

**BOROUGH OF FENWICK  
PLANNING AND ZONING COMMISSION  
INLAND WETLANDS AGENCY  
SPECIAL MEETING  
MARCH 6, 2024  
MINUTES**

**Present in Person:** Chuck Chadwick – Chair, Robin Zubretsky, Frank Gilhool (Alternate), Marilyn Ozols – ZEO.

**Present via Zoom:** Rick Neely, Sallie Boody.

**Absent:** Jonathan Keller (Alternate), Bill Christensen.

**Members of Public:** **in person:** Attorney E. Cassella, Brooke Girty, Bruce Baird.  
**via Zoom:** Frank Sciame.

**1. Call to Order.**

C. Chadwick called the meeting to order at 4:00 p.m. and appointed F. Gilhool as a voting member. A quorum was established (Chadwick, Zubretsky, Neely, Boody, Gilhool).

- 2. ZSP24-001. 28 Fenwick Avenue, map 10, lot 31.** Owner: Munn Family Limited; Applicant: Edward M. Cassella, Esq. Site Plan / Coastal Site Plan application to remove existing garage, add attached garage and mudroom; replace northern portion of existing wraparound porch with pergola and steps; expand porch on south side.

E. Cassella stated that B. Girty was also present to address any questions about the design, and presented on behalf of the property owners, stating that this is a Site Plan and Coastal Site Plan application to modify an existing cottage. He oriented the Commission on the site plan and stated that the existing garage is nonconforming; it will be removed and replaced with an attached garage and mudroom connection; the porch on the Pettipaug side of the house will be removed and replaced with a small pergola; there will be a small, 3 foot expansion of the porch on the south side; the front and side additions are slightly in the setback but farther from the property line than the current structures; the coverage is decreasing slightly but exceeds 15%; variances were approved for the setbacks and coverage; with the exception of the variances granted, all construction complies with the Zoning Regulations; a rendering was submitted to show what the front of the house will look like. Relative to the Coastal Site Plan there is a minimal amount of construction; silt fence will be installed during construction; the existing septic system will remain, although the plan shows area for replacement if it should be needed; the property does not abut Long Island Sound or sensitive coastal resources; it is not in a flood zone.

R. Neely inquired about the lack of downspouts and stormwater infiltration as noted in T. Metcalf's letter. B. Girty stated that there are two existing downspouts over the doors which will remain, but no others are planned; stormwater currently drains well, perhaps because there is no foundation and there is plenty of area to absorb the water. C. Chadwick read from T. Metcalf's letter and suggested adding crushed stone around the new construction. The applicant had no issue with this.

Members inquired as to whether the abutters had any comments. M. Ozols stated that they had received notification for three different meetings within 8 days so they were well aware of the proposal; D. Ryder had called the office for additional information but had no concerns after that.

C. Chadwick reviewed the staff memo and the applicant had no issues with any of the proposed stipulations.

The Commission addressed the review standards:

- a. Preservation of Landscape. No issues. M. Ozols stated that the shrubbery that had been removed is being stored for replanting when the project is complete.
- b. Relation of Buildings and Structures to Environment. The ZBA granted variances that moved the buildings in the right direction to open up the distances to the property lines.
- c. Site Design. No issues.
- d. Scenic Views. No issues.
- e. Buffer Areas. The setbacks are improved.
- f. Water Quality and Drainage. Drainage was discussed previously.
- g. Utilities. Electricity is proposed to be underground.
- h. Other Site Features. No issues.
- i. Natural and Historical Resources. No issues.

C. Chadwick asked for any further comments or questions from the Commission. Hearing none, the Commission proceeded to a vote.

Based on the presentation and discussion, **S. Boody moved that the Commission finds that the application for Site Plan and Coastal Site Plan Review to remove the existing garage, add an attached garage and mudroom, replace the northern portion of the existing wraparound porch with a pergola and steps, and expand the porch on the south side at 28 Fenwick 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. Additional silt fence shall be installed if deemed necessary by the Zoning Enforcement Officer at the time of construction.**
- 3. All exterior lighting shall comply with Section 4.5.1 of the Zoning Regulations.**
- 4. 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.**
- 5. An existing conditions survey (including the buildings, septic system, driveway and patio/terrace) with distances to property lines, certification of finished ridge elevation from natural grade, 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.**
- 6. The approved site plan shall be endorsed by the Commission chairman and filed on the Land Records of the Town of Old Saybrook.**
- 7. In accordance with the adopted fee schedule, the applicant shall reimburse the Borough for any engineering fees prior to issuance of a zoning permit for construction and prior to issuance of zoning compliance for a Certificate of Occupancy. Reimbursement shall include all costs incurred to that point in time.**

**R. Neely offered a friendly amendment, which was accepted by S. Boody:**

- 8. A ground dripline of crushed stone as described in T. Metcalf's letter shall be installed around the garage and mudroom addition to promote infiltration.**

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

**Approved 5-0-0**

For: Chadwick, Zubretsky, Neely, Boody, Gilhool  
Against: None  
Abstain: None

The record plans for this application 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

**3. ZSP24-002. 15 Pettipaug Avenue, map 15, lot 25.** Owner: Maribeth Brostowski; Applicant: Brooke Girty. Site Plan / Coastal Site Plan application construct additions, renovate, and install pool.

