

**BOROUGH OF FENWICK
PLANNING AND ZONING COMMISSION
INLAND WETLANDS AGENCY
SPECIAL MEETING
TUESDAY, MAY 15, 2018
MINUTES**

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

Absent: Rick Neely (Alternate), Ann Pulver (Alternate).

Members of Public: Jamie Gay, Ed Cassella, Jim McClure, Bill and Sue Webster.

1. Call to Order.

C. Chadwick called the meeting to order at 5:00 p.m. A quorum was established (Chadwick, Wright, Boody, Van Itallie, Christensen).

A motion was made by A. Wright to move Item 3 on the agenda before Item 2. S. Boody seconded the motion and it was approved unanimously.

Approved 5-0-0

For: Chadwick, Wright, Boody, Van Itallie, Christensen.
Against: None.
Abstain: None.

3. ZSP18-002, 100 Sequassen Avenue, map 11, lot 17 (portion). Sequassen LLC, owner and applicant. Site Plan and Coastal Site Plan Review for new single-family dwelling.

E. Cassella, representing Frank Sciamie and his entity, Sequassen LLC, presented. He stated that the application is to establish a lot at 100-2 Sequassen Avenue on a portion of the strip of land that was 100 Sequassen. It is an application for Site Plan / Coastal Site Plan schematic approval to determine that the lot is capable of accommodating a single-family dwelling. He added that it is likely that the house shown will never be built; rather the Commission will see an application for a different house in the future. He reviewed the site plan that was submitted noting that it also shows the lots at 102a and b, but the application is only for the new lot at 100-2 Sequassen. He added that the existing developed lot at 100 Sequassen is owned by Rosenthal Trustees and that 100-3 consists of beach and dune and is not a building lot. He reiterated that the application before the Commission is only for Site Plan / Coastal Site Plan Review of 100-2 Sequassen Avenue.

In response to further questions, E. Cassella clarified that 100 Sequassen was all one lot; it has been divided into three parcels; a schematic house has been shown on 100-2; they have shown that the house will meet FEMA requirements; they have provided an analysis of stormwater information in the CAM narrative; CRAHD has signed off on both lots; the Zoning Data Table shows that the new lot meets all zoning requirements; and the lot is 20,000 square feet, not 20,000± - since it is not a waterfront lot where the boundary line changes, the exact size has been computed. He distributed copies of an aerial photograph to clarify the location.

T. Van Itallie inquired as to whether, in order to create this lot, there were changes in any of the other lots shown on the site plan. E. Cassella responded that there were not. He reviewed the changes shown for 102a and 102b, which he stated were made to accommodate those two lots and have received no approvals. M. Ozols noted that one of the proposed stipulations will require that all references to 102 Sequassen be removed from the plan.

C. Chadwick inquired about access to adjacent lots. E. Cassella stated that the pre-existing driveways are shown on the plan but no legal representation is made as to their status. He added that there is a deeded access to the Rosenthal lot.

A. Wright inquired as to whether the Rosenthal lot is compliant and M. Ozols replied that it is.

T. Van Itallie inquired as to the flood zone. E. Cassella stated that the property is in an AE11 zone; M. Ozols added that it is also a Coastal Barrier Zone. She noted that compliance with all flood ordinance requirements prior to issuance of a zoning permit is included as one of the proposed stipulations.

C. Chadwick noted that the schematic is not as complete as would normally be required and asked the ZEO if she is comfortable that there is sufficient information presented to address future applications. M. Ozols replied that with the stipulations recommended, there should not be a problem.

T. Van Itallie expressed concern about the assumption that the property is 20,000 square feet, asked if there had been similar schematic applications in the past, and expressed concern that this will be a very dense area. M. Ozols stated that the lot size will be certified on the plan by the engineer and that the Commission has previously argued in court that this is the mechanism to approve a building lot in the Borough. Commission members expressed the opinion that there are other similarly dense areas in the Borough and if the lot meets the minimum size, density should not be a consideration.

C. Chadwick reviewed the engineering comments from T. Metcalf.

M. Ozols reviewed the proposed stipulations. E. Cassella stated that the applicant has no objection to any of the conditions proposed.

A. Wright reviewed the Site Plan Review Standards, noted particularly the sections on scenic views and buffer areas. Commission members concurred that there were no issues.

