

**BOROUGH OF FENWICK
PLANNING AND ZONING COMMISSION
INLAND WETLANDS AGENCY
SPECIAL MEETING
SEPTEMBER 18, 2023
MINUTES**

Present in Person: Chuck Chadwick – Chair (arrived prior to presentation of applications), Rick Neely, Marilyn Ozols – ZEO.

Present via Zoom: Sallie Boody, Frank Gilhool (Alternate), Jonathan Keller (Alternate).

Absent: Robin Zubretsky, Bill Christensen.

Members of Public: Attorney E. Cassella, Stephen & Polly Carta.

via Zoom: JD & Kathy Rehm.

1. Call to Order.

S. Boody called the meeting to order at 4:06 p.m. and seated F. Gilhool and J. Keller as voting members. A quorum was established (Neely, Boody, Gilhool, Keller).

The agenda was taken out of order to allow time for the Chairman to arrive.

5. 4 Shore Resiliency Plan and Old Saybrook / Fenwick Hazard Mitigation Plan.

M. Ozols stated that work is continuing on the Old Saybrook, Fenwick, Westbrook, Clinton Resiliency Plan, which will identify concerns and provide conceptual plans for 3-4 projects in each municipality plus 2 regional projects. The consultant is Colliers Engineering from Madison, and Bruce Baird is the Fenwick Representative on the Executive Committee which meets with the consultant twice monthly. Two more informational meetings are scheduled: a virtual community workshop Tuesday, September 26 at 6:30 p.m. and an Old Saybrook/Fenwick workshop at the Old Saybrook Middle School on Tuesday, October 10 at 6:30 p.m. There will also be a pop-up at the Old Saybrook Arts & Crafts Fair on September 30 from 12:00 to 4:00 in front of The Kate. There is also an interactive website: 4ShoreResiliency.com. Please visit the site for more information, to sign up for updates, and to add information.

Additionally, Old Saybrook is updating the Old Saybrook / Borough of Fenwick Hazard Mitigation Plan. The update is involving Fenwick as an equal partner from the start rather than as an afterthought. GZA, who did the original plan, is doing the update. The kick-off meeting for that is at the Old Saybrook Planning Commission meeting this Wednesday, September 20 at 6:30 in the first floor conference room at Town Hall.

6. Approval of Minutes of previous meeting: Planning & Zoning/Inland Wetlands – December 20, 2022.

R. Neely moved to accept the Borough of Fenwick Planning and Zoning Commission minutes for the December 20, 2022 meeting as submitted. S. Boody seconded the motion and it was approved unanimously.

Approved 4-0-0

For: Neely, Boody, Gilhool, Keller

Against: None

Abstain: None

7. Staff Report.

M. Ozols reported that

- The resiliency and hazard mitigation plans are a major part of what she has been doing.

- Two additional site plan applications are anticipated in the near future: 15 Pettipaug Avenue renovations and 16 Wilson Avenue seawall repair.
- The statutes require an initial four hours, one of which is on affordable housing, and then four more hours once every four years. Reporting is on the honor system so if members attend something other than this Thursday, they should let her know so she can keep track.

The municipal official training this Thursday at 4:00 will satisfy 3 of the 4 required hours of land use commissioner training. The first hour will emphasize land use and the next two hours will be more generally applicable. The meeting will be recorded for people who need to “attend” at a different time. Staff will work on setting up something to cover the requirement for one hour on affordable housing. Additional online options are available at the UCONN CLEAR website and an in person option has been announced by CLEAR for October 28.

At this time Chairman Chadwick arrived.

2. **ZSP23-001. 19 Neponset Avenue, map 11, lot 14.** J. D. Rehm, Trustee, owner; E. Cassella, applicant; Site Plan / Coastal Site Plan application to reconfigure and remodel existing house, add ac units, and modify site improvements.

Attorney Cassella presented. He submitted a site plan revised to August 28, 2023 and noted that JD and Kathy Rehm were present via Zoom. He oriented the Commission on the site plan and pointed out the shaded areas where modifications are proposed. He stated that the proposal is to eliminate an existing deck to reduce coverage in order to construct an addition on the south side of the building; a concrete apron is proposed on the west side; the lot is 20,000 square feet, which is conforming; all work complies with setback requirements; a variance was granted for coverage because, although the coverage is reduced, it exceeds 15%; and the design has been reviewed by HDC. Relative to the Coastal Site Plan, he stated that the lot is sandwiched between Neponset and Sequassen Avenues which separate it from the wetlands beyond each road so there is no direct coastal resource impact; the net decrease in coverage is an improvement from a stormwater perspective; a new septic system and additional galleries are proposed; it is not in a flood zone or within 50 feet of any coastal resource; and silt fence will be installed in the area of major construction. Finally, he identified the new construction on the elevation drawings.

