

ZONING COMMISSION
NOANK FIRE DISTRICT
10 WARD AVE NOANK, CT 06340

Minutes of the Regular Meeting

Date: April 18, 2023

A link to the recording of the meeting:

https://1drv.ms/u/s!ApV_BVCbHuQwu0kSQUCSjwcncpTt?e=9keFs2

[Times shown correspond to recording]

Call to Order: Vice Chairman Beth Steele called the meeting to order at 7:30 PM.

Members Present: Larry Dunn for Dana Oviatt, Beth Steele (Vice Chairman), Rick Smith, Blake Powell, Peter Drakos and Steve Pendery. Others: Janet Sutherland, Clerk.

Chairman's remarks: Smith discussed the Tarpon Towers III LLC proposal for a telecommunications facility, and emphasized that no application has been filed yet and cannot be until June 21, 2023. There is a 90-day consultation period that occurs first to inform municipalities.

A. Public Comment - Issues Not on the Agenda

[3:49] Thomas Olson, 188 Crosswinds Drive, referenced the Zoning Regulations regarding rental spaces for non-authorized uses in recommending the Commission better regulate the leasing of land.

B. Report on the Training Requirements of P.A. 21-29 - Larry Dunn

[8:05] Dunn gave report on training requirements for town commissioners as mandated by the State.

C. Public Hearing on Applications for Design Review - None

[13:43] Steve Pendery is seated for Chairman Rick Smith

D. New Applications for Design Review -

1. Receipt of Application for a Certificate of Design Appropriateness Under Section 2.26 of the Noank Zoning Regulations for the property of Jill Frost at 265 Elm Street. [13:59]

Steele described the applicant's request to replace the deck as an entryway to the house, replace the garage door, replace the basement door, and close in the exterior sunroom door. There was no public interest expressed. The Commissioners agreed the application was complete.

[17:38] Motion to accept the application as complete without the need for a public hearing. **Motion carried unanimously.**

2. Receipt of Application for a Certificate of Design Appropriateness Under Section 2.26 of the Noank Zoning Regulations for the property of Glenn and Laura Baller at 30 Brook Street.

[18:20] Baller described his application for a pool house. Steele asked if the Design Review Application Notice was posted according to requirements, Baller replied yes it was posted on April 3rd on the door, and April 5th on the light post near the street. There was no public interest expressed.

Chairman Smith commented that procedurally, the motions should be read in full for the record, and the application for Jill Frost with a referral to ZEO Bill Mulholland should be reread into record. The Commissioners decided the Baller application was complete. A motion was offered to accept the application as complete with the application to be referred to the ZEO. Smith commented that a motion to accept the application as a Site Plan Review without a public hearing or any referral to the ZEO was more appropriate, and the Commissioners made the following motion. [24:21]

Motion (Drakos/Powell): I move that the Noank Zoning Commission find that the application of Glenn and Laura Baller for a Certificate of Design Appropriateness to construct a pool house at 30 Brook Street, Noank, is complete; and that based on the potential impact on neighborhood architectural harmony and character, property values, historical integrity, and/or public health and safety, the appropriate level of review for the application is a Site Plan Review without a public hearing under Section 2.26.6.5; and that all specific submittal requirements that are not included in this application be waived because they would not aid the Commission in its determination of the application's compliance with Section 2.26.

Motion carried unanimously.

Jill Frost returned before the Commission for the following motion, as a replacement for the motion in item D1. [26:05]

Motion (Drakos/Dunn): I move that the Noank Zoning Commission find that the application of Jill Frost for a Certificate of Design Appropriateness to replace the deck as an entryway to the house, replace the garage door, replace the basement door, and close in the exterior sunroom door at 265 Elm Street, Noank, is complete; and that based on Section 2.26.6.4 and the minor anticipated impact on neighborhood architectural harmony and character, property values, historical integrity, and/or public health and safety, the Zoning Enforcement Officer, upon determination that the application satisfies all relevant design criteria, is authorized to issue a Certificate of Design Review Approval under Section 2.26.6.2; and that all specific submittal requirements that are not included in this application be waived because they would not aid the

Commission in its determination of the application's compliance with Section 2.26.

Motion carried unanimously.

3. Application of Peter J Springsteel Architect LLC for a Certificate of Design Appropriateness Under Section 2.26 of the Noank Zoning Regulations for the property of Susan Deragon at 241 Elm Street.

[27:33] Springsteel described the application for a proposed deck addition to a single family residence. There was no public interest expressed.

