

**BOROUGH OF FENWICK
PLANNING AND ZONING COMMISSION
INLAND WETLANDS AGENCY
SPECIAL MEETING
TUESDAY, JULY 12, 2016**

MINUTES

Present: Chuck Chadwick – Chair, Sallie Boody, Art Wright, Rosalind Shenkman, T. Van Itallie, Marilyn Ozols – ZEO.

Absent: Bill Christensen, Rick Neely.

Members of Public: Penfield Jarvis. .

1. Call to Order.

C. Chadwick called the meeting to order at 5:00 p.m. and appointed T. Van Itallie to sit as a voting member. A quorum was established (Chadwick, Boody, Wright, Shenkman, Van Itallie).

- 1. Public Hearing: ZSpP16-001, 106 Sequassen Avenue, map 11, lot 20.** Anne & Penfield Jarvis, owners and applicants; Special Permit and Coastal Site Plan Review application to replace existing on-grade wooden walkway with bluestone walkway in same location within 50' coastal resource buffer.

P. Jarvis presented. He apologized for getting the project backwards and explained that he had replaced the existing wooden walkway because the boards were warped, sticking up, and had floated around in the last storm, and it had harbored ticks and mice. The replacement is bluestone so that it will not float, rot, or create slivers. He noted that the new walk does not extend as far into the dune as the old one; that the old walk had plastic sheeting under it to prevent the growth of grass and the new one has a semi-permeable material under it; that the stone is placed and not cemented; and that the only maintenance is sweeping and trimming of the grass immediately adjacent in order to help keep ticks away.

T. Van Itallie noted that the walkway extends partially up towards the crest of the dune on the landward side. Considering that the walkway footprint has not changed and the walkway does not extend to the crest, members determined that it should not affect the migration of sand on the dune. Additionally, it was determined that there is no change in impact on the dune grass, and this small impervious area surrounded by sand will have no appreciable impact on runoff.

No members of the public were present.

After members discussed the application with the applicant, Chairman Chadwick closed the public hearing.

2. Possible Action on Application ZSpP16-001, 106 Sequassen Avenue.

Members briefly discussed permeable surfaces and agreed that it was not an issue in this instance but that they might want to consider addressing it in the Regulations at some time in the future.

Members applied the Site Plan Review Standards in the Regulations:

a. Preservation of Landscape. *The new walkway is an improvement relative to the old walkway and has the advantage of not departing its location in a storm; it was a replacement in kind and there was no disturbance of adjoining land.*

b. Relation of Buildings and Structures to Environment. *Complies.*

c. Site Design. *Complies.*

d. Scenic Views. *No impact.*

e. Buffer Areas. *No effect.*

f. Water Quality and Drainage. *No effect.*

g. Utilities. *Not applicable.*

h. Other Site Features. *Not applicable.*

i. Natural and Historical Resources. *Not in HDC jurisdiction; not visible from a public way.*

It was noted that these standards were drafted to incorporate provisions of the Coastal Management Act and that no adverse impacts requiring mitigation were identified.

Based on the discussion in and following the hearing, **S. Boody moved that the Commission finds that the application for Special Permit and Coastal Site Plan Review to replace the existing on-grade wooden walkway with a bluestone walkway in the same location at 106 Sequassen Avenue, 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 documents submitted. R. Shenkman seconded the motion and it was approved unanimously.**

Approved 5-0-0.

For: Chadwick, Boody, Wright, Shenkman, Van Itallie.

Against: None.

Abstain: None.

3. Election of Officers.

As this was the annual organizational meeting, C. Chadwick reviewed the by-laws with members prior to proceeding with the election of officers. The term “from the floor” should be reviewed.

S. Boody moved to nominate C. Chadwick as Chairman of both the Planning and Zoning Commission and the Inland Wetlands Agency. T. Van Itallie seconded the motion and C. Chadwick was elected 4-0-1.

For: Boody, Wright, Shenkman, Van Itallie.

