

**Borough of Fenwick
Zoning Board of Appeals
Public Hearing and Special Meeting – August 31, 2020
Virtual Meeting
Minutes**

A Special Meeting of the Borough of Fenwick Zoning Board of Appeals was held on Monday, August 31, 2020 at 4:00 p.m. via the Zoom meeting format.

MEMBERS PRESENT: Robert Gay, Martha Staniford, Peter Brainard, Becki Renshaw (Alternate), Frank Gilhool (Alternate).

MEMBERS ABSENT: Laurie Goldsmith, Kathy Berluti, Ann Pulver (Alternate).

OTHERS PRESENT: Marilyn Ozols, ZEO; Carol Robertson, George Penniman, Charlie Robertson.

1. Call to Order.

Chairman Gay called the meeting to order at 4:07 p.m. He seated B. Renshaw and F. Gilhool and indicated that R. Gay, M. Staniford, P. Brainard, B. Renshaw, and F. Gilhool would be the voting members for this meeting.

2. Public Hearing: ZBA 20-002. 20 Fenwick Avenue, map 10, lot 52. Carol Robertson owner and applicant; request for variance of Section 5.3.1 (30' front yard required, 16.6' proposed to new westerly covered porch addition, 21' proposed to second story over garage; 5.1.2 (15% maximum coverage, 20.2% proposed – reduction from 20.4%), and 8.2/8.5/8.6 (no expansion of non-conformity or nonconforming characteristic; no vertical expansion of nonconforming structure) to permit renovation of existing structure including restoration of historic characteristics and additional living space above existing garage. Coastal Site Plan Review required.

C. Robertson and G. Penniman (architect) presented. G. Penniman introduced himself, stating that he is an architect with a practice in Essex for about 30 years. He stated that this is the former River Sea Inn and they are planning a major restoration to make the house livable for the next generation, include a full replacement of mechanicals, and restore the historical characteristics of the original building, including removing the aluminum siding, replacing the windows, recreating the details and elements that were previously removed. He indicated that they already have permission to restore the porches as this was a previous nonconformity that had not been abandoned, and that they are now seeking variances to

- extend the west side porch to create a new entry porch appropriate for year round use of the house (the drawings are inaccurate in that the steps will be incorporated into the footprint shown and not extended further out; the existing stoop on the west will also be eliminated);
- remove the back elevator and powder room structures that are not appropriate to the house and add a bay window resulting in a .2% reduction in coverage;
- add a new story to the existing garage which will eliminate the “unsightly” flat roof and non-historic garage design.

He added that they are working with a landmark structure and they are honoring the setbacks as much a possible while bringing back the historical integrity of the building. In response to questions, he reviewed the old pictures of the River Sea and stated that they are not turning the north corner with the porch as shown in the pictures because it would be very close to the side yard; that the little house to the west in the pictures was part of the inn but he’s not sure of its use; that the addition over the garage is one of the ZBA issues because it is an expansion over a nonconforming footprint in the setback; that there are two front yards because this is a corner lot; that they are working with the hand they were dealt and don’t want to make an odd thing odder; that they are working within the boundaries; and that this is a unique property on a unique site.

M. Staniford asked if the neighbors were notified and if there were any comments. M. Ozols stated that the applicant had notified them and that she had not received any comments.

Members noted that it is a nonconforming house being restored to be more like it was in the old days; that the issues were the side porch, the second story over the garage, and the coverage, which was being reduced; that the applicant is working with the existing nonconformities and staying within the footprint except for the side porch which is diminimus; and that, although Agawam Avenue creates a front yard, it is the side of the house and the work is set back from the road nearly what a side setback would be. It was also noted that although each application is considered on its own merits, they had previously approved a variance for 20 Nibang because the proposal addressed an “ugly” garage and that is also the case here.

No public was present to comment.

R. Gay verified that no one else wished to speak, and closed the public hearing at 4:34 p.m.

3. Possible decision: ZBA 20-002, 20 Fenwick Avenue.

Member agreed to vote on all the variances as a package.

M. Staniford moved to grant a variance of Section 5.3.1 (30’ front yard required, 16.6’ proposed to new westerly covered porch addition, 21’ proposed to second story over garage; 5.1.2 (15% maximum coverage, 20.2% proposed – reduction from 20.4%), and 8.2/8.5/8.6 (no expansion of non-conformity or nonconforming characteristic; no vertical expansion of nonconforming structure) to permit renovation of existing structure including restoration of historic characteristics and additional living space above existing garage as shown on the plans submitted. The motion was seconded by B. Renshaw.

M. Staniford stated that the proposed design is more lovely than the existing house and more like the original inn; that it is a very nice job of restoring the structure; and that it eliminates the flat roof on the garage which is not in keeping with Fenwick architecture.

F. Gilhool stated that he has been vocal about setbacks previously but he viewed the property and there is no impact or encroachment on views; that the proposal is beautiful from a historic perspective; that given the historical footprint, this makes sense; and that Agawam is more of a side yard than a front yard in this instance.

B. Renshaw agreed.

R. Gay stated that this is a corner lot; the additions do not affect views; and that the new heft is not in the front of the house.

P. Brainard stated that what is proposed makes sense and makes the property better; that appearance is not normally a concern but this is a historic property; and that although he doesn’t like the idea of increasing the nonconformity over the garage, the River Sea used to have building in that location.

Based on the discussion in and following the hearing, **the motion was unanimously approved.**

The motion carried, 5-0-0

IN FAVOR: Gay, Staniford, Brainard, Renshaw, Gilhool

OPPOSED: none

ABSTAINED: none

M. Staniford reminded everyone, that this application was decided on its merits and does not set a precedent for future applications.

No issues with the Coastal Site Plan Review were identified during the public hearing.

M. Staniford moved to find application ZBA20-002, 20 Fenwick Avenue, consistent with the goals and policies of the Connecticut Coastal Management Act. The motion was seconded by R. Gay and approved unanimously.

The motion carried, 5-0-0.

IN FAVOR: Gay, Staniford, Brainard, Renshaw, Gilhool

OPPOSED: none

ABSTAINED: none

The record plans 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*

4. **Election of Officers.**

P. Brainard moved to nominate R. Gay for Chairperson, M. Staniford for Vice Chairperson, and B. Renshaw for Secretary. F. Gilhool seconded the nominations and R. Gay was elected Chairperson, M. Staniford was elected Vice Chairperson, and B. Renshaw was elected Secretary.

The motion carried, 5-0-0.

IN FAVOR: Gay, Staniford, Brainard, Renshaw, Gilhool

OPPOSED: none

ABSTAINED: none

5. **Approval of Minutes: January 25, 2020.**

R. Gay moved to approve the minutes of the January 25, 2020 special meeting as submitted. B. Renshaw seconded the motion and it was approved unanimously.

The motion carried, 4-0-1.

IN FAVOR: Gay, Staniford, Brainard, Renshaw

OPPOSED: none

ABSTAINED: Gilhool

F. Gilhool stated that he was abstaining because he was not a member of the ZBA at the time of the meeting.

6. **Other Business.**

M. Staniford stated that the training with Attorney Zizka that was held previously was very helpful and should be repeated since there are a number of new members on boards and commissions. It was noted that if the training is by Zoom, it can be held at any time of the year and members should be able to attend. M. Ozols will send ZBA specific material to all members and talk to the Warden about a training for all board and commission members.

7. **Adjournment.**

M. Staniford moved to adjourn the meeting at 4:50 p.m. F. Gilhool seconded the motion and it was approved unanimously.

Respectfully submitted,

Marilyn M. Ozols

Acting Recording Secretary