C. Chadwick recused himself for this application and R. Neely acted as chair.

E. Cassella stated that B. Girty was also present to address any questions about the design, and presented on behalf of the property owners stating that Maribeth Brostowski had purchased the property last year and is seeking to perform renovations as shown on the architectural plans, the site plan, and the model that was prepared for the Historic District Commission; the front, historic portion of the house will be renovated and there will be an addition to the rear, all of which comply with the Zoning Regulations; a new septic system will be installed; there will be a full stormwater system for roof runoff; the property is waterfront but not in a flood zone; the plan shows a silt fence; there is an increase in impervious surface but the coverage is below 15%; roof runoff will be picked up and infiltrated; the 25' wide view corridor is maintained on the east side; it is a flat lot with minimal grading; the landscape plan was prepared by Rick Worcester. He added that he had received T. Metcalf's comments and the plans had been revised in response to them; demolition had commenced and they had no objection to bringing all demolition material offsite; the updated plan shows 43' separation between the infiltration system and the adjacent property septic system; they will replace the sidewalk to its current condition after installation of water service.

R. Neely stated that he would like to see the new sidewalk untouched. E. Cassella stated that if the water comes from the south installing it without cutting the sidewalk will not be a problem but it may come from the north. C. Chadwick stated that the water line found on the south side may be an irrigation line. Members concurred that whatever connection is made, the sidewalk should not be touched.

C. Chadwick asked about the "second piece" shown on the plan. E. Cassella stated that the Van Itallies acquired this piece in about 1962 and it was transferred to Brostowski as part of the sale; the Goodwin and Knight parcel is in front of the Burgesses for transfer to Brostowski.

S. Boody stated that in item III on the application, "improved" should be "approved". E. Cassella stated that he will make the correction and initial it.

Members indicated that they were bothered by the house being raised without them seeing an application and asked to be notified in the future.

R. Neely stated that dumpsters used for the temporary storage of demolition material should be removed during the summer months and requested that this be made clear in the stipulation regarding demolition material.

C. Chadwick stated that the site should be made safe before work stops for the summer.

M. Ozols stated that the proposed stipulation regarding note 5 has been addressed on the revised site plan.

Members identified modifications to the proposed stipulations to address the concerns cited and discussed the review standards:

- a. Preservation of Landscape. No issues.
- b. Relation of Buildings and Structures to Environment. Minimal change in location is proposed. The building will be raised slightly from the original, but will be under the maximum height.
- c. Site Design. There is minimal disturbance to sensitive areas.
- d. Scenic Views. The pool fence will be within the proposed hedge; they are maintaining the 25' wide view corridor with no structure or planting taller than 4 feet.
- e. Buffer Areas. No issues.
- f. Water Quality and Drainage. This is covered in the proposed stipulations and with the installation of stormwater infiltration structures.
- g. Utilities. Electricity will be underground.
- h. Other Site Features. No issues.
- i. Natural and Historical Resources. No issues.

R. Neely asked for any further comments or questions from the Commission. Hearing none, the Commission proceeded to a vote.

Based on the presentation and discussion, **S. Boody moved that the Commission finds that the application for Site Plan and Coastal Site Plan Review to renovate the existing house, construct additions, install a pool, and perform associated site work at 15 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. The recently completed concrete sidewalk along the seawall is not depicted on the plan. It shall not be cut and any damage shall be repaired to the satisfaction of the Borough Engineer.
2. The location of the Connecticut Water Company main shall be verified and the proper location of the connecting water line depicted on the plan.
3. There shall be no change in property topography from what is depicted on the *Site Development Plan*.
4. There shall be no temporary on-site stockpiling of demolition debris. Any demolition debris/material, inclusive of the abandoned septic system shall be loaded directly into trucks or dumpsters for removal from the site. No demolition material shall be buried onsite.
5. Additional silt fence shall be installed if deemed necessary by the Zoning Enforcement Officer at the time of construction and the site shall be stabilized at all times in accordance with best management practices. Final stabilization shall be required prior to issuance of Zoning Compliance for a Certificate of Occupancy. If final grading, seeding, landscaping, and stabilization does not occur prior to work stoppage for the summer, the site shall be temporarily seeded and mulched for dust control during the summer months.
6. All stormwater items noted in T. Metcalf's letter dated March 2, 2024, including but not limited to the separating distance to the adjacent septic system, the detail for the Cultec Recharger, and the installation of inspection risers, shall be addressed to his satisfaction. All roof drainage shall be piped underground to the infiltration system and this shall be noted on the plan.
7. All exterior lighting shall comply with Section 4.5.1 of the Zoning Regulations.