Motion (Drakos/Powell): I move that the Noank Zoning Commission find that the application of Peter J Springsteel Architect LLC on behalf of Susan Deragon for a Certificate of Design Appropriateness for a proposed deck addition at 241 Elm Street, Noank, is complete; and that based on the potential impact on neighborhood architectural harmony and character, property values, historical integrity, and/or public health and safety, the appropriate level of review for the application is a Site Plan Review without a public hearing under Section 2.26.6.5; and that all specific submittal requirements that are not included in this application be waived because they would not aid the Commission in its determination of the application's compliance with Section 2.26.

Motion carried unanimously.

E. New Business -

1. Applicant's Presentation, Review and Action on Application for a Certificate of Design Appropriateness Under Section 2.26 of the Noank Zoning Regulations for the property of Jill Frost at 265 Elm Street to replace the deck as an entryway to the house, replace the garage door, replace the basement door, and close in the exterior sunroom door.

[30:41] Frost began the presentation, which included images of the broken garage door to be replaced, the basement Dutch door with broken glass. Frost explained the sunroom exterior door would be closed and replaced with siding, and deck steps to be replaced for safety.

Steele asked if there would be additional exterior lighting, Frost responded there would be none. Steele then asked if neighbors were made aware of the project, Frost responded yes if they were available, and there was no opposition.

Motion (Drakos/Powell): I move that the application of Jill Frost for a Certificate of Design Appropriateness to replace the deck as an entryway to the house, replace the garage door, replace the basement door, and close in the exterior sunroom door at 265 Elm Street, Noank be approved because it meets the criteria set forth in Section 2.26 of the Zoning Ordinance for the Noank Fire District.

Motion carried unanimously, 5:0.

2. Applicant's Presentation, Review and Action on Application for a Certificate of Design Appropriateness Under Section 2.26 of the Noank Zoning Regulations for the property of Glenn and Laura Baller at 30 Brook Street to construct a pool house.

[35:58] Baller began the presentation with images of the surrounding neighborhood architecture. The pool house would match the main house siding, be approximately 12 ft tall and won't be visible from the front yard. Baller added that he had discussed this project with neighbors, Steele asked if there had been any opposition, Baller replied no. Steele asked if there would be additional exterior lighting, Baller replied no.

Dunn asked if retaining walls would be built, as pool house must be level, Baller replied no. Steele asked if there would be additional plumbing, Baller replied no, only electricity for the pool pump.

Motion (Drakos/Dunn): I move that the application of Glenn and Laura Baller for a Certificate of Design Appropriateness to construct a pool house at 30 Brook Street, Noank be approved because it meets the criteria set forth in Section 2.26 of the Zoning Ordinance for the Noank Fire District.

Motion carried unanimously, 5:0.

3. Applicant's Presentation, Review and Action on Application of Peter Springsteel Architect LLC for a Certificate of Design Appropriateness Under Section 2.26 of the Noank Zoning Regulations for the property of Susan Deragon at 241 Elm Street for a proposed deck addition.

[43:50] Springsteel began presentation with photos of existing Bungalow-style single family residence and surrounding architecture. Springsteel explained the proposed deck would be on the side of the house, towards the rear, with the addition of French doors into the house. The deck would be constructed using composite picket-style railing, Ipe decking, painted PVC trim and cedar lattice below the deck. Springsteel added the deck would not impose on the exterior of the house.

Dunn questioned what percentage of the house's footprint would be affected, Springsteel responded calculations were reviewed with ZEO Bill Mulholland and approved.

Steele asked if there would be any additional exterior lighting, Springsteel responded no. Steele then asked if there was any opposition from neighbors when asked, Springsteel responded no.

Motion (Drakos/Pendery): I move that the application of Peter Springsteel Architect LLC on behalf of Susan Deragon for a Certificate of Design Appropriateness for a proposed deck addition at 241 Elm Street, Noank be approved because it meets the criteria set forth in Section 2.26 of the Zoning Ordinance for the Noank Fire District.

Motion carried unanimously, 5:0.

[48:26] Chairman Smith is reseated.

4. Commission Discussion regarding Tarpon Towers III LLC proposal for a telecommunications facility at 70 Marsh Road.

[49:20] Smith described the proposal and process for a cell tower, and emphasized that no application can be submitted to the Connecticut Siting Council until the end of the 90-day consultation period, that date being June 21 or potentially later for procedural reasons. Smith stated that the Connecticut Siting Council is the controlling legal authority and final decision maker, yet the Commission may advise the Siting Council and they are required to consider local concerns. Smith added the Commission is reviewing the applicability of local zoning regulations regarding telecommunications facilities.

Smith stated there are four options for Noank involvement during this process: offer comments on the advisability of the site being considered, suggest alternative sites to be considered, consult with adjacent municipalities and the applicant, and decide whether to formally initiate the municipal consultation process and hold a public information meeting. Smith added two decisions the Commission could make: first being whether to recommend the Executive Committee initiates the consultation process, and second to recommend the Executive Committee conduct a public information hearing with the applicant.

