

**BOROUGH OF FENWICK  
PLANNING AND ZONING COMMISSION  
INLAND WETLANDS AGENCY  
SPECIAL MEETING  
SATURDAY, DECEMBER 2, 2017**

**MINUTES**

**Present:** Chuck Chadwick – Chair, Art Wright, Rick Neely (Alternate), Marilyn Ozols – ZEO.

**Absent:** Sallie Boody, T. Van Itallie, Bill Christensen, Ann Pulver (Alternate).

**Members of Public:** Charles Robinson, Jr. Brooke Girty.

**1. Call to Order.**

C. Chadwick called the meeting to order at 9:00 a.m. and seated R. Neely as a voting member. A quorum was established (Chadwick, Wright, Neely).

**2. Public Hearing: Proposed Amendments to Zoning Regulations** to change application process for new ac units and generators from site plan review to administrative permit, and to address situation whereby adding additional land to developed property renders existing building nonconforming as to side setback or rear setback.

C. Chadwick read the legal notice into the record and asked if there was any public comment or if anyone wished to go over the proposed amendments in detail. Hearing no request for further information or comment, he closed the public hearing with the file serving as the public record.

**3. Proposed Amendments to Zoning Regulations.** Action anticipated.

Members noted that they had discussed the proposed language at length at prior meetings. In response to A. Wright's request for clarification as to why the front setback is not mentioned in the proposed Section 5.3.5. It was noted that the front setback is a set number and is not based on a percentage of lot width or area. R. Neely asked about the effective date. M. Ozols recommended that the effective date be set for December 6, 2017 which would allow time for publication of the legal notice. She also noted that all the statutory referrals had been made and no concerns were expressed.

**A. Wright moved to adopt the proposed amendments to the Zoning Regulations as proposed with an effective date of December 6, 2017. R. Neely seconded the motion and it was approved unanimously.**

**Approved 3-0-0**

For: Chadwick, Wright, Neely.

Against: None.

Abstain: None.

**4. ZSP17-008, 20 Fenwick Avenue, map 10, lot 52.** Carol Robertson, owner and applicant; Site Plan and Coastal Site Plan Review to remove porch along south and east side of house and replace with porch similar to original in same footprint.

C. Robinson, Jr. presented. He stated that the work has been approved by the Historic District Commission and that they are proposing to remove the existing slate porch and rebuild it on the same footprint adding a roof like existed previously. He noted that the two sections of roof were removed starting sometime in the '30's or '40's and can be seen in the old pictures. He added that they are planning a larger restoration project, but when they worked on the foundation in the spring, they discovered that water was seeping down along the foundation, so this work was prioritized. A. Wright asked about the x'ed out items on the elevation drawings. C. Robinson stated that the areas crossed out are not part of this application or phase of work; they relate to interior work and are not finalized. C.

Chadwick asked if HDC had any concerns. M. Ozols reported that they were pleased that the building was being restored to the previous look. A. Wright requested clarification that because they are using the existing footprint, there is no issue with the nonconformity. M. Ozols confirmed that this was the case and referred to the statute described in her written comments. She added that an existing conditions survey was submitted as part of the application and an as-built will be required when the work is completed. C. Robinson stated that the porch extends into the setback on the south side, but will be the same as what was there previously. He added that they hope to do the work this spring. C. Chuck cautioned against proceeding with any additional work not shown in the application while the contractor is onsite. C. Robinson indicated that he understood and they have no desire to expand on the proposal since they intend to use the house in the summer. Members reviewed the proposed stipulations before proceeding.

Based on the discussion, **a motion was made by A. Wright that the Commission finds that the application for Site Plan and Coastal Site Plan Review to remove the porch and deck along south and east sides of the house at 20 Fenwick Avenue and replace them on the same footprint with a porch similar to the original porch, 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. Approval by CRAHD shall be required prior to the issuance of a Zoning Permit.
3. 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.
4. An existing conditions survey (including all new construction, with distances to property lines, and calculation of post construction coverage) shall be submitted prior to issuance of zoning compliance for a Certificate of Occupancy. All surveys and certifications shall be prepared by a licensed surveyor.
5. A copy of the survey submitted with the application shall be filed on the Land Records of the Town of Old Saybrook prior to issuance of a zoning permit.

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

**Approved 3-0-0**

For: Chadwick, Wright, Neely.  
Against: None.  
Abstain: None.

The record plans for this application are:

- *Property Survey, Land of Carol Ann Robertson, 20 Fenwick Avenue, Old Saybrook, CT* by Robert C. Simoni, dated August 23, 2017
  - *Robertson Additions and Renovations* by George Penniman Architects LLC dated Sept 27, 2017 and marked up by applicant
    - *Proposed South and East Elevations*, sheet SD2.0
    - *Proposed North and West Elevations*, sheet SD2.1
    - *Proposed Basement Plan*, sheet SD1.0
    - *Proposed First Floor Plan*, sheet SD1.1
    - *Proposed Second Floor Plan*, sheet SD1.2
    - *Proposed Third Floor Plan*, sheet SD1.3
    - *Proposed Roof Plan*, sheet SD1.4
5. **ZSP17-009, 18 Pettipaug Avenue, map 10, lot 52.** Christopher & Eileen Millard, owners, Brooke Girty Design, applicant; Site Plan and Coastal Site Plan Review to renovate existing shed and sunroom, add mudroom, 1<sup>st</sup> floor wraparound porch, and 2<sup>nd</sup> floor porch.

