

**BOROUGH OF FENWICK
PLANNING AND ZONING COMMISSION
INLAND WETLANDS AGENCY
SPECIAL MEETING
SATURDAY, MARCH 12, 2016**

Present: Chuck Chadwick – Chair, Sallie Boody, Bill Christensen, Marilyn Ozols – ZEO.

Absent: Art Wright, Rosalind Shenkman.

Members of Public: Carol Robertson, Dinny Bush, Bruce Arnell.

1. Call to Order.

C. Chadwick called the meeting to order at 9:02 a.m. A quorum was established (Chadwick, Boody, Christensen).

2. IWA16-001 Map 10, lot 10-1. Borough of Fenwick owner and applicant; Regulated Activity application to revegetate areas along Maple Avenue where invasives and dead and dying vegetation were removed. (IWA)

Members had received and reviewed the application. C. Chadwick read items 10 and 15 from the application form and members noted and reviewed the list of plantings. C. Chadwick noted that in the past when this area was cleared and there was no follow up planting, “interesting” things have come back. If nothing is done now, the Borough will end up with a similar situation – invasives and inappropriate, unattractive growth in an area that is the face of the Borough. The proposal is a better choice than leaving the area alone. B. Christensen concurred and indicated that this is a positive step forward. It was clarified that the Borough will be doing the work; the LPLT has been informed of the plan; and the replanting plan has been approved by the Burgesses.

Members of the public spoke against the decision to remove the trees. It was clarified that the removal was not the subject of this application, and that IWA has jurisdiction only over the wetland and the 25 foot buffer.

S. Boody moved to receive application. B. Christensen seconded the motion and it was approved unanimously.

Approved 3-0-0.

For: Chadwick, Boody, Christensen.

Against: None.

Abstain: None.

Members further discussed the specifics of the proposal.

B. Christensen moved to determine that the activity as proposed does not have a significant negative impact on wetlands or watercourses. S. Boody seconded the motion and it was approved unanimously.

Approved 3-0-0.

For: Chadwick, Boody, Christensen.

Against: None.

Abstain: None.

After further discussion, **S. Boody moved to approve the application effective March 26, 2016 provided that no qualifying petition requesting a hearing has been submitted. B. Christensen seconded the motion.**

B. Christensen considered amending the motion to add more trees, but withdrew this suggestion after further discussion. S. Boody requested that in the future they receive a plant list that better correlates to the planting plan. C. Chadwick noted that most of the plantings are not within the 25 foot buffer which is the limit of IWA jurisdiction and the plan as a whole has been approved by the Burgesses. Members of the public were referred to the Burgesses and Park Commission for more information.

Following the discussion, the motion was approved unanimously.

Approved 3-0-0.

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

3. IWA14-001, clarification of locations of dead and dying trees. (IWA)

M. Ozols stated that this activity was deemed a non-regulated use in 2014 for the area west of the starter's shack. There are additional trees east of the starter's shack that the Borough would like to add to this determination. Members of the public expressed concern that some trees did not appear to be dead or dying. B. Christensen clarified that only the trees in the wetland or within 25 feet of the edge of the wetland are in the Agency's jurisdiction; the proper venue for discussion of trees other than these is with the Burgesses or the Park Commission.

S. Boody moved to clarify that the determination made on May 27, 2014 that the removal of dead and dying trees was a non-regulated use also applies to the wetland area east of the starter's shack. C. Chadwick seconded the motion.

Members further discussed the subject noting that there were others better suited to make the determination as to which trees are dead and dying and that anyone interested can review this with the Superintendent prior to the cutting next winter.

Following the discussion, the motion was approved unanimously.

Approved 3-0-0.

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

4. Approval of minutes of previous meeting: Planning & Zoning – August 4, 2015.

S. Boody moved to accept the Borough of Fenwick Planning and Zoning Commission minutes for the August 4, 2015 meeting as written. B. Christensen seconded the motion and it was approved unanimously.

Approved 3-0-0.

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

5. Staff Report.

M. Ozols reported that

- Applications are anticipated for 6-8 Neponset (Davis), new construction and 18 Pettipaug (Millard), ac unit.
- 3 Old Fenwick will be demolishing the existing house and rebuilding substantially the approved house on the old foundation. There are no significant changes to the site plan, so a new application is not anticipated.

- A hearing is anticipated in spring or early summer for regulation amendments relative to home occupations and handicapped access. If there are additional amendments to be considered, they can be included.
- There are still two alternate vacancies on the Commission. Once these and the one alternate vacancy on the ZBA are filled, Attorney Zizka will do a training session for all land use commission members. Members noted that with only five members, it is sometimes difficult to obtain a quorum for a meeting. C. Chadwick will write to the Warden requesting that additional appointments be made.
- Signs. The sign referenced in the August minutes at Grove Avenue has been removed. The realtor has been notified that the sign on the beach by the Schwartz house must be removed.

6. **Other Business.**

- Army Corps of Engineers Public Notice: Proposed Replacement and Revision of the Department of the Army Connecticut General Permit. M. Ozols stated that she had emailed the notice to Harbor Commission and Inland Wetlands Agency members. B. Christensen stated that he had also received a copy in his capacity as Harbor Master.
- C. Chadwick noted three items as follow up from the meeting in August:
 - The Chair always has the option to allow public comment even when it is not a public hearing and when people show up, the Commission is interested in their input.
 - The use of the word “preserve” at that meeting inferred that the regulations should be interpreted as prohibitive rather than restrictive; the word “preserve” does not mean maintain the status quo. S. Boody added that the Commission is obligated to vote in accordance with the Regulations, not according to their hearts, and the public needs to appreciate this.
 - Discussion relative to flooding inferred that putting a new object on a lot automatically causes adjacent lots to flood and this is not the case. Retaining stormwater that lands on a lot on that lot is a legitimate concern in Connecticut; this is not that same as accommodating floodwaters.

7. **Adjournment.**

At 10:15 a.m., it was moved by B. Christensen and seconded by S. Boody to adjourn the meeting. The motion passed unanimously.

Respectfully submitted,

Marilyn Ozols, Acting Secretary