

**BOROUGH OF FENWICK**  
**HISTORIC DISTRICT COMMISSION**  
**REGULAR MEETING & PUBLIC HEARING – November 5, 2022**

A Regular Meeting and Public Hearing of the Fenwick Historic District Commission was held at 4 Nibang Avenue and via Zoom on Saturday, November 5, 2022. Notice of the meeting was posted in a timely manner on the Fenwick kiosk, on the website, and in the Harbor News.

Members Present: Matt Myers, Valerie Bulkeley, Deborah Neely, Beverly Keeney, Mike Reynolds (Alternate).

Members Present via Zoom: Patsy Jones, Scott Pulver (Alternate), Ashley Gengras (Alternate)

Members Absent: None.

Others Present: Marilyn Ozols, ZEO and HDC Compliance Official, Andy Griswold, Charlie Renshaw.

Others Present via Zoom: Ethel Davis

**1. Call to order.**

Chairman Myers called the meeting to order at 9:03 a.m. All regular members were present and seated. A quorum was established (Myers, Bulkeley, Neely, Keeney, Jones).

**2. Election of Officers.**

M. Myers reviewed who the current officer are and they all agreed to continue in the same positions; V. Bulkeley offered to step down if someone else wanted the position. D. Neely voiced the opinion that V. Bulkeley should remain vice chair, noting that she brought history and a voice of reason to the Commission.

**B. Keeney moved to keep the same slate of officers for the next year: Matt Myers, Chair; Valerie Bulkeley, Vice Chair; Debbie Neely, Secretary. P. Jones seconded the motion and it was approved unanimously.**

For: Myers, Bulkeley, Neely, Keeney, Jones.

Against: None.

Abstain: None.

**3. Public Hearing: 10 Mohegan Avenue, map 10, lot 13; Hepburn Family Preserve, map 11, lot 6; Sequassen Avenue, map 11, lot 25.** A. Griswold, applicant. Application HDC22-020 to retain, modify, and install osprey platforms.

A. Griswold, Connecticut Audubon Society, presented. He withdrew the application for a new platform on the Hepburn Family Preserve property and stated that they will simply be moving the platform that was temporarily relocated during the construction back to its original location at the west end of the dune as required by the DEEP order. This location received a Certificate of Appropriateness on March 16, 2019.

He discussed the two other platforms separately.

Sequassen Avenue. A. Griswold stated that the platform has been overtaken by vegetation and the osprey don't like it because of that; the proposal is to raise it by 2'-3' and reduce the height of the vegetation around it; the perch pole will also be raised to an equal height. He added that Anne Schmidt is supportive and has submitted comments to that effect and that he has spoken with Bob Gay who has no objection.

10 Mohegan Avenue. A. Griswold stated that he is adding commentary on a perch originally installed by an outside contractor. The issue is related to the height of the platform, and if it is too low relative to the

surrounding vegetation, the birds won't use it; it's working now and lowering it could risk them not using it.

Several members stated that it was originally approved because it would be lowered and, since the original stipulation was that it be lowered, the Commission should stay with that but see if the property owner could lower the vegetation.

A. Griswold agreed with seeing if the vegetation could be lowered and stated that the LPLT would take care of putting up the perch that was stipulated in the previous decision.

B. Keeney stated that it was put in that location to deter the osprey from using the chimney; if it's too low and they don't use it, they could very likely choose a different chimney. She noted that it appears to get lost from view with the house behind it.

M. Reynolds, 2 Agawam Avenue, clarified that he was speaking as a property owner and not a Commission member, and stated his opinion that it impinges on people's view; there are plenty of other nests in the Borough or this one could go in a different location.

P. Jones stated that her sister-in-law would agree that it impinges on the view.

D. Neely read the stipulation from the original approval on January 31, 2022: "The platform shall be lowered to 10' in height. A perch, 10" – 12" higher than the platform, shall be added 15' - 20' from the platform not in the direction of the purple martin house."

Ethel Davis, 6 Neponset Avenue, stated that personally she likes looking at the osprey and there is nothing in Borough regulations to protect private views.

