

**ZONING COMMISSION  
NOANK FIRE DISTRICT  
10 WARD AVENUE  
NOANK, CT 06340**

***Approved Minutes of the Regular Meeting***

**Date:** Tuesday, January 19, 2021  
**Location:** Zoom Meeting

The meeting was called to order at 7:00. Commission Members present: Rick Smith (Chairman), Beth Steele (Vice Chairman), Dana Oviatt, Blake Powell, Art Tanner, Alternate Member Larry Dunn and Alternate Member Lynne Marshall.

Consistent with Governor Ned Lamont's directives on the use of remote meeting technology during the coronavirus pandemic, the meeting was held on Zoom and the recording is available at the following link:

<https://www.youtube.com/watch?v=WsBkVZH-SUM&list=PLp4s6RQGCh5T9I68DGPVVGpN4hWxQqRqQ&index=1>

The supporting documents for the meeting can be reviewed at:

[https://1drv.ms/u/s!ArWm4wCa4MFlvXCR\\_jceUJOf80Q7?e=O9pkMC](https://1drv.ms/u/s!ArWm4wCa4MFlvXCR_jceUJOf80Q7?e=O9pkMC)

The Chairmen read the introductory statement consistent with the Governor's Executive Order regarding remotely-held meetings.

**A. Public Comment on Subjects Not on the Agenda - None**

**B. Public Hearing, Continued** - (00:04:50) Application of Docko, Inc. on behalf of the Town of Groton for Coastal Site Plan review and Special Exception for beach sand replenishment at Esker Point.

- (00:07:50) Docko's principal Keith Neilson and consultant Dr. Frank Bohlen answered questions that had previously been submitted in writing through the Noank ZEO. Those questions and responses can be viewed at the link identified above beginning at 00:07:50 of the meeting record.
- (00:20:38) Neilson presented the revised proposal for sand replenishment on the upland beach area of the town beach at Esker Point. The beach area that will be replenished is the area of the volleyball courts alone. The area is landward of both MHW and the Connecticut Coastal Jurisdiction Line (CJL) seaward of which the Connecticut Department of Energy and Environmental Protection (DEEP) has jurisdiction. The scope of work has been revised since December 15, 2020 from 2,000 cu. yds. of sand deposition to 500 cu. yds.

- Substantive revisions to the plan included: 1) the original plan showed the entire beach being covered with 1' of sand (no sand is to be removed and replaced). The revised plan is for the volleyball courts to be covered to a depth of 6," 2) abandonment of volleyball court #9, 3) reduction in the size of the sand mound (1/4 the size of the original pile) that would be temporarily in place while the spreading of sand was accomplished, 4) addition of a drainage ditch from the northwest side of the courts around the northern perimeter and then southeast towards the beach. and 5) additional plantings of beach grasses.
- Drainage issues were discussed and Neilson noted that the Town DPW had worked to route road drainage away from the beach towards Palmer Cove and this had improved conditions. Neilson's inspection after a heavy rain confirmed that parking lot drainage was now towards Palmer Cove. Mark Berry, Town of Groton Parks Director clarified a point in his letter of 12/30/2020 regarding drainage.
- (00:24:35) Key questions of commissioners during the meeting included: 1) what long term solutions to the issue of sand erosion into the cove might be; 2) what causes the most erosion, wind or water; 3) drainage issues regarding the ditch; 4) the views of the CT DEEP regarding dredging and replacement of sand and construction of structures to control sediment dispersal towards Noble Avenue residences; 5) the efficacy of planting more grass, 6) the undesirability of the beach as a wading & swimming beach and inevitability that this is the only location for the waterfront community to have a beach and it was established starting in the 1960's, 7) cumulative impacts of many activities for beach maintenance and management, 8) Mark Berry noted that there is no long term plan regarding management and maintenance of the beach. The current plan is to do what is proposed in this application and monitor outcomes to inform future work, and 9) the desirability of using Mumford Cove sand for the particular uses intended, 10) the need to ensure that sand of appropriate grain size is used to minimize adverse impacts,
- (00:45:24) Greg Howard of Groton Department of Public Works noted that significant improvements in drainage from past years were achieved, including the addition of curbing in the parking lot on the east side of Groton Long Point Road to divert drainage towards Palmer Cove. He agreed the drainage ditch around the courts was a good idea, to redirect flow. He also noted that the town was working on, and planning for, efforts to clean out and upgrade existing drainage structures near Noble Ave, including the outflow pipe into the cove to improve the diversion of flow.
- (00:49:05) Kristen Negaard O'Brien noted concerns with the Spicer's breakwater constructed in the 1980's that may have adversely impacted circulation and deposition of sediments and organics. She presented a package of photos with descriptions showing the nature of changes and impacts over the past 25 years. These three documents can be viewed at the link provided above. She felt that fencing was good for slowing the erosion of wind-driven sand but not sediment carried by water. She presented three documents of photos and descriptions to support the position of the neighbors regarding the movement of sand onto the beachfront at the western end of Noble Ave. These documents are available at the link provided above (supporting documents). She felt water was the key issue, draining off the beach into the cove and carrying sand with it. She felt the problem at Noble Avenue was not the volleyball courts, it was erosion off the beach. The town needed to retain sand on the beach

