



BOROUGH OF FENWICK

PLANNING & ZONING COMMISSION

2017 PLAN OF CONSERVATION & DEVELOPMENT

ADOPTED XX/XX/2017

### **Legal Requirements:**

Section 8-23 of the Connecticut General Statutes as amended requires each local planning commission to prepare, adopt, and amend a plan of conservation and development for its municipality, showing the commission's recommendations for the most desirable land use and density within its jurisdiction. The Statutes require a planning commission to review its plan at least once every 10 years, and to adopt such amendments to the plan as the commission deems necessary to update the plan.

The Planning Commission of the Borough of Fenwick adopted a Plan of Development in September 1985, and updated this Plan with 1996 and 2007 Plans of Conservation and Development. This 2017 Plan strengthens the 2007 Borough Plan, taking into consideration those issues which must be addressed within Connecticut General Statutes Section 8-23.

### **Relationship to Other Plans:**

Connecticut General Statutes Section 8-23 requires local plans to take into account the State of Connecticut Plan of Conservation and Development as well as any regional Plan of Conservation & Development.

The State Plan of Conservation and Development shows Fenwick in a Balanced Priority Funding Area, which means that it meets the criteria of both Priority Funding Areas and Conservation Areas. Conservation Areas are delineated based on the presence of factors that reflect environmental or natural resource values. Fenwick includes wetland soils, agricultural lands, flood zones and areas of storm surge inundation and critical habitats. The Borough of Fenwick Plan of Conservation & Development provides for reasonable consideration for both protection as well as restoration of the ecosystem and habitat of Long Island Sound, and is designed to reduce hypoxia, pathogens, toxic contaminants and floatable debris in Long Island Sound. As a developed residential community, Fenwick also meets the criteria for a Priority Funding Area and the goals identified in this Plan seek a balance between development and conservation.

Fenwick is part of the Lower Connecticut River Valley Planning Region, which was recently created by the merger of the Connecticut River Estuary Planning Agency and the Mid-State Planning Agency. This new Region is in the process of developing its first POCD.

Fenwick is also located wholly within the Town of Old Saybrook. Although the Borough of Fenwick regulates land use independently from the Town, Borough land uses are complementary to those in the Town. This Plan acknowledges the important function that Old Saybrook land use plays for the residents of the Borough of Fenwick, providing transportation nodes, shopping facilities, services, entertainment, and additional housing opportunities.

### **Background:**

The Borough of Fenwick, which encompasses approximately 235 acres or about one third of a square mile, is located on the west bank of the Connecticut River, where the River enters Long Island Sound. This unique location is characterized by fresh water and tidal wetlands, beaches, woodlands, shorefront flora and fauna, open lawns, and the sweeping green expanses of the Fenwick Golf Course, which provides wide views and vistas of the River, Long Island Sound, and South Cove, from many locations within the Borough of Fenwick. Roads are narrow and uncurbed; several are unpaved. Older shingle styled family cottages and some more recent homes are clustered around the edges of the golf course. The special historic character of the Borough of Fenwick has been recognized through its inclusion on the National and State Registers of Historic Places and the formation of a Local Historic District.

The Borough of Fenwick was founded as a summer residential community in 1871, and incorporated by Special Act 271 in 1899. This Plan recognizes the land use standards set forth in the incorporating Act and its

subsequent amendments, as a guide to future Borough development. In 1946, the Borough established a Zoning Commission, which has evolved into the present Planning and Zoning Commission. Substantial revisions to the Zoning Regulations were adopted in 1992, and significantly rewritten in 2011, with further amendments in 2012, 2013 and 2014. The Zoning Regulations establish a single Residence A District for the entire Borough. Within the Residence A District, the principal permitted uses are single family residences and community recreational uses, reflecting the historic development pattern of the Borough. Over time, the Borough has transitioned from a seasonal recreational community to year round residences occupied for a substantial portion of the year by many of its property owners. It remains committed to retaining the physical beauty and strong sense of community identity that has characterized the Borough of Fenwick since its founding.

### ***Fenwick Golf Course***

The Borough's most prominent feature is its golf course, one of the oldest in Connecticut. Its first four holes date to the late 1890s and the full nine hole layout was completed in 1896. The upper part of the sixth green is the oldest green in the State in its original location. The Fenwick course, which is open year-round, has spectacular views of the Connecticut River, Long Island Sound or the South Cove from every hole. The entire course is protected by a Conservation Easement held by the Lynde Point Land Trust.