In response to a question from S. Boody, it was clarified that the bluestone patio will be loose laid and the driveway will not be paved. The ac pad will be cement and vegetative screening is shown on the revised plan.

M. Ozols reviewed the proposed stipulations and Attorney Cassella indicated that the applicant had no objections to any of them.

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

Based on the presentation and discussion, **R. Neely moved that the Commission finds that the application for Site Plan and Coastal Site Plan Review to reconfigure and remodel the existing house, add ac units, and modify site improvements at 19 Neponset 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, 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.**
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. 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.
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.

S. Boody seconded the motion and it was approved unanimously.

Approved 5-0-0

For: Chadwick, Neely, Boody, Gilhool, Keller

Against: None

Abstain: None

The record plans for this application are:

- *Site Development Plan, Property of Jack D. Rehm, Trustee, 19 Neponset Avenue, Old Saybrook, Connecticut* by Angus McDonald Gary Sharpe & Associates, Inc. dated August 17, 2023, revised 8/28/2023.
- *The Rehm residence, 19 Neponset Ave, Fenwick, Old Saybrook, CT*, by Brooke Girty Design
 - Proposed Floor Plans (foundation), Sheet A0 dated April 26, 2023, rev. 6/28/23
 - Proposed Floor Plans (first floor), Sheet A1 dated April 26, 2023, rev. 6/28/23
 - Proposed Floor Plans (second floor), Sheet A2 dated April 26, 2023, rev. 8/15/23
 - Proposed Floor Plans (attic), Sheet A3 dated April 26, 2023, rev. 8/16/23
 - Sections and Elevations, Sheet A4 dated 5/23/23, rev. 7/16/23
 - Sections and Elevations, Sheet A5 dated 5/23/23, rev. 7/16/23
 - Sections and Elevations (west & south), Sheet A6 dated 5/23/23, rev. 7/16/23
 - Sections and Elevations (east & north), Sheet A7 dated 5/23/23, rev. 7/16/23

3. **ZSP23-002. 10 Pettipaug Avenue, map 10, lot 38.** J. Girty, owner; E. Cassella, applicant; Site Plan / Coastal Site Plan application to remove detached garage, add attached garage, reconfigure and remodel existing house, add ac units, and modify site improvements.

Attorney Cassella presented. He submitted a site plan revised to August 28, 2023 and introduced Stephen and Polly Carta, the current owners, stating that at the time of application, Jennifer Girty was the owner and that is how it is listed on the agenda, but she conveyed it to the Cartas on September 8. He oriented the Commission on the site plan and stated that a variance was obtained from ZBA because, although the coverage was reduced, it exceeds 15%; all proposed work complies with setback requirements; it is a long narrow lot stretching between Pettipaug Avenue on the south to Agawam Avenue on the north; there is currently a detached garage off of Agawam Avenue, but the house fronts on Pettipaug Avenue; the renovations include “nipping and tucking”: centering the front stairs, a new entryway, a garage off the back partially incorporated into the existing structure, new ac units with screening, a dry laid bluestone patio on the east side, a 2 story addition in the area of the existing deck, and a portion of the existing covered porch enclosed to create an entryway.

Relative to the Coastal Site Plan, Attorney Cassella stated that the site is bounded by Pettipaug Avenue/residential properties and Agawam Avenue/golf course and does not abut coastal resources; it is not in a flood zone; and there will be a new septic system. Continuing to address the improvements, he

indicated that all utilities will be underground; the existing well will remain for irrigation purposes but the house will be connected to public water; and electricity will be underground from the Agawam Avenue side.

Relative to staff comments, he noted the following changes to the plan: the words “private road” removed; the existing well indicated to be for irrigation only; the existing ac indicated to be removed; vegetative screening shown for the new ac; and utilities indicated to be underground. He added that the applicant also wishes to remove the maple tree adjacent to the garage and utility pole as well as the apple trees along Agawam Avenue. They are not in good condition and will be replaced by new plantings in better locations. Finally, he pointed out the changes on the elevation drawings.

S. Boody stated that she is the owner of a small portion of a house on the north side of Agawam Avenue but does not feel that she needs to recuse herself.

Members asked about the number of bedrooms noted on the plans. M. Ozols stated that the Health Department reviews the plans to determine the number of bedrooms as defined in the Public Health Code in order to determine septic requirements and that is the number shown on the plans. Attorney Cassella confirmed that CRAHD deemed this to be a five bedroom house even though some of the rooms are not identified as bedrooms.

