

**Borough of Fenwick
Zoning Board of Appeals
Public Hearing and Special Meeting – February 27, 2024
Minutes**

A Special Meeting of the Borough of Fenwick Zoning Board of Appeals was held on Tuesday, February 27, 2024 at 4:00 p.m.

MEMBERS PRESENT: Robert Gay, Martha Staniford, Becki Renshaw (Alternate).

MEMBERS PRESENT VIA ZOOM: Laurie Goldsmith, Peter Brainard, Ann Pulver (Alternate).

MEMBERS ABSENT: Kathy Berluti.

OTHERS PRESENT: Marilyn Ozols, ZEO; Attorney Ed Cassella; Brooke Girty.

OTHERS PRESENT VIA ZOOM: Frank Sciame, Chris Millard.

1. Call to Order.

Chairman Gay called the meeting to order at 4:02 p.m. and seated B. Renshaw as a voting alternate. A quorum was established (Gay, Staniford, Goldsmith, Brainard, Renshaw).

- 2. Public Hearing: ZBA24-001. 28 Fenwick Avenue, map 10, lot 31.** Owner: Munn Family Limited; applicant: E. Cassella; request for variance of Sections 5.1.2: 15% maximum coverage, 25.3% proposed; 5.7.1: 21.9' front setback required, 21.2' proposed; 5.3.2: 16.2' side setback required, 11.4' proposed; 8.6 extension/expansion of nonconforming structure; all to allow demolition of existing detached garage, new attached garage and mudroom, modification of porches.;

Attorney Cassella presented. He stated that they are proposing to reconstruct the garage, build a pergola, and modify an existing porch; they have a Certificate of Appropriateness for the design from HDC; P&Z will be hearing the site plan application next week; it is the old Wright house at the corner of Pettipaug and Fenwick Avenues; and it is a small lot – only 11,500 square feet. He pointed out the existing house and garage, and the existing coverage, side and front setback nonconformities on the site plan and stated that they propose to eliminate the detached garage and construct a new attached garage in a more conforming location, replace the northeast corner of the wraparound porch with a more conforming pergola, and add a small 3'x21' addition to the screened porch. He added that for each of the variances requested, there is a reduction in nonconformity:

- the garage goes from 3.4' to 11.4' from the side lot line for an 8.2' improvement;
- the existing porch is 18.2' from the front lot line and the pergola will be 21.2' from the line for a 3' improvement; and
- there is a slight reduction in coverage from 2,952 s.f. to 2,948 s.f., but it is not an increase.

He stated that the addition on the south side is compliant with setback requirements; the existing septic will remain and they have received B100a approval from CRAHD indicating that they have room to replace the system if it should become necessary; and the mechanicals will be tucked in and less visible than they currently are. He reviewed the changes on the floor plan, elevation drawings, and rendering. He noted that the Board had received correspondence from its attorney who had advised that while a reduction in nonconformity is an acceptable practice for granting a variance based on court decisions in Connecticut, the Board should also consider whether the proposal is consistent with the conservation of public health, safety, convenience, welfare and property values. Relative to this he indicated that the view from Pettipaug Avenue and the houses to the north should be improved; the west side yard is adjacent to the driveway to the Ryder flag lot not another house; it is not objectionable and will not reduce property values.

In response to questions E. Cassella and B. Girty stated that the mudroom is actually an extension of the garage for storage; the area for parking cars is about the same as it was but shifted and with room for cars on the west side of the garage; much of the wraparound porch will remain and the revised north hip is designed to mirror the south hip; the area over the garage is for storage, it's not very big, and there are no dormers so it is not intended for living space; the peak of the new garage will be higher than the peak of the existing garage as is seen on the

elevation drawings; the existing garage doesn't really match the house but the proposed garage is more in keeping with the rest of the house; the HVAC will not be seen from the street.