### ***Historic District***

The Fenwick Historic District Commission was established September 1, 1975 to protect and preserve, for the benefit of the community, the historic architectural elements that contribute to the visual character of the Borough. Of the 67 cottages that then comprised the residences of the Borough, most are described as Carpenter, Stick or Seaside Shingle Gothic. These include the Edith Brainard Davis Cottage, identified in 1968 by the Connecticut Commission on the Arts as "the outstanding example of shingle architecture in the State of Connecticut." Another notable shingled structure is the Borough's chapel, St. Mary's-by-the-Sea, which also includes interior woodcarvings by the notable carver John Gregory Wiggins, including an elaborate communion rail and a chair and kneeling desk. Most important is that these shingled cottages, once so common in Victorian summer resorts, still exist in Fenwick not just as isolated examples of a bygone period of architectural history, but as parts of a vibrant community.

### ***Natural Resources***

Bounded by Long Island Sound, the Connecticut River and South Cove, and positioned where the River empties into the Sound, the Borough of Fenwick includes beaches, dunes, tidal and inland wetlands, and maritime shrub land and forest that contain a plethora of plant and wildlife species and provide vital ecological protection to many others.

In 1994, the Connecticut River Estuary & Tidal Wetlands Complex, including Fenwick, was named by the Ramsar Convention as a Wetland of International Importance, one of only 38 such sites in the United States (there are 2200 sites globally). The system serves as essential habitat for numerous regionally, nationally, and globally rare or otherwise significant species and forms an extensive biological corridor that links marine and estuarine waters of the Atlantic Ocean. Many migratory and Neotropical bird species nest or winter in the Estuary marshes, which regularly support over 10,000 individuals, consisting of 18 species of waterfowl.

In 1993, The Nature Conservancy identified the Connecticut River tidelands as one of the Western Hemisphere's 40 "Last Great Places." In the Connecticut estuary and its handful of tributaries, the Conservancy identified the Connecticut River tidelands as one of the richest and most diverse ecosystems in the northeastern United States — an extraordinarily intact and fragile wetland complex that provides habitat to 7 globally rare and 43 state-listed species.

The Lynde Point tidal marshes are a key natural asset in the Borough. Early in this century the Borough undertook an extraordinary effort to reclaim these marshes, as well as associated coastal grassland and remnants

of historic maritime shrub land and forest, all of which had become degraded over the years. Partners in that effort included the Connecticut Department of Environmental Protection, the Lynde Point Land Trust, the Borough of Fenwick, Ducks Unlimited, the Corporate Wetland Restoration Partnership, the United States Fish and Wildlife Service; and the National Oceanic and Atmospheric Administration - Natural Resources Conservation Service. In the wake of the marsh restoration, the wildlife population of the marshes has exploded.

As a testimony to the Borough's commitment to protecting its natural resources, over half of the land in Fenwick is protected by Conservation Easements granted to the Lynde Point Land Trust. These easements guarantee that the bulk of the land will remain in its natural state and that recreational land will not be developed for other purposes.

### ***Demographic and Development Data***

As of the 2010 census, there were 43 people, 26 households, 11 families that considered the Borough their full-time residence, and 83 housing units. The median age was 62 years. The census data does not reflect, however, the number of property owners who utilize their dwellings for longer periods of time than the summer months. This number has significantly increased in the last 10 years.

Fenwick is essentially fully developed. Within its 235 acres are approximately 85 residential lots, municipal and recreational uses, open space, and a non-denominational church. The largest single use is the municipal golf course, which is protected from any different type of development by conservation easements.

### ***Coastal Resiliency***

Coastal resilience is the ability to resist, absorb, recover from, and adapt to coastal hazards such as daily inundation caused by sea level rise, increased flooding, and more frequent and intense storm surges. The topography and location of the Borough make it particularly vulnerable to such inundation. Accordingly, it is incumbent on the Borough to generate awareness, assess coastal risks and opportunities, identify options or choices for addressing priority risks and vulnerabilities, and implement those actions it deems appropriate, especially where community infrastructure is involved.