In response to a question from R. Neely, Attorney Cassella pointed out the areas of the existing garage and the new driveway. He indicated that the process stone driveway will continue through to Pettipaug Avenue in the area where a driveway currently exists; that the curb cuts are already in place; and that there is no regulation limiting the number of curb cuts. The Commission discussed the driveway and it was noted that driveways are not required to meet the setbacks for structures and there are other drive through driveways in the Borough.

In response to a question from C. Chadwick, Attorney Cassella pointed out the setbacks, which along the sides are 10 feet, the minimum required.

M. Ozols reviewed the proposed stipulations and Attorney Cassella indicated that the applicant had no objections to any of them.

C. Chadwick reminded the applicant that the contractor should make every effort to coordinate electric company trenching in the roadway with any Borough work on the roads.

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

Based on the presentation and discussion, **R. Neely moved that the Commission finds that the application for Site Plan and Coastal Site Plan Review to remove the detached garage, add an attached garage, reconfigure and remodel the existing house, add ac units, and modify site improvements at 10 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. Utilities shall be underground.**
- 2. The maple tree adjacent to the CL&P pole to be removed and the apple trees along Agawam Avenue shall be designated to be removed consistent with the presentation.**
- 3. 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.**
- 4. Additional silt fence shall be installed if deemed necessary by the Zoning Enforcement Officer at the time of construction.**
- 5. All exterior lighting shall comply with Section 4.5.1 of the Zoning Regulations.**

6. 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.
7. 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.
8. 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.
9. 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.

S. Boody seconded the motion and it was approved unanimously.

Approved 5-0-0

For: Chadwick, Neely, Boody, Gilhool, Keller

Against: None

Abstain: None

The record plans for this application are:

- *Site Development Plan Property of Jennifer W. Girty, 10 Pettipaug Avenue, Borough of Fenwick, Old Saybrook, CT* by Angus McDonald Gary Sharpe & Associates, dated August 15, 2023, revised 8/28/2023.
- *The Carta Cottage, 10 Pettipaug Avenue, Fenwick, Old Saybrook, CT* by Brooke Girty Design
 - Proposed Floor Plans (first floor), sheet A1, dated August 15, 2023
 - Proposed Floor Plans (second floor, tower), sheet A2, dated August 15, 2023
 - Proposed Elevations (south & east), sheet A3, dated August 15, 2023
 - Proposed Elevations (north & west), sheet A4, dated August 15, 2023
 - Existing Floor Plans (first floor), sheet Ex1a, dated July 14, 2023, rev. 8/17/23
 - Existing Floor Plans (first floor), sheet Ex1b, dated July 14, 2023, rev. 8/17/23
 - Existing Floor Plans (second floor), sheet Ex2, dated July 14, 2023, rev. 8/17/23
 - Existing Elevations (south & east), sheet Ex3, dated July 14, 2023, rev. 8/17/23
 - Existing Elevations (north & west) sheet Ex4, dated July 14, 2023, rev. 8/17/23

4. Election of Officers.

C. Chadwick reviewed the current officers.

R. Neely moved to nominate S. Boody as Secretary of both the Planning and Zoning Commission and the Inland Wetlands Agency. C. Chadwick seconded the motion and Sallie Boody was elected unanimously.

Approved 5-0-0

For: Chadwick, Neely, Boody, Gilhool, Keller

Against: None

Abstain: None

C. Chadwick moved to nominate R. Neely as Vice Chairman of both the Planning and Zoning Commission and the Inland Wetlands Agency. S. Boody seconded the motion and Rick Neely was elected 5-0-0.

Approved 5-0-0

For: Chadwick, Neely, Boody, Gilhool, Keller

Against: None

Abstain: None

S. Boody moved to nominate C. Chadwick as Chairman of both the Planning and Zoning Commission and the Inland Wetlands Agency. R. Neely seconded the motion and C. Chadwick was elected 5-0-0.

Approved 5-0-0

For: Chadwick, Neely, Boody, Gilhool, Keller

Against: None

Abstain: None

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

S. Boody moved to go into executive session to discuss current litigation at 5:05 p.m. and invite M. Ozols to attend. F. Gilhool seconded the motion and it was approved unanimously.

Approved 5-0-0

For: Chadwick, Neely, Boody, Gilhool, Keller

Against: None

Abstain: None

S. Boody moved to come out of executive session at 5:13 p.m. R. Neely seconded the motion and it was approved unanimously.

Approved 5-0-0

For: Chadwick, Neely, Boody, Gilhool, Keller

Against: None

Abstain: None

No actions were taken in the executive session.

8. **Adjournment.**

At 5:14 p.m., it was moved by R. Neely and seconded by F. Gilhool to adjourn the meeting. The motion passed unanimously.

Respectfully submitted,
Marilyn Ozols, Acting Secretary