M. Reynolds, 2 Agawam Avenue, responded that he believes the HDC documents include protection of views.

**After asking for public comment and any additional input, on a motion by V. Bulkeley, seconded by B. Keeney, it was voted unanimously to close the public hearing and go into regular session.**

For: Myers, Bulkeley, Neely, Keeney, Jones.

Against: None.

Abstain: None.

#### **4. Possible Action on HDC22-020: 10 Mohegan Avenue, Hepburn Family Preserve, and Sequassen Avenue.**

Hepburn Family Preserve.

Withdrawn. No action required.

Sequassen Avenue.

Based on the discussion in the hearing, **V. Bulkeley moved to approve the application as presented and to grant a Certificate of Appropriateness for Application HDC22-020, Sequassen Avenue, to raise the existing osprey platform and perch two to three feet. D. Neely seconded the motion and it was approved unanimously.**

For: Myers, Bulkeley, Neely, Keeney, Jones.

Against: None.

Abstain: None.

10 Mohegan Avenue.

Members agreed that they should continue to enforce the stipulation in the original approval and suggested that pruning the vegetation around the platform might help.

Based on the discussion in and after the hearing, **V. Bulkeley moved to continue to enforce the stipulation in the original approval and deny Application HDC22-020, 10 Mohegan Avenue, to retain the osprey**

**platform at its current height with the suggestion that some of the nearby vegetation be pruned in order to make the lower platform more viable. P. Jones seconded the motion and it was approved unanimously.**

For: Myers, Bulkeley, Neely, Keeney, Jones.

Against: None.

Abstain: None.

Members discussed future platforms. A. Griswold stated that it is hard to fit more in and keep the DEEP recommended 500' separating distance, but it is not at saturation point. He added that they are tweaking the bird garden all the time to see what works best.

It was discussed that HDC has no purview to limit the number but can decide on specific applications relative to views; platforms are sometimes directly in the sight line of views of the lighthouses or beach and a slight modification in location might eliminate this; HDC can't codify a height but could put guidance in the criteria; residents should have input; new homeowners can't apply for modifications to platforms not on their property; and any new platform will need to come to HDC and be figured out.

## **5. Reports on Current Projects.**

M. Ozols reported that there was still some site work to be completed at 25 Pettipaug Avenue including screening for the generator.

B. Keeney and M. Reynolds were assigned to monitor the construction at 24 Pettipaug Avenue. V. Bulkeley noted that the Commission should be really careful to make sure that changes are not made before coming to HDC. M. Ozols reminded members that, although it is interesting to chat with the contractors, their function is to compare the work with the approved drawings so that any deviation can be identified early.

## **6. Approval of Minutes: September 10, 2022.**

**V. Bulkeley moved that the minutes of the previous HDC meeting on September 10, 2022 be accepted as written. D. Neely seconded the motion and it passed unanimously.**

For: Myers, Bulkeley, Neely, Keeney, Jones.

Against: None.

Abstain: None.

## **7. Old Business / Other Business.**

### **a. 2023 Meeting Schedule**

A proposed schedule had been distributed maintaining every other month meetings with an extra meeting in June. Member agreed to this schedule and it will be finalized.

### **b. New Building Materials**

B. Keeney cautioned against identifying brand names (like Azek for composite) without specifying "or equal" if that particular brand is not required. She also suggested that samples be required for any new manmade material that the Commission has not seen before and members agreed.

### **c. Hedges**

M. Ozols stated that she has started to create an inventory of all the hedges in the Borough, but has not yet had time to research them all. The item will be carried to a future meeting.

### **d. Violations**

Members asked about the process for violations. M. Ozols stated that the first step is to try to obtain voluntary compliance. If that is not possible, a Notice of Violation is issued to the property owner;

it includes information on the action required to remedy the violation. The only step after that is through the court system.

**8. Adjourn.**

The next meeting is Saturday, January 7, 2023.

**On a motion by D. Neely, seconded by V. Bulkeley, it was voted unanimously to adjourn at 10:03 a.m.**

Respectfully submitted,  
Marilyn M. Ozols, Acting Clerk