Against: None.

Abstain: Chadwick.

S. Boody moved to nominate A. Wright as Vice Chairman of both the Planning and Zoning Commission and the Inland Wetlands Agency. T. Van Itallie seconded the motion and A Wright was elected 4-0-1.

For: Chadwick, Boody, Shenkman, Van Itallie.

Against: None.

Abstain: Wright.

R. Shenkman moved to nominate S. Boody as Secretary of both the Planning and Zoning Commission and the Inland Wetlands Agency. T. Van Itallie seconded the motion and S. Boody was elected unanimously.

For: Chadwick, Boody, Wright, Shenkman, Van Itallie.

Against: None.

Abstain: None.

4. Proposed Amendments to Zoning Regulations.

Members discussed the proposed new definition for *Utility Platform*; revised definition for *Lot Coverage*; proposed changes to Sections 4.3.13, 5.3.4, and 6.93; and technical corrections to Sections 4.3.1, 4.5.6, and 5.2.3.

Modifications were made to the proposed new section addressing Home Occupations and it was noted that the intent is to allow “work at home” but not businesses that create traffic, add employees, or impact neighbors; that the reference to “customers or clients” is what differentiates a tag sale from a trunk show; that there was no concern with building modifications; and that the floor space limitation keeps the home occupation from becoming the principal use and is more than the 25% found in many regulations. The handicapped ramp section has been proposed at the request of the ZBA so that there could be a mechanism other than a variance to address what they expect will be an increasing need. After discussion of the need to include provisions for utility platforms, members agreed to bring it to public hearing for additional input. The public hearing will be scheduled for the next meeting, which is expected to be in August.

The Commission considered requirements for corner monumentation and view protection. Members did not see a need to address requiring corner monumentation noting that surveys filed on the Land Records can be reviewed and monumentation appears to be for the convenience of the property owner who can choose to have monuments installed. Additionally, there was a question as to which types of applications might trigger the requirement. Relative to view protection, they noted that Section 5.3.2 provides opportunities for views to the water consistent with the Coastal Management Act but the enabling legislation for Zoning does not include the ability to protect private views.

5. Plan of Conservation and Development.

State statutes require each municipality’s Plan of Conservation and Development (POCD) to be updated at least every ten years. The Borough of Fenwick’s POCD is due to be updated in 2017. The process prescribed by statute spans several months and includes at least one public hearing and referrals to the Burgesses and other agencies. Changes in statutory requirements will likely require some modifications to the current POCD. Members will review the existing document and statutory requirements, as well as plans from other Boroughs prior to the next meeting.

6. Approval of Minutes of previous meeting: Planning & Zoning/Inland Wetlands – May 31, 2016.

S. Boody moved to accept the Borough of Fenwick Planning and Zoning Commission minutes for the May 31, 2016 meeting as written. T. Van Itallie seconded the motion and it was approved unanimously.

Approved 5-0-0.

For: Chadwick, Boody, Wright, Shenkman, Van Itallie.

Against: None.

Abstain: None.

8. Staff Report.

M. Ozols reported that

- An application is anticipated for 6-8 Neponset (Davis); she hopes to start work right after Labor Day. Gagne has submitted a building permit application and should be set to start work after Labor Day.
- A Piece of Paradise has submitted a ZBA application to enclose porches and extend construction above existing one-story portions of the house at 6 Mohegan. The existing construction has been

rendered legal non-conforming by the current regulations and so they will now be expanding a non-conforming structure into the Coastal Resource and CJL setbacks.

- The Training Session with Attorney Zizka will likely be scheduled for Saturday, July 30 at 9:00 a.m.

7. Other Business.

Members inquired about cabana type tents on beachfront properties. M. Ozols will investigate.

8. Adjournment.

At 6:58 p.m., it was moved by A. Wright and seconded by R. Shenkman to adjourn the meeting. The motion passed unanimously.

Respectfully submitted,

Marilyn Ozols, Acting Secretary