Smith added that last week he reached out to the Town of Groton and Groton Long Point as adjacent municipalities can be involved in the consultation process. The Town of Groton decided not to meet with Noank to avoid confusion of jurisdiction, and Smith had not yet heard back from Groton Long Point. Smith then emphasized the Executive Committee is the governing body of the Noank Fire District for purposes of commenting to the Siting Council.

[55:48] Dunn stated that he is the current Chair of the Groton Conservation Commission and would be reviewing the section of the proposal regarding environmental impact, and recommended a consultation meeting and public information session. Powell asked whether the Conservation Commission would meet with the Zoning Commission or Executive Committee, Dunn replied Zoning would then report to Executive Committee or could speak with them directly.

[57:09] Steele stated her understanding was for the Commission to decide whether to recommend to the Noank Fire District Executive Committee the initiation of a consultation process for a future public information meeting. Steele added her favor, emphasizing the need for consultation and public information meetings to collect as much information as possible and provide that to the public. Drakos endorsed Steele's comments, adding that he recommended a public hearing as there was clearly enough interest from the community.

[58:27] Drakos asked whether the Zoning Commission or Executive Committee should form opinions on other sites for the proposed cell tower. Smith answered the Zoning Commission could make alternative site recommendations. Smith added if Noank decides to initiate the consultation process, meetings will be held with relevant parties to discuss options. Smith explained that initiating the consultation period would start the clock on two decisions, first being a 30-day period to develop a list of alternative sites, and second being a 60-day period to hold a public meeting, adding there was no rush to start the consultation period.

[1:04:42] Powell concurred with making recommendations to the Executive Committee, but stated his discomfort with offering alternative sites for the cell tower since the Commissioners are not experts. Smith agreed and emphasized using the 90-day consultation period to prepare if the Commissions decides to do so.

[1:06:32] Drakos asked for clarification of the consultation process timeline, and questioned why the notification of alternative cell tower sites should occur prior to a public hearing, when the logical order would be the reverse. Smith agreed with Drakos opinion on complicated order, and added delaying the consultation period would allow the Commission to be better prepared for the process. Drakos questioned why the Commission could not have a public meeting prior to the required 60-day deadline. Smith responded with his concern with avoiding any procedural traps in respect to the Applicant's rights and responsibilities. Smith added John Casey (Noank Fire District Attorney) is consulting with colleagues regarding procedures for a public meeting, whether the Zoning Commission should even offer alternative sites, all in an effort to give coherent and responsible advice to the Executive Committee.

[1:12:13] Steele asked whether the Commission was prohibited from getting expert advice on the topic prior to the start of the consultation period, Smith responded that he was unsure and would ask Casey.

Powell stated his concern regarding the Commission's liability regarding offering alternative sites. Steele questioned whether the Commission's alternative site plan recommendation would carry any weight.

Smith recommended Commission check Zoning Regulations regarding telecommunications facilities, even though Siting Council has final say. Smith noted the Commission could not add new regulations to exclude this tower, adding his view that the Commission's goal is (principally) to protect the safety and welfare of residents of the Noank Fire District.

Dunn asked whether the Commission would have to prepare documents with questions or concerns during the consultation process, and what the timeline would be for presenting this document to the applicant or the Commission. Smith responded possibly after the application is submitted, but he was unsure and would have to clarify with Casey.

Smith noted the Commission was unanimously in favor of initiating the consultation process and requesting a public information meeting regarding the cell tower proposal.

Smith and Drakos discussed how the Commission could make the cell tower proposal available to the public. A link to the documents on OneDrive would be posted on the Zoning website.

F. Old Business

1. Residential Renting Opportunities - Consideration of public comments from October 18, 2022 informal public information meeting and deliberation on enhancement of residential renting opportunities in Noank and potential ways to accomplish this goal. Development of Issues, determination of task leadership.

[1:25:55] The Commission moved to review this at the next Regular Meeting. Dunn provided information on the Fair Share Bill which could supersede the Commission's ability to regulate. Dunn encouraged the Commission to pass regulations before the Bill is enacted. The Commissioners stated they would decide in the near future whether to hold a Special Meeting for the subject.

2. Approval of Meeting Minutes - The minutes of the Regular Meeting of December 20, 2022 were approved without objection.
3. The ZEO reports for December 2022 and January-March 2023 were received.

Motion to Adjourn carried unanimously at 9:16pm (Drakos/Powell).

Respectfully submitted,

Janet Sutherland
Clerk, Noank Zoning Commission