

**BOROUGH OF FENWICK
PLANNING AND ZONING COMMISSION
INLAND WETLANDS AGENCY
SPECIAL MEETING
TUESDAY, JULY 30, 2019
MINUTES**

Present: Chuck Chadwick – Chair, Sallie Boody, Art Wright, Rick Neely (Alternate), Marilyn Ozols – ZEO.

Absent: T. Van Itallie, Bill Christensen, Ralph Keeney (Alternate).

Members of Public: Brooke Girty.

1. **Call to Order.** C. Chadwick called the meeting to order at 5:00 p.m. and seated R. Neely as a voting member. A quorum was established (Chadwick, Boody, Wright, Neely).

2. **Public Hearing: ZSpP19-002. 20 Nibang Avenue, map 10, lot 3.** J. M. Zubretsky, trustee, owner; E. Cassella, applicant; Special Permit with Coastal Site Plan Review for removal of existing pool and construction of new pool within 50 feet of watercourse and 22'2"x8' east addition.

B. Girty presented. She reminded the Commission of the previous approval for additions to the house that complied with setbacks, and stated that they had now received setback variances for the pool and the east addition and they are the subject of this application. She pointed out the rear and side setbacks on the plan, the existing pool location which is tight on the setbacks, the proposed pool location which is more conforming, and the one-story addition in the side setback. She also indicated the location of the pool utilities, which are conforming as to all setbacks. She also mentioned the inclusion of an automatic pool cover made possible by a rectangular pool and safety fencing was reviewed.

M. Ozols clarified that the variances were for the side and rear setbacks, however, a special permit is required in order to locate the pool within the setback to the river. The special permit should be reviewed relative to any adverse impacts that the pool might have on the coastal resources/river.

R. Neely noted that, in theory, without the special permit, they could leave the pool in its current location which is closer to the river. S. Boody added that since the new location is farther from the wall at the river, there should not be any adverse impacts. B. Girty noted also that the existing pool is surrounded by cement and that area will now become grass and landscaping, so there is a decrease in impervious surface, which is an overall better environmental condition. She summarized that the proposal is making a nonconformity better, the new pool is smaller with less paving and is farther from the water.

Members noted that the side and rear setback infringements are not being considered since they are permitted under the variances granted by ZBA.

No public was present. C. Chadwick asked for any additional comment from members or the applicant. There being none, he closed the public hearing.

3. **Possible Decision - ZSpP19-002. 20 Nibang Avenue.**

A. Wright noted that, with the variances granted by the ZBA, the application is straightforward; the structure is not disallowed; and the new pool location lessens the nonconformity. He added that the application meets all the site plan review standards in the regulations.

Based on the discussion, S. Boody moved to find the application for Special Permit and Coastal Site Plan Review for removal of the existing pool and construction of a new pool within 50 feet of a watercourse and a 22'2"x8' east addition at 20 Nibang 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. No stipulation attached to the approval of application ZSpP19-001 shall be nullified by this approval.
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. Additional silt fence shall be installed if deemed necessary by the Zoning Enforcement Officer at the time of construction.
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, pool, septic system, drainage structures, driveway and patio/terrace) with distances to property lines, 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 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. Neely seconded the motion and it was approved unanimously.

Approved 4-0-0.

For: Chadwick, Boody, Wright, Neely.

Against: None.

Abstain: None.

The record plans for this application are:

- *Proposed Improvements The Zubretsky Cottage, 20 Nibang Avenue, Borough of Fenwick*, by Richard W. Gates, Land Surveyor, & Thomas E. Metcalf, P.E., L.S., dated May 31, 2019, rev. through 6/25/19
- *The Zubretsky Cottage, 20 Nibang Avenue, Fenwick, Old Saybrook, CT*, by Brooke Girty Design, May 28, 2019
 - *Proposed Plan*, sheet A1
 - *Proposed Elevations*, sheet A2

4. Possible Decision – Amendments to Section 5.2.3.

Members discussed the written comments submitted by B. Girty at the public hearing. M. Ozols explained that, since much of Fenwick was originally dune, it can be difficult to determine the edge of dune from which to measure the 50 foot setback. She noted that conversations with DEEP had referenced recognizing the edge of dune as where it meets established lawn or garden. She recommended that this same reference point be applied to Section 5.2.3 and explained that this location can be verified on aerial photography if necessary. Using this criteria, the 50 feet can be measured from the edge of the grass or garden at the dune avoiding discussion as to whether the dune continues under the grass.

Members also discussed the fact that the proposed language is more restrictive than the current language and agreed that if this becomes problematic, it can be revisited.

Prior to action, the typo in the numbering was corrected.

S. Boody moved to adopt the proposed amendments to Section 5.2.3 and set the effective date for August 15, 2019. R. Neely seconded the motion and it was approved unanimously.

Approved 4-0-0.

For: Chadwick, Boody, Wright, Neely.

Against: None.

Abstain: None.

5. Election of Officers.

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

Approved 4-0-0

For: Chadwick, Wright, Boody, Neely.

Against: None.

Abstain: None.

R. Neely moved to nominate A. Wright as Vice Chairman of both the Planning and Zoning Commission and the Inland Wetlands Agency. S. Boody seconded the motion and A. Wright was elected unanimously.

Approved 4-0-0

For: Chadwick, Wright, Boody, Neely.

Against: None.

Abstain: None.

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

Approved 4-0-0

For: Chadwick, Wright, Boody, Neely.

Against: None.

Abstain: None.

6. Approval of Minutes of previous meetings: Planning & Zoning/Inland Wetlands – May 20, 2019 and July 20, 2019.

S. Boody moved to accept the Borough of Fenwick Planning and Zoning Commission minutes for the May 20, 2019 and July 20, 2019 meetings as submitted. R. Neely seconded the motion and it was approved unanimously.

Approved 4-0-0

For: Chadwick, Boody, Wright, Neely.

Against: None.

Abstain: None.

7. Staff Report.

M. Ozols reported that

- In addition to the living seashore application at the Hepburn Family Preserve, applications are anticipated for a new house at 37 Pettipaug Avenue (Wilson), a swimming pool at 29A Pettipaug Avenue (Pulver), and additions/remodeling at 100 Sequassen Avenue (Rosenthal).

Members noted that whether multiple applications should be scheduled for the same meeting or spread out over multiple meetings should depend on the complexity of the applications.

- A process will be put together for establishing a grandfathered short-term rental use.

8. Other Business.

C. Chadwick discussed workload and also recommended that an explanation of the short-term rental process be prepared and sent out as a blast so that all property owners would be aware of the requirements.

9. Adjournment.

At 5:53 p.m., it was moved by S. Boody and seconded by R. Neely to adjourn the meeting. The motion passed unanimously.

Respectfully submitted,
Marilyn Ozols, Acting Secretary