B. Girty presented. She stated that the owners thanked the Commission for setting a meeting so close to the holidays and she used pictures of the existing shed and house along with the proposed house floorplan

to describe the proposed changes. She indicated that they will be closing in the existing shed and will not change the footprint; that for the house elevation on the Pettipaug side, they will be replacing the windows in the sunroom, adding a screened porch above it, a wraparound porch, and a mudroom on the east side. They will also be adding height, which is visible on the side elevations, to make the house more visually appealing. M. Ozols stated that the contractor had indicated that demolition is involved and asked B. Girty to clarify this. B. Girty stated that because the engineer has indicated that the sunporch will need new footings to meet the wind load requirements in the building code, and the sliders and roof are to be removed, they intend to demolish the existing porch section of the front wing and rebuild it. She added that the area behind the second floor porch is unfinished attic and the window shown on the side elevation is just for aesthetics.

Relative to the need for a survey, she stated that the house was built in 1953 and the site plan was drawn based on an early architectural plan, site measurements, and an adjacent property survey. It is clear that they area of the new coverage is not in the setback and the owners would like to avoid the expense of a survey, which does not add any value to the structure. M. Ozols stated that the new construction is removed from the setback / property line and the site is oversized with coverage at only 8%, so she is comfortable with the site plan provided. She added that if the shed was being enlarged or the porch addition was proposed closer to the required setback from the property line, she would want to see a survey. A. Wright asked if there is any concern that the property line for Pattaquassett Avenue could be found to be in a different location if it is surveyed. M. Ozols indicated that there is a survey of the road across the street to the south on file.

Members discussed the proposed stipulations and M. Ozols indicated that CRAHD approval has been received so the first stipulation can be deleted, but that, since demolition is involved, the Commission might want to add its standard stipulation about demolition material.

Based on the discussion, **a motion was made by R. Neely that the Commission finds that the application for Site Plan and Coastal Site Plan Review to renovate the existing shed and sunroom, add a mudroom, a 1st floor wraparound porch, and a 2nd floor porch at 18 Pettipaug 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. 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.**

**C. Chadwick seconded the motion and it was approved unanimously.**

**Approved 3-0-0**

For: Chadwick, Wright, Neely.

Against: None.

Abstain: None.

The record plans for this application are:

- *The Millard Cottage, 18 Pettipaug Avenue, Fenwick, Connecticut Proposed Site Plan* by Brook Girty Design dated November 9, 2017, rev. 11/10/17
- *The Millard Cottage, 18 Pettipaug Avenue, Fenwick, Connecticut* by Brook Girty Design
  - *Proposed Plan*, Sheet A1, dated Nov 9, 2017
  - *Proposed Elevations* (west and south), Sheet A2, dated Nov 9, 2017
  - *Proposed Elevations* ( east and north), Sheet A3, dated Nov 9, 2017
  - *Proposed Shed Renovations*, Sheet A4, dated Nov. 10, 2017

C. Chadwick noted that there were originally six structures on slabs in the Borough and this is one of only two that remain. He commended the owners for working with what was there rather than demolishing and building new.

**6. Set Effective Date of December 2, 2017 for Plan of Conservation and Development.**

**A. Wright moved to set the effective date of the 2017 Borough of Fenwick Plan of Conservation and Development for December 2, 2017. R. Neely seconded the motion and it was approved unanimously.**

**Approved 3-0-0**

For: Chadwick, Wright, Neely.  
Against: None.  
Abstain: None.

**7. Approval of Minutes of previous meeting: Planning & Zoning/Inland Wetlands – October 7, 2017.**

**A. Wright moved to accept the Borough of Fenwick Planning and Zoning Commission minutes for the October 7, 2017 meeting as presented. R. Neely seconded the motion and it was approved unanimously.**

**Approved 3-0-0**

For: Chadwick, Wright, Neely.  
Against: None.  
Abstain: None.

**8. Staff Report.**

M. Ozols reported that

- There are zoning permit applications pending for a generator at 7 Neponset (Scatterday) and a heat pump at 8 Agawam (McCann) that she will now be able to process.
- An application is anticipated for 44 Sequassen (Gay) for a small addition to house an elevator, and likely for a dune restoration project at the Hepburn Preserve and work on 10 Mohegan sometime in the spring. She noted that they are currently doing interior work at 10 Mohegan but this did not require P&Z review.

**9. Other Business.**

A. Wright noted that the Burgesses are still looking into short term rentals and what can or should be done relative to these rentals to protect the character of the Borough. Members agreed that they may want to get a legal opinion as to whether rentals are considered a commercial use, but will defer this to the point in time when the question can be better defined.

C. Chadwick noted that he had been contacted by three residents regarding the fact that application notifications do not always go to the address where the residents are residing at the time. It was clarified that if notices are mailed, state statutes require them to go by Certificate of Mailing to the address of record in the Assessor's office. It was noted that Certificates of Mailing guarantee delivery, while Certified Mail only gets delivered if someone signs for it. Applicants are encouraged to also contact their neighbors directly. It was noted that anyone who signs up on the website to receive e-news will receive all agendas by email and can quickly review what applications are being heard.

**10. Adjournment.**

**At 9:58 a.m., it was moved by R. Neely and seconded by A. Wright to adjourn the meeting. The motion passed unanimously.**

Respectfully submitted,

Marilyn Ozols, Acting Secretary