

**BOROUGH OF FENWICK
PLANNING AND ZONING COMMISSION
INLAND WETLANDS AGENCY
SPECIAL MEETING
VIRTUAL MEETING, SEPTEMBER 8, 2020**

MINUTES

- Present:** Chuck Chadwick – Chair, Sallie Boody, Art Wright, Rick Neely, Ralph Keeney (Alternate), Marilyn Ozols – ZEO.
- Absent:** T. Van Itallie, Bill Christensen (Alternate).
- Members of Public:** George Penniman, Carol Robertson, Brooke Girty, Jonathan Keller, Dana Keller, Frank Sciame, Lucy Borge.

1. Call to Order.

C. Chadwick called the meeting to order at 5:00 p.m. and seated Alternate R. Keeney. A quorum was established (Chadwick, Boody, Wright, Neely, Keeney).

- 2. ZSP20-002, 20 Fenwick Avenue, map 10, lot 52.** Carol Robertson, owner and applicant; Site Plan and Coastal Site Plan Review application to renovate existing structure including the addition of porches and a second story over existing garage.

G. Penniman, architect with offices in Essex for 26 years, presented. He stated that they are doing a comprehensive renovation and restoration with the intent to recreate the original characteristics of the building. He reminded the Commission that they had previously approved the replacement of the front terraces with covered porches, but that this application also proposes to remove the elevator shaft and powder room additions in the back and replace them with a bay window, add a covered porch entryway on the Agawam Avenue side, and add a second story over the garage as well as remove the aluminum siding and restore original detailing. He reviewed the proposed work on the site plan and the elevations and demonstrated on historic photographs the original porches and garage with a second story. In response to questions, he stated that they required a variance because the building is currently nonconforming as to setback on the Agawam Avenue side so the new little porch and second floor over the garage are also nonconforming and the existing building exceeds the maximum coverage permitted so even though they are reducing it, a variance is still required; and that the additional items since the last application are the bay on the back, the covered entryway, and the second story over the garage.

In response to questions, M. Ozols stated that the neighbors had been notified but no comments had been received, and that this was their third notification because they had also been notified for the HDC and ZBA applications; and that the B100a is a Health Department form that is required for any work that covers more of the site than was previously covered – its purpose is to verify that land that might be needed in the future for a code complying septic system is not being covered by building.

C. Chadwick asked if there were any comments from the public.

F. Sciame, 102 Sequassen Avenue, stated that he had no objection and the proposed house will look better.

C. Robertson, 20 Fenwick Avenue, thanked the Commission and stated that they are making a better looking house.

Commission members agreed that the plans looked great.

Based on the discussion, **S. Boody moved that the Commission finds that the application for Site Plan and Coastal Site Plan Review to renovate the existing structure at 20 Fenwick Avenue including the addition of porches and a second story over the existing garage, 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. Silt fence shall be installed if deemed necessary by the Zoning Enforcement Officer at the time of construction.
3. Any new 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 all buildings and structures, septic system, driveway and patio/terrace) with distances to property lines, certification of new 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. 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.

A. Wright seconded the motion.

C. Chadwick referred to the review standards, citing them by name and noted that there this is an interior lot and there were no issues.

The motion was approved unanimously.

Approved 5-0-0

For: Chadwick, Boody, Wright, Neely, Keeney.
Against: None.
Abstain: None.

The record plans for this application are:

- *Property Survey Land of Carol Ann Robertson by Robert Simoni, LS, dated August 23, 2017 revised 8/12/20 to add proposed additions*
- *Robertson Additions and Renovation, 20 Fenwick Avenue by Penniman Architects LLC dated June 29, 2020*
 - *Proposed South and East Elevations, sheet SD2.0*
 - *Proposed North and West Elevations, sheet SD2.1*

3. **ZSP20-003, 104 Sequassen Avenue, map 11, lot 19.** 104 Sequassen Avenue, owner, Brooke Girty Design, applicant; Site Plan and Coastal Site Plan Review application for porches, deck, stairs, and pool.

B. Girty presented. She asked the Commission to refer to the pdf's that they had received since she was unable to display the plans.

S. Boody asked the applicant about the unsigned Flood Hazard Addendum. M. Ozols stated that this could be addressed by proposed stipulation #3.

B. Girty stated that they are proposing to add on to the existing second floor porch since the second floor is where the living space is, add a stair from the porch down to the ground, add a north porch to attach the garage and house, and add a small swimming pool in the courtyard between the two buildings. Relative to the building line, she stated that the label and the line are both shown but not on the same plan. M.

Ozols concurred, indicating that the building line only applies to above ground structures that would the impact views and the work complies but the plan needs to be clarified so that this is more apparent.

