

**Borough of Fenwick  
Zoning Board of Appeals  
Special Meeting – March 29, 2015**

The Special Meeting of the Borough of Fenwick Zoning Board of Appeals was held on Sunday, March 29, 2015 at 1:45 p.m. at 4 Nibang Avenue.

**MEMBERS PRESENT:** Robert Gay, Martha Staniford, Peter Brainard, Kathy Berluti, Becki Renshaw (Alternate).

**MEMBERS ABSENT:** Peter Bulkeley, Bill Walton, Laurie Goldsmith.

**OTHERS PRESENT:** Marilyn Ozols, ZEO; Brooke Girty.

**1. Call to Order.**

Chairman Gay called the meeting to order at 1:48 p.m. and seated B. Renshaw as a voting member.

**2. Approval of Minutes: March 21, 2015.**

**M. Staniford moved to approve the minutes of the March 21, 2015 special meeting as corrected. K. Beruti seconded the motion and it was approved unanimously.**

**The motion carried, 5-0-0.**

IN FAVOR: R. Gay, M. Staniford, P. Brainard, K. Berluti, B. Renshaw

OPPOSED: none

ABSTAINED: none

**3. Other Business.** None.

**4. Public Hearing: ZBA 15-002. 10 Old Fenwick Road, map 5, lot 13-105.** V. Baker and S. Noble, owners, Brooke Girty Design, applicant; request for variance of Sections 5.2.3 (50' setback from tidal beach/dune), 5.3.2/5.3.4 (15.32'side setback), 5.4.1 (50'setback from CJL), 8.2/8.5/8.6 (no increase in nonconformity) of the Zoning Regulations to permit reconfiguration of existing steps 48.2' from Coastal Jurisdiction Line (CJL) and construction of handicapped ramp 4' from side property line and from beach/dune on adjacent property, and 44.6' from CJL. Coastal Site Plan Review required. Continued from March 21, 2015.

B. Girty presented and provided an aerial photograph and photographs of the ramp and deck in order to orient the Board. She stated that the location was chosen to allow someone to get out of a car and into a wheelchair on the bluestone hard surface; the front porches are too small to maneuver a wheelchair and a ramp to the front door would block access to the rest of the property; the ramp starts just after the bilco in order to maintain access to the bilco; in the location shown, the ramp does not block access to any other door; the encroachment to the water includes only about five square feet; there is no residential neighbor to the west – it is Borough property and will not be developed; not having a big ramp structure in the front yard creates a greater feeling of openness which is in keeping with Fenwick zoning; the weathered wood blends with the background and resembles a boardwalk over a marsh; and a lift was not considered because there would be more than one user and there were concerns with weather and flood zone requirements. She also demonstrated on the site plan the location relative to the coastal resources and the side property line.

Members noted that the total square footage of the expansion of the nonconformity is approximately 140 square feet; most of the structure is not really visible; and the construction is similar to that of an elevated walkway to a dock. Relative to ADA, it was noted that ADA does not override zoning but zoning is supposed to accommodate accessibility. B. Girty added that she believed that people should be able to tuck a ramp in and not have it stand out as the main feature of a house.

Members noted that although this is an existing ramp, the application needs to be reviewed as if the ramp had not been built. P. Brainard expressed concern that though this may be the easiest and aesthetically best way

to provide a ramp, it is a significant expansion of the nonconformity. Members reviewed the locations of the various doors as shown on the photographs; discussed the lift option; and considered the need to change the doorway area and meet FEMA requirements for front door access. In summary, they noted ADA compliance requirements can be rigorous; the ramp was built to be unobtrusive, which is consistent with the intent of zoning; the bilco and house are already out of compliance; this seems the most appropriate location for the ramp; there are no neighbors to be impacted; the ramp is constructed so as not to impact the environment; and it is a minimal impact structure.

There being no members of the public present and no further comment, Chairman Gay closed the hearing for this application.

##### **5. Possible decision: ZBA 15-002: 10 Old Fenwick Road.**

Members considered the discussion during the hearing; recognized that the front door porch is small and steep; noted the small size of the deck intrusion on the water side and that it does not extend farther than the face of the house; considered the intent of the code and whether decking is an appropriate use of a side yard; noted that there is no neighbor to be affected and this is not an issue of overbuilding; discussed whether they could allow a violation of the code that does not violate the intent of Zoning; noted that the construction does not appear to be environmentally unfriendly – the construction is similar to that of a walkway to the beach; and agreed that they should attempt to comply with requirements for handicapped access to houses as long as the accommodation does not violate the intent of Zoning.

Based on the discussion, **a motion was made by M. Staniford to grant variances of Sections 5.2.3 (50' setback from tidal beach/dune), 5.3.2/5.3.4 (15.32' side setback), 5.4.1 (50' setback from CJL), 8.2/8.5/8.6 (no increase in nonconformity) of the Zoning Regulations to permit reconfiguration of existing steps 48.2' from Coastal Jurisdiction Line (CJL) and construction of a handicapped ramp 4' from the side property line and from the beach/dune on the adjacent property, and 44.6' from the CJL for application ZBA15-002 as shown on the plans submitted and restricted to the stated functionality as a handicapped access ramp. The motion was seconded by B. Renshaw, and approved unanimously.**

**The motion carried, 5-0-0.**

IN FAVOR: R. Gay, M. Staniford, P. Brainard, K. Berluti, B. Renshaw

OPPOSED: none

ABSTAINED: none

Based on the discussion, **a motion was made by K. Berluti to find the application consistent with the goals and policies of the Connecticut Coastal Management Act. The motion was seconded by B. Renshaw, and approved unanimously.**

**The motion carried, 5-0-0.**

IN FAVOR: R. Gay, M. Staniford, P. Brainard, K. Berluti, B. Renshaw

OPPOSED: none

ABSTAINED: none

The record plans are:

- *Proposed Handicap Ramp on Land of Victoria T. Baker & Susan T. Noble, Trustees, Old Fenwick Road, Borough of Fenwick, Old Saybrook, CT by Richard W. Gates dated June 6, 2014*
- *The Baker Residence Proposed - Ramp - Plan, Brooke Girty Design, revised 6/14/13, Sheet A1 (2 sheets)*

##### **6. Adjournment.**

**M. Staniford moved to adjourn the meeting at 2:32 p.m. P. Brainard seconded the motion and it was approved unanimously.**

Respectfully submitted,

Marilyn M. Ozols  
Acting Recording Secretary