

**BOROUGH OF FENWICK
PLANNING AND ZONING COMMISSION
INLAND WETLANDS AGENCY
SPECIAL MEETING
JANUARY 3, 2024
MINUTES**

Present in Person: Chuck Chadwick – Chair, Robin Zubretsky, Marilyn Ozols – ZEO.

Present via Zoom: Rick Neely, Bill Christensen.

Absent: Sallie Boody, Jonathan Keller (Alternate), Frank Gilhool (Alternate).

Members of Public: **in person:** None.
via Zoom: Mark Shenkman.

1. Call to Order.

C. Chadwick called the meeting to order at 4:04 p.m. A quorum was established (Chadwick, Neely, Zubretsky, Christensen).

- 2. ZSP23-003. 16 Wilson Avenue, map 5, lot 104.** Mark Shenkman, owner and Borough of Fenwick, owner; Marine Dredging and Construction LLC, applicant; Site Plan / Coastal Site Plan application to reinforce existing seawall and extend sheeting underground 40' to the east.

C. Chadwick stated that no engineering report was received, but the first part of the application for the seawall repair had been reviewed and permitted by DEEP. The Commission agreed to consider the two parts of this application separately.

M. Shenkman stated that when he purchased the property in 2003, there was a 2' wall with very little below grade structure; they built the current seawall with only about 2' below grade; the water table and surf have been creating serious cracks and degrading the below grade structure; the house is only about 35' from the wall and the wall also protects the septic system; the wall will not withstand many more storms without crumbling from underneath. He added that the proposal is for the repair to be in front of the wall; it will go down about 10' below grade and extend about 2' above grade; the actual depth will be determined by the contractor at the time of construction; the space between the existing wall and the new construction will be concrete; the work will be permanent, not temporary.

C. Chadwick noted that the consultant described several scenarios in the DEEP application and recommended this repair option; the Borough has reviewed and approved the area of repair that will be on Borough property.

M. Shenkman stated that the proposed extension does not actually affect his property but is meant to address storm surges into the marsh and onto the golf course; there is a berm on the marsh side of his property that protects his house; Sandy pushed sand into the marsh. C. Chadwick added that in recent storms, the water leaving the marsh has eroded the beach as it exited.

M. Shenkman clarified that the reinforcement proposal can stand on its own if the extension is not done at this time; there is some cost savings by doing them together. M. Ozols added that it stood on its own in the application to DEEP.

C. Chadwick reviewed the site plan standards: a. Preservation of Landscape; b. Relation of Buildings and Structures to Environment; c. Site Design; d. Scenic Views; e. Buffer Areas; f. Water Quality and Drainage; g. Utilities; h. Other Site Features; i. Natural and Historical Resources. The Commission found that the proposal complied with them.

M. Ozols reviewed the proposed stipulations. M. Shenkman indicated that he was aware of them and had no issues with them.

Seawall Repair.

C. Chadwick asked for any further comments or questions from the Commission on the repair portion of the application. 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 repair and reinforce the seawall at 16 Wilson Avenue, with the stipulations noted, is consistent with the goals and policies of the CT Coastal Management and the Shoreline Flood and Erosion Control Structure Consistency Checklist, 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. All work shall be consistent with CT DEEP COP 202304985.**
- 2. 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.**
- 3. 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.**
- 4. An existing conditions survey shall be submitted prior to issuance of zoning compliance. All surveys and certifications shall be prepared by a licensed surveyor.**
- 5. 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.**
- 6. 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.**

R. Zubretsky seconded the motion and it was approved unanimously.

Approved 4-0-0

For: Chadwick, Neely, Zubretsky, Christensen

Against: None

Abstain: None

Seawall Extension.

The Commission further discussed the proposed extension noting that they would like to see something done in this area in cooperation with the Borough; they would like to better understand if there will be any impact on the adjacent property; and that this may be a good solution but there is not enough information at this time. C. Chadwick stated that there is precedent for a private property owner doing work on Borough property – when S. Jones repaired his seawall, the work extended onto Borough property.

Based on the presentation and discussion, **R. Neely moved that the Commission finds that the application to construct a 40' below grade easterly extension to the seawall at 16 Wilson Avenue is not consistent with the goals and policies of the CT Coastal Management Act and the Shoreline Flood and Erosion Control Structure Consistency Checklist, and that the applicant has not provided sufficient engineering data to indicate that the proposed wall will function for the purpose intended and will not accelerate erosion easterly of the extension, and denies the application for Site Plan and Coastal Site Plan Review.**

R. Zubretsky seconded the motion and it was approved unanimously.

Approved 4-0-0

For: Chadwick, Neely, Zubretsky, Christensen

Against: None

Abstain: None

The Commission noted that they are open to considering a reapplication with more detail at any time. M. Ozols stated that she anticipates that there will be a future application by the Borough in cooperation with M. Shenkman for this location.

The record plans for this application are:

- *Coastal Site Plan Existing Conditions, Shenkman Property, 16 Wilson Avenue, Old Saybrook, CT*, by Coastline Consulting & Development, dated 11/8/2023, sheet 1 of 2
- *Coastal Site Plan Existing Conditions, Shenkman Property, 16 Wilson Avenue, Old Saybrook, CT*, by Coastline Consulting & Development, dated 11/8/2023, sheet 2 of 2

3. **4 Shore Resiliency Plan and Old Saybrook / Fenwick Hazard Mitigation Plan.**

M. Ozols stated that both the Resiliency Plan and the Hazard Mitigation Plan are proceeding on schedule. She suggested that members go to the 4 Shore Resiliency website for more information or to provide comments.

4. **Approval of Minutes** of previous meeting: Planning & Zoning/Inland Wetlands – September 18, 2023.

R. Zubretsky moved to accept the Borough of Fenwick Planning and Zoning Commission minutes for the September 18, 2023 meeting as submitted. B. Christensen seconded the motion and it was approved unanimously.

Approved 4-0-0

For: Chadwick, Neely, Zubretsky, Christensen

Against: None

Abstain: None

5. **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 (Brostowski) renovations and 28 Fenwick Avenue (Munn) renovations.
- The statutes require Commissioners to have an initial four hours of training, one of which is on affordable housing, and then four more hours once every four years. Reporting is on the honor system. Currently, Chuck, Rick, Sally, and Frank have 3 hours from Attorney Zizka's presentation. Nothing is recorded for Bill or Jonathan. Robin is the only one with credit for the one hour on affordable housing. A session on affordable housing is scheduled with Mike Zizka on Saturday, January 13 at 10:00 which will satisfy the affordable housing requirement. There is also an online version on the UCONN CLEAR website along with other training modules.

C. Chadwick asked M. Ozols to email reminders of the meeting and requirements to all members.

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

C. Chadwick stated that he had attended the CT Supreme Court arguments on December 11 and he reported on the session.

7. **Adjournment.**

At 4:53 p.m., it was moved by B. Christensen and seconded by R. Neely to adjourn the meeting. The motion passed unanimously.

Respectfully submitted,
Marilyn Ozols, Acting Secretary