

**BOROUGH OF FENWICK
PLANNING AND ZONING COMMISSION
INLAND WETLANDS AGENCY
SPECIAL MEETING
VIRTUAL MEETING, NOVEMBER 16, 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: Brooke Girty, Frank Gilhool.

1. Call to Order.

C. Chadwick called the meeting to order at 4:03 p.m. and seated Alternate B. Christensen. A quorum was established (Chadwick, Boody, Wright, Neely, Christensen).

2. Election of Officers.

S. Boody volunteered for another term and moved to nominate herself 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 5-0-0

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

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. B. Christensen seconded the motion and A. Wright was elected 4-0-1.

Approved 4-0-1

For: Chadwick, Boody, Neely, Christensen.

Against: None.

Abstain: Wright.

C. Chadwick volunteered to step down and nominated R. Neely as Chairman. 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 4-0-1.

Approved 4-0-1

For: Wright, Boody, Neely, Christensen.

Against: None.

Abstain: Chadwick.

3. ZSP20-005, 6 Pettipaug Avenue, map 10, lot 39. Jonathan Gengras, owner Brooke Girty Design, applicant; Site Plan and Coastal Site Plan Review application to relocate property line, reconfigure, winterize, and add basement to existing house.

B. Girty presented but was unable to share her screen to display the plans. She indicated that the members had received a copy of the plans. She reviewed the proposed lot line modification noting that Lot A is 19 Agawam Avenue and Lot B is 6 Pettipaug Avenue; that there would be no change in the lot appearance as seen from either road; that they had received a variance for coverage and the proposed coverage is less than the existing coverage; that there would be a new septic system on the Pettipaug side; that a gravel trench is proposed to retain the first inch of rainwater; and that they are adding a generator and air conditioning.

A. Wright asked if the pergola is considered a structure. M. Ozols responded that it is and must comply with setback, but it is not counted in coverage because it is not roofed. He asked about the location and screening for the generator and ac. The location was identified and B. Girty stated that the location is complying and will be screened by landscaping.

M. Ozols stated for the record that the applicant had received a copy of the proposed stipulations and had not objected to any of them.

C. Chadwick asked for any additional comment and there was none.

Based on the discussion, S. Boody moved that the Commission finds that the application for Site Plan and Coastal Site Plan Review to modify the lot lines between 6 Pettipaug Avenue and 19 Agawam Avenue and reconfigure and renovate the house at 6 Pettipaug 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. Copies of filed deeds and map executing the lot line modification shall be submitted prior to the issuance of a Zoning Permit.**
- 2. 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.**
- 3. Additional 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. 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. All exterior lighting shall be dark sky compliant and 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. An existing conditions survey (including the buildings, septic system, drainage structures, 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.**
- 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.

A Wright inquired about the CAM review by ZBA. M. Ozols stated that they review only for the impact of the variances; P&Z reviews the full application. She added that her memo indicated that this property

is fairly large and flat and well removed from coastal resources so there are no adverse impacts to mitigate. Additionally, the drainage is improved from the existing.

The motion was approved unanimously.

Approved 5-0-0

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

Against: None.

Abstain: None.

B. Girty stated that this will be a two year project.

The record plans for this application are:

- *Site Development Plan Properties of E. P. Gengras & J. G. Gengras, 6 Pettipaug Avenue & 19 Agawam Avenue*, by Angus McDonald, Gary Sharpe & Associates, dated August 31, 2020, rev through 10/23/20
- *The Jonathan and Robyn Gengras Residence, 6 Pettipaug Avenue* by Brooke Girty Design
 - *Proposed Elevations* (south & east) dated 6/5/20 rev. 11/9/20, sheet A6
 - *Proposed Elevations* (north & west) dated 6/5/20 rev. 11/9/20, sheet A7

4. Proposed Regulation Amendments: discussion of definitions and regulations relative to front yard.

M. Ozols reviewed the information that she had emailed to the members, explaining that she and Attorney Zizka had worked to simplify the proposed language, which had gotten fairly complicated, but each time they tried, there were one or two properties that were not addressed in the simpler language. It became so difficult to craft something straightforward that would cover every property that they considered including a map in the regulations that identified the front for each and every property. Given this, they were suggesting that the Commission consider making every setback (front, side or rear) the same set number. 20 feet was suggested, but this could be changed. This would eliminate several issues: the need to determine which is front, side or rear; the varying side yards from property to property which are now 1/8 of the lot width; changes in side yard requirements if the lot width is enlarged; and determining the 15% line for the rear yard setback on an irregularly shaped lot for the rear yard.

R. Neely expressed concern that this might cause a side yard hardship for some existing houses; that it would be difficult to explain to residents; that he didn't think they would want houses to get closer to the road than the current 30 feet; and that they should know the impact on the various properties before moving forward.

B. Christensen stated that he didn't think they should be changing the setbacks for eighty different homes and did not support the proposal.

C. Chadwick indicated that he did not want to create more nonconformities, but this would simplify the language and eliminate a great deal of verbiage. He added that he would have a more difficult time with changing the regulation if he knew the origin of the 1/8 lot width for side setbacks and 15% lot area for rear setback. He recognized that a concern in selecting a single setback is that a property that is now conforming would become nonconforming, and indicated that an analysis should be done. He volunteered to do a sampling of existing properties to determine the possible impact.

A. Wright stated that he was in favor of something that is simpler and easier to enforce than the current regulations, adding that they need to fix what they have but they need to know the impact.

S. Boody noted that the Commission had discussed extensively the location of front without resolution and stated that, if anything already nonconforming is grandfathered and coverage can't exceed 15% so buildings can't be enlarged beyond that, she is in favor of the change. She indicated that the regulation needs to be fixed and this appears to be a more plausible solution.

M. Ozols noted that the current requirement of 1/8 lot width for side setback and 15% lot area for rear setback is difficult for people to understand and creates inequities between properties, so the change

would be more clear. She added that everything existing at the time of the change would be grandfathered. In response to comments about the location of the front yard and where the setback is measured from, she noted that the Commission had interpreted the existing regulation consistently in the past even though it was determined that the language could be considered ambiguous and needed to be fixed, and that she had reviewed all of the properties on the discontinued roads identified at the last meeting and found that the only time that the setback was measured from the old property line rather than the new property line after merger was for the Wilson application.

Members agreed to further discuss the concept at the next meeting when they have information from C. Chadwick's review of various properties.

5. Approval of Minutes of previous meeting: Planning & Zoning/Inland Wetlands – September 29, 2020.

B. Christensen moved to accept the Borough of Fenwick Planning and Zoning Commission minutes for the September 29, 2020 meeting as presented. R. Neely seconded the motion and it was approved unanimously.

Approved 5-0-0

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

Against: None.

Abstain: None.

6. Staff Report.

M. Ozols stated that the living shoreline project is proceeding and the pier and entrance projects are not expected to start until spring. The entrance project was moved from the fall because the bid specs were not complete and the delay eliminates any problems with construction at the same time as the large trucks for the living shoreline project were entering the Borough. All of the current major house projects are expected to finish by June 30.

7. Other Business.

S. Boody stated that she believed there were some properties where vegetation in the 25' view corridor was exceeding the 4 foot maximum height. She will provide the ZEO with locations.

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

C. Chadwick reported that the judge will be making a decision based on the material submitted; there will be no additional testimony. There is nothing to report that would necessitate an executive session.

9. Adjournment.

At 4:56 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