

**BOROUGH OF FENWICK
PLANNING AND ZONING COMMISSION
INLAND WETLANDS AGENCY
SPECIAL MEETING
VIRTUAL MEETING, SEPTEMBER 29, 2020**

MINUTES

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

Absent: T. Van Itallie.

Members of Public: Mike Reynolds, E. Davis, F. Gilhool.

1. Call to Order.

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

2. ZSP20-004, 2 Agawam Avenue, map 10, lot 8. Michael Reynolds, owner and Brook Girty Design, applicant; Site Plan and Coastal Site Plan Review application to add porches, generator, and outdoor shower.

Mike Reynolds presented. He summarized the changes to the house including the porch and dormer and indicated that they are also proposing to add an outdoor shower and a generator.

R. Neely inquired whether the Hartnetts were aware of the changes, particularly the outdoor shower and the previously installed ac units. M. Reynolds stated that he had had a conversation with Mike Hartnett who had no issues.

C. Chadwick inquired about the south setback. M. Reynolds indicated that the porch will extent about 8' from the existing house and they had received variances for coverage and this front setback.

A. Wright noted that the ZBA had done a Coastal Site Plan review and found no issues with the proposal.

M. Ozols reminded the Commission that she had suggested some specific stipulations. M. Reynolds did not object to any of them.

S. Boody asked about the Certificates of Mailing. M. Ozols responded that under the Executive Order they were able to do email notification and that proof had been received.

R. Neely asked about the hedge height. M. Reynolds responded that it will mostly be the height that it is now; that it is currently tapered to about 3 feet at the corner and he will maintain that height or a lower height if deemed necessary.

Based on the discussion, **S. Boody moved that the Commission finds that the application for Site Plan and Coastal Site Plan Review to add porches, a generator, and an outdoor shower at 2 Agawam 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. 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. Silt fence shall be installed at the time of construction if deemed necessary by the Zoning Enforcement Officer.**

3. 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. Additionally, the outdoor shower shall comply with all health code requirements.
4. All new exterior lighting shall be dark sky compliant and shall comply with Section 4.5.1 of the Zoning Regulations.
5. The hedge along Agawam and Mohegan Avenues shall be maintained at a height that does not block the line of sight at the intersection.
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. An existing conditions survey (including the buildings, 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.
8. 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.
9. 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.

The motion was approved unanimously.

Approved 5-0-0

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

The record plans for this application are:

- *Property Survey, Land of Michael J & Margaret M Reynolds* by Robert C. Simoni dated September 1, 2019, rev. through 11/19/19 modified by applicant
- *Reynolds Cottage, 2 Agawam Ave, Fenwick, CT* by Brooke Girty Design
 - *Proposed Plan (first floor)*, dated Oct. 16, 2019, rev. 9/17/20, sheet A1
 - *Proposed Plan (first floor)*, dated Sep. 10, 2020, rev. 8/17/20, sheet A2
 - *Proposed Elevations(south & east)*, dated Oct. 16, 2019, rev. 9/17/20, sheet A3
 - *Proposed Elevations(west & north)*, dated Oct. 16, 2019, rev. 9/17/20, sheet A3

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

C. Chadwick reminded the Commission that this discussion evolved from a previous application where it was determined that the current language in the regulations is ambiguous. M. Ozols reviewed the information provided.

Discontinued Roads.

M. Ozols proposed that only the roads identified (Bulkeley, Sequin, Grove, Pattaquassett, Fenwick, and Old Fenwick) be included in the regulation. The others shown on the plan either have uncertain history or

have no easements. She indicated that reference to the roads not named would become increasingly difficult in the future. After discussion, the Commission agreed to specifically reference these road in the draft regulation language.

M. Ozols stated that, looking specifically at those roads, the first question is which is the lot line: the original lot line which is now interior to the lot or the new lot line. She suggested that as time goes on it will become more difficult to remember that there is an “interior lot line” and these lines are not consistently shown on the surveys submitted. Further, the Commission has used the actual lot line, not the lot line prior to road discontinuance, in multiple prior applications.

The Commission discussed this at length and heard from residents E. Davis, who indicated that the easement is for residents to go over the property to the water, the major concern with merger to existing lots was to prohibit creation of a new lot, not to limit the ability to build, and the Borough does not protect views; and F. Gilhool, who expressed the opinion that using the new property line would allow encroachment on views which would be contrary to the design criteria in the regulations and, in his opinion, be inconsistent with previous decisions. A. Wright and R. Neely stated that for consistency and in order to not treat some lots differently than others, the setback should be measured from the actual property line. B. Christensen suggested that no change be made to the existing language and a determination be made on a case by case basis, but if a line is selected it should be the old property line in order to prevent encroachment further into the yard that might disrupt views. C. Chadwick indicated that the current regulations are not clear, so need to be changed, and favored using the actual property line for clarity and consistency.

C. Chadwick moved to forward to counsel drafting of amendments that would use the current ownership boundaries for the purpose of determining setbacks. R. Neely seconded the motion.

After further discussion, the motion passed 4-1-0.

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

Relative to whether the discontinued road property line is a front or a side, M. Ozols suggested that for lots that front on a public way, this will be considered the front; for lots that front only on a discontinued road, that lot line can be considered the front or the property line parallel to the public way can be considered the front; both have appeared to be used in the past. After discussion, members agreed that for those lots that front only on a discontinued road, the discontinued road side will be the front but that these discontinued roads will be stipulated in the regulation.

Walls.

Relative to walls, M. Ozols reviewed the pictures of the existing walls that are in setbacks, and suggested that walls to a certain height should be permitted in the setback, especially as properties are regraded to comply with rising sea level. Members discussed allowing walls 3 feet or lower, limiting this to low retaining walls, and whether walls close to the property line will affect the character of Fenwick, but did not reach agreement.

After discussion, R. Neely moved to allow 3 foot high retaining walls in the setback. A. Wright seconded the motion. The motion failed. 2-3-0.

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

There will be no proposal to amend the regulations to allow walls in the setback.

4. **Approval of Minutes** of previous meeting: Planning & Zoning/Inland Wetlands – September 8, 2020.

A. Wright moved to accept the Borough of Fenwick Planning and Zoning Commission minutes for the September 8, 2020 meeting as amended. S. Boody seconded the motion and it was approved unanimously.

Approved 5-0-0

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

5. Staff Report.

M. Ozols stated that she had nothing different to report since the last meeting.

6. Other Business.

S. Boody asked if there were any new applications that would require meetings. M. Ozols stated that she did not currently have any applications but that she anticipated some.

C. Chadwick stated that Ralph Keeney has resigned effective immediately for health reasons. He indicated that he and M. Ozols will review the elector list for a potential new member recommendation to the Burgesses.

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

C. Chadwick and M. Ozols reported that there was a teleconference this week where certain facts were stipulated to; the next conference is scheduled for this Friday; other than that there is nothing new to report and an executive session is not necessary.

8. Adjournment.

At 7:38 p.m., it was moved by S. Boody and seconded by B. Christensen to adjourn the meeting. The motion passed unanimously.

Respectfully submitted,
Marilyn Ozols, Acting Secretary