

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

Approved Minutes of the Regular Meeting

Date: Tuesday, March 16, 2021

Location: Zoom Meeting

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 is available at the following link:

<https://www.youtube.com/playlist?list=PLp4s6RQGCh5T9l68DGPVVGpN4hWxQqRqQ>

The supporting documents for the meeting can be viewed at the following link:

<https://1drv.ms/u/s!ArWm4wCa4MFlv1yBh2Lb5HSV0q33?e=5cQsdS>

Commission Members present:

Rick Smith, (Chair), Beth Steele (Vice Chair), Dana Oviatt, Blake Powell, Art Tanner, Alternate Member Larry Dunn and Alternate Member Lynne Marshall.

Attendees: Patrick McAneny, Advanced Group, representing Sue Greenleaf, property owner, Sue Greenleaf, property owner 65 Elm Street

A. Call to Order: The meeting was called to order at 7:00 pm

B. General Comments: Issues not in the agenda: None

C. Application for Design Review:

1. Consideration of application of Sue Greenleaf, 65 Elm Street to add a 10’x16’ two-story addition within existing deck footprint.

Application Presentation:

The Application for Zoning Permit dated 02/23/2021 authorized by Bill Mullholland, ZEO, the NZC Receipt for Design Review Application dated 02/23/2021, signed by Bill Mullholland, ZEO; the Notice of Decision of Variance granted by NFD Zoning Board of Appeals dated 11/12/2020; and Noank Fire District Zoning Board of Appeals Notice of Grant of Variance documents were viewed by Commissioners and accepted without objection.

Mr. McAneny presented, through screen-sharing, a 5-page PDF site plan presentation of the proposed project. Commissioners viewed all 5 pages.

Commissioner Tanner commented that page 5 of the presentation, which showed comparable existing properties, did not meet the NZC regulations criteria (structures 200' from the boundary line of the subject property). He felt the issue was not with what the property owner had presented, but how the regulations were written. He had no concerns with the application as submitted.

Commissioner Smith said it may be necessary to revise the instructions (Item #3 of NZC Application Requirements for Section 2.26 Architectural Design), within the regulations again for clarity for applicants that it is "any structure that is on a lot that's within 200 ' of the property line," that needs to be identified and submitted with their application.

Commissioner Smith commented that there didn't seem to be any height concerns and asked about the exterior siding. Mr. McAneny informed the Commission that the exterior siding was an exact match to the original.

Commissioner Oviatt asked what the reason was for the exterior stairway. Mr. McAneny answered that it was an existing stairway that was used for ease of entry and exit to the second story and also it would be a fire escape exit if needed.

Action: Motion (Steele/Tanner) was approved (5:0) 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 Sue Greenleaf, 65 Elm Street for a certificate of design appropriateness to add a 10'x16 'two-story addition within the existing deck footprint.

Chairman Smith informed Mr. McAneny and Sue Greenleaf that they could meet with Bill Mulholland at his next office hours scheduled for 5:30 pm to 7:30 pm on Tuesday to obtain the permit.

Review of Minutes: Regular Meeting 02/16/21 – Commissioner Steele requested that a change be made to her comments on page 3 of 6: *(the existing problem? Unintelligible)* will be removed and the comment will be rewritten with: *“Concerned that placing the sand increases erosion into the water and the motion that the commission is supposed to consider claims the application is consistent with the applicable goals of state law, but she felt it was not”*.

Special Meeting 03/04/21 – Commissioner Powell noted that Attorney John Casey was not listed as an attendee. Chairman Smith stated that the change would be made to the minutes.

The Commission approved the minutes of the Regular Meeting of 02/16/21 without objection, with changes to be made.

The Commission approved the minutes of the Special Meeting of 03/04/21 without objection, with changes to be made.

E. Zoning Enforcement Officer Report: February 2020

Commissioner Steele noticed that Permit #2021-13 did not have a property address listed. Without objection, the February 2020 ZEO report was approved, with change to be made.

F. Old Business:

- 1. Consideration of the Potential for an Executive Session on Short Term Rental Proposals**
The expected Executive Session with the Commission’s Counsel was not held due to the unexpected unavailability of counsel.