8. Specifications for the generator and ac units shall be submitted prior to issuance of a zoning permit.
9. 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 and shall ensure that the site is safe and stable. The construction trailer and all dumpsters shall be removed from the site for the time period extending from July 1, 2024 to September 3, 2024 and prior to July 1, 2025.
10. A Permit to Discharge for the new septic system shall be submitted prior to final zoning compliance for a Certificate of Occupancy.
11. An existing conditions survey (including the buildings, pool, septic system, drainage structures, geothermal components, driveway and patio/terrace) with distances to property lines, certification of finished ridge elevation from natural grade, 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.
12. Revised plans shall be submitted to address the above conditions and the approved site plan shall be endorsed by the Commission chairman and filed on the Land Records of the Town of Old Saybrook. All deeds for the acquisition and merger of parcels indicated on the site plan shall be filed on the Old Saybrook Land Records before or concurrently with the Mylar.
13. In accordance with the adopted fee schedule, the applicant shall reimburse the Borough for all engineering fees prior to issuance of a zoning permit for construction and prior to issuance of zoning compliance for a Certificate of Occupancy. Reimbursement shall include all costs incurred to that point in time.

**F. Gilhool seconded the motion and it was approved unanimously.**

**Approved 4-0-0.**

For: Zubretsky, Neely, Boody, Gilhool  
 Against: None  
 Abstain: None

The record plans for this application are:

- *Site Development Plan Property of Maribeth P. Brostowski, 15 Pettipaug Avenue, Borough of Fenwick, Old Saybrook, CT* by Angus McDonald Gary Sharpe & Associates, dated January 26, 2024, rev. through 3/5/2024.
- *Landscape Plan* dated 10/16/2023, rev. 2/26/2024
- *The Brostowski Cottage, 15 Pettipaug Avenue, Fenwick, Old Saybrook, CT* by Brooke Girty Design
  - *First Floor Plan*, sheet A1, dated September 26, 2023, rev.12/5/23
  - *First Floor Plan* (showing second floor plan), sheet A2, dated September 26, 2023
  - *Elevations* (south & east), sheet A3, dated July 27, 2023, rev. 10/15/23
  - *Elevations* (north & west), sheet A4, dated July 27, 2023, rev. 10/15/23

C. Chadwick resumed his seat at this time.

#### **4. 4 Shore Resiliency Plan and Old Saybrook / Fenwick Hazard Mitigation Plan. Status Update.**

M. Ozols stated that both the Resiliency Plan and the Hazard Mitigation Plan are proceeding on schedule. There was a public information meeting for the Hazard Mitigation Plan on February 7; the next one is on May 15. The consultants are pulling together the information and meeting with staff and the steering committee on a regular basis. The consultants are distilling all of the information for the Resiliency Plan and meeting regularly with the executive committee. The next public information meeting is also scheduled for spring. She reminded members that the 4 Shore Resiliency website remains active for both information and comments.

Members noted some difficulty with adding items to the website. M. Ozols stated that they can also email items to her and she will forward them to the consultants. Commissioners also noted how much longer than it used to that water is staying next to Route 154.

B. Baird, Borough representative for both plans, stated that the consultants are doing an excellent job; he and M. Ozols are identifying issues and providing pictures; the four towns working together on the Resilience Plan are creating a more effective document.

C. Chadwick indicated that there may be some misplaced icons in the asset maps. M. Ozols stated that the maps have not been proofed locally yet and she will check this.

5. **Approval of Minutes** of previous meeting: Planning & Zoning/Inland Wetlands – January 3, 2024.

**R. Neely moved to accept the Borough of Fenwick Planning and Zoning Commission minutes for the January 3, 2024 meeting as submitted. R. Zubretsky seconded the motion and it was approved unanimously.**

**Approved 5-0-0**

For: Chadwick, Zubretsky, Neely, Boody, Gilhool

Against: None

Abstain: None

## 6. **Staff Report.**

M. Ozols reported that

- The next site plan applications she anticipates are for 52 Sequassen Avenue (Schmitt) to relocate the house farther from the water and most likely 21 Neponset (formerly Sbriglio, now Robertson).
- C. Chadwick asked about the seawall at 16 Wilson Avenue. M. Ozols stated that the Mylar has been filed and they expect to start work in late April based on the lead time necessary for obtaining materials.
- Members asked about the work starting at 15 Pettipaug prior to P&Z approval. M. Ozols stated that they are proceeding at their own risk but that P&Z's jurisdiction has to do with what is constructed rather than with what is removed; whatever is built must comply with Zoning Regulations and be approved by P&Z; she agreed in the future to let Commission members know when there is significant activity on a site prior to P&Z action.
- F. Gilhool expressed concern that 28 Fenwick received a variance rather than be made compliant. M. Ozols stated that ZBA granted the variance based on the fact that the front and side yards were significantly more compliant than they had been.

7. **Current Litigation:** 9 Pettipaug, LLC and Eniotna, LLP v Planning & Zoning Commission for the Borough of Fenwick. Executive Session anticipated.

C. Chadwick stated that no executive session is needed and that the Supreme Court has not yet issued its decision. He urged members to watch the video of the Supreme Court hearing.

## 8. **Adjournment.**

**At 5:09 p.m., it was moved by C. Chadwick and seconded by F. Gilhool to adjourn the meeting. The motion passed unanimously.**

Respectfully submitted,

Marilyn Ozols, Acting Secretary