

**BOROUGH OF FENWICK  
PLANNING AND ZONING COMMISSION  
INLAND WETLANDS AGENCY  
SPECIAL MEETING  
SATURDAY, OCTOBER 7, 2017  
MINUTES**

**Present:** Chuck Chadwick – Chair, Sallie Boody, Art Wright, Bill Christensen, Rick Neely (Alternate), Ann Pulver (Alternate) Marilyn Ozols – ZEO.

**Absent:** T. Van Itallie.

**Members of Public:** Jessica Gay.

**1. Call to Order.**

C. Chadwick called the meeting to order at 9:01 and seated A. Pulver as a voting member. A quorum was established (Chadwick, Boody, Wright, Christensen, Pulver).

**2. Public Hearing: Proposed 2017 Borough of Fenwick Plan of Conservation and Development.**

C. Chadwick read the legal notice into the record and noted that the Plan had been developed in large part to conform to state statutes and the requirement to update municipal Plans of Conservation and Development at least once every ten years. He added that much of the new language responds to statutory changes in the last ten years.

M. Ozols noted for the record that in accordance with statutory requirements, the draft plan had been referred to RiverCOG, DEEP OLISP, and the Board of Warden and Burgesses, and it had been posted on the Borough website.

J. Gay, 44 Sequassen Avenue, stated that the Plan is very well written, thoughtful, and concise. She suggested that Goal #4 address the trend toward buying parcels under easement to increase lot size which in turn allows existing buildings to expand. She believes this circumvents the intent of the goal. She also requested that the Plan encourage the addition of merestones at the time of new construction to mark the boundaries of building lots and land trust property. M. Ozols noted that this might be more appropriate to consider as a regulation amendment instead of in the PoCD.

C. Chadwick read the correspondence received into the record:

- email from E. Davis requesting that the Plan include reference to the Borough’s commitment to being a dark sky community;
- letter from RiverCOG finding the Plan “not inconsistent with the State Plan of Conservation and Development and the Plans of surrounding RiverCOG towns”.

There being no further comment, C. Chadwick closed the public hearing.

**3. Proposed 2017 Borough of Fenwick Plan of Conservation and Development. Action anticipated.**

Members discussed the comments received. Relative to the request to include language about dark skies, it was determined that the Plan is an overview and dark sky regulations would be consistent with the language as written. C. Chadwick noted that it had been suggested to him that the Plan have more teeth for enforcement. He noted that the purpose of the Plan is to give guidance to the regulatory authorities (P&Z, Burgesses) to develop regulations/ordinances, which can then be enforced. Relative to the comment about acquiring adjacent parcels, members agreed that this was a subject for discussion but not as part of the Plan; likely it could be better addressed cooperatively between the Burgesses and the LPLT; language could certainly be put in any deed restricting the use of the property, which could include use of

the property for calculating zoning regulation compliance. Relative to the installation of merestones, this is a regulatory issue which the Commission can discuss at a future time.

All comments received having been discussed, **S. Boody moved to adopt the 2017 Borough of Fenwick Plan of Conservation and Development as presented and submitted. A. Wright seconded the motion and it was approved unanimously.**

**Approved 5-0-0**

For: Chadwick, Boody, Wright, Christensen, Pulver.

Against: None.

Abstain: None.

#### **4. Proposed Amendments to Zoning Regulations.**

M. Ozols reviewed the proposed language as drafted by Attorney Zizka noting that

- Section 4.3.11.3 addresses the fact that all construction requiring site plan review must also include ac and/or generator location if proposed. Neglecting to include it will not allow a subsequent administrative review. The date inserted will be the effective date of the regulation.
- The applicant may request a review by the Commission in the event that he/she disagrees with the Zoning Officer's decision. The Zoning Officer can also refer an application to the Commission if it appears that there may be any issues involving the proposed location.
- Attorney Zizka was reluctant to include an abutter notification requirement in an administrative permit. However, no zoning permit can be issued until a Certificate of Appropriateness has been issued and that process always involves abutter notification.
- Section 5.3.5 addresses the issue whereby merger of a vacant parcel with a developed parcel would render an existing structure nonconforming as to rear or side setbacks due to the increased lot size or width.

Members discussed the proposed changes at length.

The words "or generators" were added to Section 4.3.11.6 as this was always the intent but it appeared that the words had been inadvertently dropped from the text.

**S. Boody moved to send the proposed Zoning Regulation amendments to public hearing. A. Pulver seconded the motion.**

After discussion, the word "existing" was added to the second sentence in Section 5.3.5.

**The motion as amended was approved unanimously.**

**Approved 5-0-0**

For: Chadwick, Boody, Wright, Christensen, Pulver.

Against: None.

Abstain: None.

**5. Approval of Minutes** of previous meeting: Planning & Zoning/Inland Wetlands – September 26, 2017.

**W. Christensen moved to accept the Borough of Fenwick Planning and Zoning Commission minutes for the September 26, 2017 meeting as amended. A. Wright seconded the motion and it was approved unanimously.**

**Approved 5-0-0**

For: Chadwick, Boody, Wright, Christensen, Pulver.

Against: None.

Abstain: None.

#### **6. Staff Report.**

M. Ozols reported that the court has approved the withdrawal of the 10 Mohegan lawsuit.

**7. Other Business.**

A. Wright reported that he had relayed P&Z's decision not to address short term rentals in the regulations to the Burgesses at their meeting on Friday. The Burgesses expressed a desire to continue to pursue the issue and it will be discussed further at the Burgess level with the intent to forward a more specific request to P&Z if public opinion supports it.

A. Wright reported that there had been several very qualified applicants for the general manager position. Jeff Champion has been hired to fill the position and he will be starting work on October 16. The position will be part-time averaging 20-30 hours per week over the course of the year.

**8. Adjournment.**

**At 10:16 a.m., it was moved by S. Boody and seconded by W. Christensen to adjourn the meeting. The motion passed unanimously.**

Respectfully submitted,

Marilyn Ozols, Acting Secretary