At 7:48 pm, Chairman Smith asked if there were any further views on how to begin the roll-out and start to get formal public comment on what was agreed would be called a “Special Meeting with Public Input Involved” as opposed to a “Workshop”, meaning it would be an interactive informal public meeting as opposed to the formal public hearing, which will come later and will be more regimented with less opportunity to make changes that are substantive after the formal public hearing. The time frame for this meeting is late March. Also, Smith informed the Commissioners that counsel John Casey pointed out to him that the Noank Zoning Commission, in this situation, is the applicant and therefore will have to put a proposal forward which is basically the justification for what is being proposed. Counsel will advise on the form and substance of such an application.

Another issue that Smith felt should be discussed is whether or not the Commissioners felt they should put out a preliminary document that is essentially an email to the Fire District email list that explains what's been transpiring over the last two years, in other words, "here is what has been done, here's what the commission is about to propose, here is how you can comment."

This could be followed by a second email notification which would include the formal package, (the proposal document with the supporting information), that we introduce the public to for the public meeting to get public input.

He then asked the Commissioners if they had any other ideas.

Commissioner Oviatt mentioned that the district email list did not go out to all of Noank and he said he'd like to bring up once again the use of a newspaper article to get the meeting publicized.

Commissioner Smith said that he felt the most important aspect of publicizing the meeting is that Noank property owners and residents, those who will be directly affected by a regulation in Noank, are informed and know about the meeting. He didn't see much value in publicizing to people outside of Noank.

Commissioner Oviatt said he just wants to be sure everyone will be notified. Smith agreed with that concern.

Commissioner Smith said his thinking is that once the initial email goes out, people may begin to put the info on their Facebook pages and some will find out that way, if they're not on the district email list.

Commissioner Dunn asked if there was a legal responsibility to put notification or an announcement in the paper and whether or not it can be said that only those with Noank addresses can comment at the meeting.

Chairman Smith responded that the legal responsibility for this type of meeting is that it be posted on the Town of Groton website and at the Noank Firehouse and that there was no legal requirement for a legal ad for the first of these two meetings. Smith also said that he will confirm with counsel John Casey whether or not it can be stipulated that only those with Noank addresses can comment at the meeting.

Commissioner Tanner noted that he feels it would be helpful to ask anyone who speaks to give their address to the extent that the Commissioners are inclined to give more weight to someone who lives in Noank.

Commissioner Smith agreed and said that in a formal public hearing, it is required that commenters give their address so it is a standard that can be put into play in the informal meeting.

Chairman Smith then shared his thoughts on implementing regulations and the downsides of implementing complicated and multifaceted regulations. He feels there are things the Commission should do after they're sure they're on a good legal foundation such as have a meeting to go back through the regulations and to filter them by enforceability, necessity, and clarity, paring them down and sifting them by these filters.

He noted that Commissioner Marshall's earlier suggestion of matching the Commission's measures to their goals is something to consider and that having a record of support for the Commission's proposal to the extent that everything matches well to the goals of the Commission will provide a more supportable document both for the public to understand the reasons for why the commission is proposing what it's proposing and to have documentation in the record in the event of future litigation.

Smith felt the Commissioners need to reflect one last time as to whether the measures in the proposal are something they really support or, having heard anything they've heard, they decide differently. He felt there are a couple of meetings ahead of the Commission to discuss this further before soliciting the public comment. Alternate Marshall agreed with the points reflecting her past concerns.

07:50:02 Chairman Smith suggested a 15-minute recess while waiting to hear from counsel.

All agreed to meet back at 8:00 pm

08:00:00 Back in session – Chairman Smith stated that the Commission is not discussing the counsel discussion that's on the agenda – still waiting for counsel to join us. The commission was discussing a procedural improvement to Architectural Design Review from earlier in the meeting so that applicants better understand what is required and so that it is clearly stated.

Commissioner Marshall stated that she felt the regulation on the 200' from the boundary needed simplicity because it was confusing.

Commissioner Tanner referred to Section 2.26.1, 2nd paragraph, last sentence of the regulations and said he thought it should be written such that it is consistent with how the first sentence of the paragraph is written. He felt this would provide clarity to applicants.

Commissioner Smith will discuss the matter with ZEO Bill Mulholland.

After discussion among Commissioners, it was decided that a Motion to Adjourn was in order since there wasn't sufficient time to meet with counsel at this point.

It was also decided that Thursday, March 25th would be a good date to shoot for to reschedule and that the only purpose of that Special Meeting would be discussion with counsel (Ed. Note: this date was subsequently rejected).

Action: Motion to Adjourn (Steele/Tanner) (8:30 PM)

Approved 5:0