C. Chadwick asked if there were any additional comments or questions. There were none.

Based on the discussion, **a motion was made by S. Boody that the Commission finds that the application for Site Plan and Coastal Site Plan Review to construct a single-family dwelling on the front parcel at 100 Sequassen 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 stipulations indicated. Additionally, the Commission confirms that this parcel is deemed a building lot:**

- 1. No approval is given to the Lot Line Modification Plan for 102a and 102b Sequassen Avenue submitted with this application.**
- 2. Lot 3 is not a building lot. The parcel is composed entirely of coastal dune and beach. A notation shall be added to the plan to indicate that this is not a building lot.**
- 3. The applicant shall verify that Lot 1 is at least 20,000 square feet, not 20,000 plus or minus and shall correct the zoning date table to reflect this.**
- 4. The first floor elevation shall be shown on the plan as 12 or greater. No Zoning Permit for construction shall be issued until the applicant submits plans showing all proposed construction to be in compliance with the Borough's Ordinance Concerning Flood Plain Construction Zone Regulations.**
- 5. There shall be no temporary on-site stockpiling of construction debris. Any construction debris shall be loaded directly into trucks or dumpsters for removal from the site. No material shall be buried onsite.**
- 6. No topography is depicted on the *Site Development Plan*. Existing topography shall be depicted on the site plan submitted for a Zoning Permit and there shall be no change in that topography without prior approval.**
- 7. Silt fence shall be installed if deemed necessary by the Zoning Enforcement Officer at the time of construction.**
- 8. All exterior lighting shall comply with Section 4.5.1 of the Zoning Regulations.**

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.**
10. **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.**
11. **A revised plan shall be submitted showing only the lots at 100 Sequassen Avenue. This plan shall address the above conditions and shall remove all references to 102 Sequassen Avenue. This approved plan shall be endorsed by the Commission chairman and filed on the Land Records of the Town of Old Saybrook.**
12. **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.**

A. Wright seconded the motion and it was approved unanimously.

Approved 5-0-0

For: Chadwick, Wright, Boody, Van Itallie, Christensen.
Against: None.
Abstain: None.

The record plans for this application are:

- *Overall Site Plan Prepared for Sequassen LLC 100-2 Sequassen Avenue* by Indigo Land Design, dated April 17, 2018, Sheet 1 of 2
- *Notes & Zoning Data Table Prepared for Sequassen LLC 100-2 Sequassen Avenue* by Indigo Land Design, dated April 17, 2018, sheet 2 of 2
- *Prepared for Sequassen, LLC, 100, 102A & 102 Sequassen Avenue, Map 11 Lots 17, 18 & 18-1* by Indigo Design dated March 9, 2018
 - *Lot Line Modification Plan*, sheet 1 of 3
 - *Enlarged Site Plan and Zoning Data Tables*, sheet 2 of 3
 - *Soil Test Data & Septic Design Criteria*, sheet 3 of 3
- *Building Sections* by Brooke Girty Design; Harold M. Shettles, Structural Engineer LLC, sheet A-2
- *The Sciamie Cottage, Sequassen Avenue, Proposed Plan* by Brooke Girty Design dated 11/1/2017, sheet A4
- *The Sciamie Cottage, 100 Sequassen Avenue - Parcel 2, Proposed Section* –by Brooke Girty Design dated May 14, 2018, Sheet A1

2. **ZSP18-001, 44 Sequassen Avenue, map 11, lot 2.** Lynde Point LLC, owner, Robert Gay, applicant; Site Plan and Coastal Site Plan Review to extend east wing of house to accommodate handicapped elevator.

J. Gay presented. He stated that the proposal is to enclose the stair within the existing deck area to accommodate an elevator (approximately 12'x7'); extend the east wing about 7' with a gable end dormer; and extend the porch forward about 3' to keep the existing look of the house. In response to questions, he stated that the footprint is increasing in the area of the 3' porch extension and that they hope to be able to install the footings this spring and complete the work in the fall. M. Ozols stated that there will be a temporary portable lift on the site for the summer and this will be removed when the work shown in this plan is undertaken. Members further reviewed the plans and M. Ozols explained that because this is a minor addition that is well under coverage and not near any setbacks, she did not require a new survey. A. Wright noted that this is a minimal expansion in footprint that creates no issues related to the site plan review criteria and members concurred. M. Ozols reviewed the proposed stipulations noting that there are currently no engineering fees, but that stipulation should remain in case any are incurred in the future. C. Chadwick noted that the letter sent to abutters accurately reflected the work proposed.