and she and others proposed a series of “overlapping grassy dune berms” to restrain the erosion of sand into the water. She felt water was more important as an erosion agent than wind. She questioned the purpose of the “attenuator” and felt the drainage ditch (swale) being proposed was the most troubling part. She appealed for a resolution for the residents and not just the concerns of the volleyball users.

- (01:01:30) Commissioners’ questions included: 1) a discussion of the overlapping berms of grass and how the idea came about (2016-17 meeting with Docko and Town staff).
- (01:04:18) Frank Bohlen noted the application is only to deal with the volleyball courts. Transport across the beach toward Palmer Cove west of the volleyball courts has not been worked on for a number of years. It is predominantly coarse material and wind won’t move it much. A storm surge will. The volleyball courts with fine grain sand will move around due to wind. That’s why they are devoting time to wind driven effects near the courts. He noted that the beach originally was for a family-oriented waterfront park without swimming privileges (TPA 1985) with no mention of volleyball courts. Not neglecting the entire beach but just focusing on the volleyball courts. He discussed wind directions and effects.
- (01:08:10) Keith Neilson described the purpose of the berm in front of the stockpile area to keep high waves from eroding the stock pile. At the end of the project the berm will be regraded back into the beach. It is an energy dissipator.
- (01:09:25) Commissioners questions included: 1) the drainage ditch/swale around the courts. Neilson noted the purpose of the ditch (not swale) was to lower the water table and allow more effective drainage through the dunes out to the bay, the intent being to avoid directing flow towards the houses on Noble Avenue; 2) would the the overlapping berms of grass be effective and are they part of the Town’s plan?
- (01:16:15) Bohlen responded that overlapping grass berms could be effective. The utility would decline as the sediment grain size increased.
- (00:17:35) Commissioner Powell asked if a repeat of the work was required every 3-5 years in the future, would a new application be required (yes).
- (00:19:30) David Brierly, Noble Avenue questioned on the cost of beach management for volleyball and who paid for the service. Mark Berry responded.
- (01:22:15) The commission then addressed how to proceed. Options included: 1) conclude the hearing and move into decision-making; 2) extend the hearing and seek further input (leaving 65 days to make a decision).
- (01:23:05) Commissioner Tanner proposed that the commission hire its own expert to answer the most effective way to control erosion on the beach, evaluating the proposal that has been presented.
- (01:23:57) Smith felt that the commission had sufficient information to make an informed decision on this proposal without hiring an independent expert. He suggested the commission conclude the hearing and begin development of permit conditions to control the activity.
- (01:27:10) Tanner felt that approach was a concern because the commission would have to come up with conditions and it would be better to have an expert provide the conditions so that whatever the commission decides, if it’s different than the applicant’s approach, the commission is on firm ground.

- (01:30:02) Other commissioners weighed in on the pros & cons. One felt advice from an independent consultant would be useful. Others did not.

