern that in his opinion the neighbors were not properly noticed of this location.

The record plans for this application are updated to include:

- *Proposed Site Plan, Davis Residence*, Proctor Architects, LLC dated 6/15/16, revised 12/21/16.

R. Neely took his seat at this time.

3. **ZSP17-001, 15 Agawam Avenue (aka 22 Fenwick Avenue), map 10, lot 41.** Virginia Bush & Jennifer Evans, owners, CSM Development, applicant; Site Plan and Coastal Site Plan Review for new ac units, generator, and underground propane tank.

Eric Glance, CSM Development, presented. He pointed out the various locations of the mini-split units and the location of the underground tank on the site plan. He noted that the units are “whisper quiet” and that a mini-split unit refers to a unit that provides both heating and air conditioning. Members discussed the various locations and the proposed vegetative screening shown on the HDC drawings. T. Van Itallie noted the mini-split location on the 26 Fenwick Avenue side of the property and clarified that this location would not comply with current regulations if it were not a replacement. Replacement of existing units is allowed and the new unit is quieter than the unit to be replaced.

Based on the discussion, **S. Boody moved that the Commission finds that the application for Site Plan / Coastal Site Plan for 15 Agawam Avenue to install ac units, a generator, and an underground propane tank 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 stipulation that screening shall be provided as approved by HDC for Certificate of Appropriateness HDC16-023. R. Neely seconded the motion and it was approved unanimously.**

**Approved 4-0-0.**

For: Chadwick, Boody, Van Itallie, Neely.  
Against: None.  
Abstain: None.

The record plan for this application is:

- *Property Survey / Topographic Survey, Land of Jennifer Bush Evans and Meristem Trust Co., Tr., 15 Agawam Avenue (A.K.A. 22 Fenwick Avenue) by Annino Survey, LLC, dated January 13, 2017, revised 2/15/17.*

4. **Approval of Minutes** of previous meeting: Planning & Zoning/Inland Wetlands – August 25, 2016.

**R. Neely moved to accept the Borough of Fenwick Planning and Zoning Commission minutes for the August 25, 2016 meeting as amended. S. Boody seconded the motion and it was approved unanimously.**

Approved 4-0-0.

For: Chadwick, Boody, Neely, Van Itallie.  
Against: None.  
Abstain: None.

## **8. Staff Report.**

M. Ozols reported that

- Anticipated applications include redevelopment of 24 Pettipaug Avenue (Wright), ac/generator at 4 Neponset Avenue (Neely) provided a variance is obtained or a new location is identified, and ac at 41 Pettipaug (Keeney).
- She will be working on the Plan of Conservation and Development so that a draft can be provided in the spring when more members are able to attend. C. Chadwick noted that there are two differing opinions on Borough roads which will need to be meshed in the Plan and members agreed that all statutorily required items need to be included but the Borough prefers to keep comments fairly brief and general.

## **5. Other Business.**

Members discussed the requirements regarding generators and noted that it may be advisable to require that all generator tests be run at the same time. C. Chadwick noted that the town of Chester does this by ordinance.

S. Boody reminded the Commission that it is important to focus on the Regulations when reviewing applications and to be careful about giving too much significance to the opinions of neighbors.

**6. Adjournment.**

**At 10:50 a.m., it was moved by C. Chadwick and seconded by S. Boody to adjourn the meeting. The motion passed unanimously.**

Respectfully submitted,

Marilyn Ozols, Acting Secretary