Based on the discussion, a motion was made by S. Boody that the Commission finds that the application for Site Plan and Coastal Site Plan Review to extend the east wing at 44 Sequassen Avenue in order to accommodate a handicapped elevator, 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. There shall be no change in property topography from what exists on site at this time.
3. Silt fence shall be installed if deemed necessary by the Zoning Enforcement Officer at the time of construction.
4. Approval by CRAHD shall be required prior to the issuance of a Zoning Permit.
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. In accordance with the adopted fee schedule, the applicant shall reimburse the Borough for any engineering fees that may be incurred 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.

T. Van Itallie seconded the motion and it was approved unanimously.

Approved 5-0-0

For: Chadwick, Wright, Boody, Van Itallie, Christensen.
Against: None.
Abstain: None.

The record plans for this application are:

- o 44 Sequassen Elevator Addition Site Plan, dated 4-23-18, Sheet SP101
- o 44 Sequassen Elevator Addition Existing Drawings, Sheet A100, Proposed Drawings, Sheet A101

4. Discussion of Possible Regulation Amendments.

- a. Clarification of Section 5.4.1 to delete reference to inland wetlands.

M. Ozols explained that when the Regulations were written, the Borough did not have Inland Wetlands Regulations and a setback was included in the Zoning Regulations. Since that time, Wetland Regulations have been adopted and it is no longer appropriate for an inland wetlands setback to be included in the Zoning Regulations. Additionally, the two Regulations have conflicting requirements. A. Wright noted that the deletion should also be made in the section heading.

- b. Clarification of Section 5.2.3 to address minor activity within coastal resource setback of previously developed area.

M. Ozols explained that the purpose of this section is to allow minor work to take place on already developed properties where the existing structure was built prior to the regulations and is already in or at the coastal resource setback line. Minor construction in the already developed area has no appreciable impact on the coastal resources intended to be protected by the regulation. Further, it is inappropriate to send applicants to ZBA for a variance since there is no hardship as defined by statutes. The regulation as written creates a problem for property owners and serves no real zoning or environmental purpose.

c. Flood Zone Compliance.

M. Ozols stated that there was a request at the Burgess meeting for the Commission to consider relief in the regulations to allow an existing building to be raised to meet FEMA requirements even if the height will then exceed 35 feet. She suggested allowing a structure to be raised by special permit provided that the structure remains on same footprint and is raised only the minimum necessary to comply with code requirements for the flood zone in which it is located (first floor 1' above flood elevation), and that there is no increase in building volume other than what is caused by the increased height.

After discussion, members agreed to go forward with all three proposed changes and authorized M. Ozols to work with Attorney Zizka on the wording.

5. Approval of Minutes of previous meeting: Planning & Zoning/Inland Wetlands – December 2, 2017.

W. Christensen moved to accept the Borough of Fenwick Planning and Zoning Commission minutes for the December 2, 2017 meeting as presented. A. Wright seconded the motion and it was approved unanimously.

Approved 5-0-0

For: Chadwick, Wright, Boody, Van Itallie, Christensen.
Against: None.
Abstain: None.

6. Staff Report.

M. Ozols reported that:

Attorney Zizka. Attorney Zizka joined the law firm of Halloran & Sage as of January 1. P&Z opted to move with him rather than stay with Murtha Cullina. There is no change in the service received. However, his hourly rate with the municipal discount is reduced from \$300 to \$250.

Hepburn Preserve. The LPLT and Burgesses have approved a hybrid living shoreline project for the beach area at the Hepburn Preserve. The engineering will be fully funded by a grant from the Connecticut Institute for Resilience and Climate Adaptation (CIRCA). The project is wholly on LPLT property and the LPLT is actively seeking grant funds for construction.

Sciame Takings Case. The parties are working on a settlement. When the attorneys are set, there will be a joint meeting (probably in July) of the Burgesses, P&Z, and ZBA to review the proposed terms of the settlement. Attorney Zizka is involved with Attorney Wise in the settlement discussions.

Construction and Hammer Law. It appears that all ongoing construction should be complete by the June 30 deadline.

7. Other Business.

A. Wright reported that the Burgesses are still discussing short term rentals and there may be a referral back to the Planning & Zoning Commission at some time in the future. It was noted that the opinion has been expressed that advertised short term rentals are a commercial use and not permitted in the current regulations. There is also the opinion that if rentals are considered a commercial use, this would apply to all rentals, not just those advertised online. The Commission authorized M. Ozols to consult with Attorney Zizka on this subject.

8. Adjournment.

At 6:26 p.m., it was moved by A. Wright and seconded by S. Boody to adjourn the meeting. The motion passed unanimously.

Respectfully submitted,
Marilyn Ozols, Acting Secretary