A. Wright asked about the side setbacks and pool and B. Girty described their location. He also asked if this had been referred to DEEP for comment. M. Ozols stated that DEEP has requested that only be sent significant or required reviews because they are short staffed, but she had had the Borough's engineer look at the plan to see if there were any significant issues. He did not identify anything different from what had already been noted so she did not ask him for a review letter. She added that the proposed stipulations can all be easily addressed but had not been addressed prior to the meeting since time was short. She also noted that although some of the new construction protrudes farther into the 25' sight line setback for waterfront properties than the existing building does, this view is already blocked by landscaping that was in place prior to the regulation so the application does not propose any new blockage.

B. Girty stated that there was no comment from abutters. J. Keller stated that he had spoken with the Jarvis' and they had no problem with it.

F. Sciame, 100 Sequassen Avenue, stated that he had no objection; this is another case of improving a house.

R. Neely stated that the plans look good and the other Commission members concurred.

Based on the discussion, **R. Neely moved that the Commission finds that the application for Site Plan and Coastal Site Plan Review to add porches, deck, stairs, and a pool at 104 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 following stipulations:**

- 1. The plan shall be modified to clearly indicate the building line formally adopted by the properties on Sequassen Avenue.**
- 2. The plan shall be modified to show the proposed silt fence. The silt fence shall be installed prior to the start of construction. Additional silt fence shall be installed if deemed necessary by the Zoning Enforcement Officer at the time of construction.**
- 3. A revised Flood Hazard Addendum shall be submitted. Additionally, all construction shall comply with Section 5.1.f of the Flood Ordinance.**
- 4. Approval by CRAHD shall be required prior to the issuance of a Zoning Permit. Any site design changes that are required by CRAHD shall require review by the Planning and Zoning Commission unless determined by the Zoning Enforcement Officer to be consistent with the approved plan.**
- 5. 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.**
- 6. All exterior lighting shall comply with Section 4.5.1 of the Zoning Regulations.**
- 7. 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.**
- 8. An existing conditions survey (including the buildings and structures, pool, septic system, driveway and patios/terraces) 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.**
- 9. 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.**

10. 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. Keeney seconded the motion and it was approved unanimously.

Approved 5-0-0

For: Chadwick, Boody, Wright, Neely, Keeney.

Against: None.

Abstain: None.

The record plans for this application are:

- *Site Development Plan prepared for Jonathan Keller, 104 Sequassen Avenue* by Angus McDonald Gary Sharpe & Associates Aug. 17, 2018
- *The Keller Cottage, 104 Sequassen Avenue* by Brooke Girty Design
 - *Proposed Plans*, First Floor Plan, sheet A1 dated 10/15/10 rev. 8/24/20
 - *Proposed Plans*, sheet A2 dated 10/15/10 rev. 8/24/20
 - *Proposed Elevations* (north & west), sheet A3 dated 10/15/10 rev. 8/24/20
 - *Proposed Elevations* (south & east), sheet A4 dated 10/15/10 rev. 8/24/20
 - *Proposed Sections*, sheet A5 dated 10/15/10 rev. 8/24/20

4. Proposed Regulation Amendments: definitions and regulations relative to front yard and walls as structures.

M. Ozols stated that this will be moved to the next meeting. A. Wright asked that there be someone present to explain the proposed language as it is confusing. M. Ozols proposed to move forward in two steps: discussion and determination of preference for the items with options at the next meeting in order to develop a “clean” copy of the proposed language and then requesting that Attorney Zizka attend the next meeting to review that draft.

5. Approval of Minutes of previous meeting: Planning & Zoning/Inland Wetlands – July 20, 2020.

S. Boody moved to accept the Borough of Fenwick Planning and Zoning Commission minutes for the July 20, 2020 meeting as amended. R. Neely seconded the motion and it was approved unanimously.

Approved 5-0-0

For: Chadwick, Boody, Wright, Neely, Keeney.

Against: None.

Abstain: None.

6. Staff Report.

M. Ozols reported that:

- Applications are anticipated for 6 Pettipaug (Robyn and Jonathan Gengras) to winterize and renovate including a lot line modification; 2 Agawam (Reynolds) for porches and miscellaneous renovations; perhaps 15 Agawam (Bush) for a pool; and maybe others.
- Only interior work is proposed for the outer lighthouse so no P&Z application will be required.
- Further revisions are being made to the Hammer Law based on input at the public hearing and they will be discussed at the October 8 Burgess meeting.

7. Other Business.

None.

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

C. Chadwick stated that there was nothing new to report and an executive session would not be necessary.

9. **Adjournment.**

At 5:44 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