**Action - Motion:** (01:34:00, Steele/Powell) - To close the public hearing.

**Motion approved 3:2**

- (01:34:52) Further discussion on the process moving forward included whether to begin development of permit conditions towards considering a motion to approve, with conditions.
- The commission decided to avoid prejudging a decision to approve and, rather, to develop its list of concerns and forward them to the chairman. The chairman will consolidate the list without deleting or revising any recommendation; there will be no debate on merit via email. All deliberation will be in public meetings.
- Lists of concerns will be submitted to the chairman by February 9, 2021 for consolidation and transmittal to commissioners prior to the February 16, 2021 meeting. The list will be considered a "Preliminary Draft - Not Subject to Public Disclosure" consistent with the Connecticut Freedom of Information Act, until it is added to the website material for the meeting at least 24 hours prior to the meeting.

**C. Application for Design Review (01:44:52)**

- Application of Peter Springsteel on behalf of Diana J. Gill and Cathy and David Oulighan for a Certificate of Design Appropriateness to remodel a home at 40 Spring Street was considered.
- (01:45:20) Mr. Springsteel presented the proposal for two reconstruction elements to put the structure outside of the flood zone and to remodel exterior and interior features of the home. There were no setback, height or lot coverage issues although the structure is at the maximum allowable footprint. Siding would appear similar to the clapboarding currently on the house. The changes largely would make the structure less non-conforming. The type of siding and roofing was discussed and will be similar to the existing house.

**Action - Motion:** (01:59:30, Steele/Oviatt) Beth Steele moved that based on the potential impact on neighborhood architectural harmony and character, property values, historical integrity, and/or public health and safety, the level of review deemed appropriate for this application is a site plan review under Section 2.26.6.5, and to both waive all specific submittal requirements that are not included in this application because they would not aid the Commission in its determination of the application's compliance with Section 2.26 and to accept the application as complete, and to approve the application of Peter Springsteel on behalf of Diana J. Gill and Cathy and David Oulighan for a Certificate of Design Appropriateness to remodel a home at 40 Spring Street, Noank CT, because it meets the criteria set forth in Section 2.26 of the zoning ordinances for the Noank Fire District.

- (02:00:52) Commissioner Tanner asked about the flood zone issues and surveying. He noted that this application, as frequently happens, misidentifies the requirement that photos of all houses within 200' of the property line of the subject structure (not 200' from the structure) need to be provided with the application materials.
- The chairman noted that this application was received prior to clarification of the 200' issue after the last meeting. Chairman will remind ZEO to enforce the requirement properly.

**Motion approved 5:0**

### **OLD BUSINESS**

**D. FEMA Issue** - (02:03:48) The commission, again, considered whether to enact a text amendment to change the substantial remodeling look-back period from 10 years to some lesser period of years. Variations on 1-3 years were discussed and whether a public workshop was necessary. The commission concluded that the public session was not necessary.

**Action - Motion:** (02:10:20, Smith/Powell) - Amend the look back period to two (2) years.

**Motion approved 5:0**

**E. Short Term Rental Issue** - (02:11:05) Clarification of motions on the parking issue from the meeting of January 5, 2021. The chairman described what appeared to be an inconsistency between two motions from the earlier meeting. A subsequent review of the digital meeting record suggested that the interaction of the two motions had been described at the time without objection, that suggested that the intent was to deny a permit if insufficient parking spaces were available. To be clear, Commissioner Tanner offered a motion to remove all doubt.

**Action - Motion:** (02:15:55, Tanner/Oviatt) - To approve language in Section C.18.B as follows:

- b. Spaces per Bedroom - One space per bedroom for the first two bedrooms, and one space for every two bedrooms after that. If there are not a sufficient number of short term rental parking spaces for the number of bedrooms authorized in the dwelling, the permit shall be denied.

**Motion approved 3:2**

**F. Review of Minutes** - (02:17:52) Without objection, the minutes of the December 29, 2020 special meeting and the special meeting of January 5, 2021 were approved.

**G. Review of Zoning Enforcement Officer Reports** - (02:19:00) Without objection, the ZEO reports from October, November and December 2020 were approved.

**H. New Business:**

- None

Adjourned at 9:20 PM (BS/BP, unanimous).

Respectfully Submitted,

Rick Smith, Acting Recording Secretary