### **Plan, Goals, and Policies:**

As required by Section 8-23 of the Connecticut General Statutes, this Plan of Conservation and Development is a statement of policies, goals and standards for the physical and economic development of Fenwick, as follows:

- 1. Goal: Retain the scenic and historic open character of the Borough, which provides generous views of the Connecticut River, South Cove, and Long Island Sound, for its residents and visitors, maintaining the area's historic link to the waters that surround it.***
  - Discourage additional development within the Borough that would negatively impact the Borough's existing open areas, or that would block existing views and vistas of the Connecticut River, South Cove, and Long Island Sound.
  - Through Zoning Regulations, seek to maintain the existing mix of uses, including open spaces, space for recreational and community activities, municipal facilities, and single family residences.
  - Through the use of conservation easements and any other appropriate mechanism, preserve the open areas and unique natural resources features that characterize the Borough.
- 2. Goal: Provide recreational and community facilities for residents and visitors to Fenwick, recognizing and reinforcing the original development of Fenwick as a family summer resort community. Foster activities and facilities which help create a sense of community within Fenwick.***
  - Retain and maintain existing community facilities, including the golf course, tennis courts, beach, pier,

Fenwick Yacht Club, and St. Mary's by-the-sea Chapel, for families and guests.

- Maintain and repair existing facilities, including Borough roadways, and avoid expansion of facilities or excessive infrastructure improvements (including but not limited to roads, utilities, and effluent management) that conflict with the historic, rural and recreational character of the Borough.
- Discourage widening, paving, curbing, lighting, installation of unnecessary storm drainage, which otherwise would alter Borough roadways beyond their current limits, other than what may be required for traffic or safety considerations or to address the impacts of sea level rise or storm surges.
- Protect, preserve and enhance the eco-environment, including the designated dunes and marsh areas. Encourage conservation and oversight of the waters surrounding the Borough of Fenwick, which fall under the jurisdiction of the Fenwick Harbor Management Commission.
- In instances where facilities or resources are damaged, require that remediation efforts protect the character of the Borough.

**3. Goal: Protect and preserve the unique natural resources located within the boundaries of the Borough of Fenwick recognizing the Borough's location at the mouth of the Connecticut River Estuary. The area is blessed with a wealth of natural resources, including several rare and endangered species of plants, and aviaries.**

- All new development should be consistent with the protection of resources that make the area special. Use both zoning and environmental regulations as well as the Public Health Code and Building Code to protect the natural resources.
- Take appropriate measures, including enforcement of coastal management and flood mitigation requirements, to assure that all development within the Borough is planned with reasonable consideration for the restoration and protection of the ecosystem and habitat of the Connecticut River, South Cove, and Long Island Sound.
- Ensure that all new sub-surface sewage disposal systems meet or exceed all applicable Federal, State and local health code and flood hazard requirements. Consider, in the future, a small community system or multiple systems if circumstances and environmental conditions warrant.
- Maintain community facilities with proper provision for control of toxic contaminants and control of sedimentation and erosion.
- Encourage dedication of conservation easements in favor of the Lynde Point Land Trust, a non-profit corporation established in the early 1990's for the purpose of accepting donations of land and easements to preserve natural resources and recreation areas within the Borough.
- Avoid encroachment upon inland wetland and tidal wetlands, beaches and dunes by new residential or community development.
- Require all new development or expansion of existing development to maintain natural buffers which are a minimum of 50 feet from all coastal resources.

**4. Goal: Assure that all new construction, including new single family dwellings or accessory structures, and all additions to existing dwellings, are compatible with the scale, massing, location, design, and historic character of existing development.**

- Establish and enforce zoning standards that require adequate setbacks, limitations on lot coverage, and maximum density requirements.
- Maintain the architectural character of the Borough through compliance with the Historic District Commission Design Standards which promote compatibility with the character of existing development.
- Utilize mitigation measures where appropriate to protect the historical integrity of structures located in Special Flood Hazard Areas.

**Plan Consistency**

This Plan was prepared in accordance with Section 8-23 of the Connecticut General Statutes (CGS) and

considered the range of factors in Section 8-23(d) as well as the requirements of Section 8-23(e), and those of the municipal coastal program requirements of Sections 22a-101 to 22a-104 (CGS). This Plan also considered the Borough's Harbor Management Plan, the Historic District Commission Regulations and Design Criteria, the Old Saybrook/Fenwick Hazard Mitigation Plan, and the *Report of Findings: Sea Level Rise and Climate Adaptation in Old Saybrook* when formulating its goals and objectives. This Plan has been referred to the Lower Connecticut River Valley Council of Governments for comparison to the Regional Plan of Conservation and Development which is currently being drafted. A comparison of this Plan with the Locational Guide Map in the 2013-2018 State Plan of Conservation and Development, and the municipal coastal program requirements of the Connecticut General Statutes has concluded that this Plan is generally consistent.

*Borough of Fenwick*  
*Planning & Zoning Commission*

DRAFT 7/29/17