Board members asked if there had been any comment from neighbors. M. Ozols stated that she had spoken with Darlene Ryder who did not have any issues once her questions were answered. Chris Millard was present and stated that he did not believe his family had any issues relative to the variance request, but, personally, he had no issue with the garage relocation but felt Fenwick has a history of large sweeping porches and he was concerned about a reduction, even for a good reason, and felt that the pergola is an abrupt structure right at the point where the most traffic occurs. Board members also expressed concern about the wraparound porch being cut but understood that this was not their jurisdiction.

R. Gay summarized that all of the variances requested are reductions in nonconformity.

Relative to the Coastal Site Plan, E. Cassella stated that there will be minimal disturbance for construction; the site is removed from all sensitive coastal resources; coverage is not being increased so there should be no difference in stormwater runoff; and they will be installing silt fence.

R. Gay asked whether they had considered adding gutters. It was indicated that they had been no issue with roof runoff prior to this; the soil is sandy; and there is no basement so there is plenty of area for infiltration.

After it was ascertained that there were no additional questions and no public comments, **B. Renshaw moved to close the public hearing on this application. M. Staniford seconded the motion and it was approved unanimously.**

The motion carried, 5-0-0.

IN FAVOR: Gay, Staniford, Goldsmith, Brainard, Renshaw

OPPOSED: none

ABSTAINED: none

3. Possible Decision: ZBA24-001, 28 Fenwick Avenue.

Members considered the discussion in the hearing and noted that this has always been an oddly shaped lot; the proposal reduces the nonconformity in every instance; the 8' change in the side yard is significant; the garage design and relocation reduces the awkward bulk and helps the view and the openness although the increased height does add bulk that didn't exist before; and it makes sense overall.

Based on the reasons discussed and the reduction in nonconformity, M. Staniford moved to grant a variance of Sections 5.1.2 to allow 25.3% coverage; 5.7.1 to allow a 21.2' front setback; 5.3.2 to allow an 11.4' west side setback; and 8.6 to allow extension/expansion of a nonconforming structure all for the demolition of the existing detached garage, a new attached garage and mudroom, and modification of the porches as shown on the plans submitted. B. Renshaw seconded the motion.

The motion carried, 5-0-0.

IN FAVOR: Gay, Staniford, Goldsmith, Brainard, Renshaw

OPPOSED: none

ABSTAINED: none

Based on the discussion in the hearing, **B. Renshaw moved to find application ZBA24-001, 28 Fenwick Avenue, consistent with the goals and policies of the Connecticut Coastal Management Act. The motion was seconded by M. Staniford and approved unanimously.**

The motion carried, 5-0-0.

IN FAVOR: Gay, Staniford, Goldsmith, Brainard, Renshaw

OPPOSED: none

ABSTAINED: none

The record plans are:

- *Site Development Plan Property of Munn Family Limited, 28 Fenwick Road, Borough of Fenwick, Old Saybrook, Connecticut* by Angus McDonald Gary Sharpe & Associates, Inc., dated October 31, 2023, rev. through 1/30/2024.
- *The Munn Cottage, Pettipaug Avel, Fenwick, Connecticut* by Brook Girty Design

- *Proposed Plan* (proposed first floor), dated October 15, 2023, rev. 2/26/2024, sheet A1
- *Proposed Elevations* (east and north), dated October 15, 2023, sheet A2
- *Proposed Elevations* (west and south), dated October 15, 2023, sheet A3
- *Existing Elevations* (north and west), dated March 27, 2017, sheet EX2
- *Existing Elevations* (south and east), dated March 27, 2017, sheet EX3

4. Approval of Minutes: September 12, 2023.

L. Goldsmith moved to approve the minutes of the September 21, 2024 special meeting as written. P. Brainard seconded the motion and it was approved unanimously.

The motion carried, 5-0-0.

IN FAVOR: Gay, Staniford, Goldsmith, Brainard, Renshaw

OPPOSED: none

ABSTAINED: none

5. Other Business.

None.

6. Adjournment.

M. Staniford moved to adjourn the meeting at 4:43 p.m. P. Brainard seconded the motion and it was approved unanimously.

Respectfully submitted,

Marilyn M. Ozols

Acting Recording Secretary