

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

Approved Minutes of the Regular Meeting

Date: Tuesday, July 20, 2021

Location: Noank Fire House, 10 Ward Avenue, Noank

Commission Members present: Rick Smith (Chairman), Beth Steele (Vice Chairman), Arthur Tanner, Dana Oviatt, Alternate Hansina Wright, Alternate Lynne Marshall, Clerk Sue Weber

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

B. Public Hearing: None

C. Public Comment: None

*Chairman Smith asked if there were any objections to making a change in the agenda to discuss Item H, "New Business" immediately following Item D, "Applications for Architectural Design Review." None noted.

D. Applications for Architectural Design Review

1. Application of Peter Springsteel on behalf of Steven Pendery and Elisabeth Jorgensen for a Certificate of Design Appropriateness to add a second story deck and set of stairs at 83 High Street.

Commissioners Blake Powell and Beth Steele recused themselves from debate on this application due to their property's proximity to the applicant's property. Alternate Hansina Wright sat for Commissioner Blake Powell. Voting members on this application were Commissioners Smith, Tanner and Oviatt and Alternate Hansina Wright.

Mr. Springsteel gave his presentation and property owner Steve Pendery commented explaining his views on the need for the structural change to his property.

Discussion:

Alternate Wright asked if the owners had any intention of enclosing the porches at any time and advised that they would need to submit a separate application should they decide to do so in the future. She asked the Commissioners to add a condition that the porches could not be enclosed in the future without the submission of an Application for Architectural Design Review.

Action: Motion (Tanner/Wright) to approve 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 submitted as complete, and to approve the application of Peter Springsteel on behalf of Steven Pendery and Elisabeth Jorgensen for a certificate of design appropriateness to add a second story deck and set of stairs at 83 High Street, subject to the condition that any future action to enclose either of the deck areas would require a separate application at that time, because it meets the criteria set forth in Section 2.26 of the zoning ordinance for the Noank Fire District.

Chairman Smith asked if there was any discussion on the motion. None noted.

Approved: 4:0

Commissioners Powell and Steele returned to the table and Alternate Wright was excused.

2. Application of Cheryl Burrows and Wayne Burrows for a Certificate of Design Appropriateness to install a pre-fab 12'x18' shed at 173 Brook Street.

Cheryl Burrows gave her presentation.

Chairman Smith asked if there were any questions on the application.

Commissioner Powell asked what the foundation material would consist of. Mrs. Burrows advised the foundation would consist of gravel.

Action: Motion (Powell/Steele) to approve 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 submitted as complete, and to approve the application of Cheryl Burrows and Wayne Burrows for a certificate of design appropriateness to install a pre-fab 12'x18' shed at 173 Brook Street because it meets the criteria set forth in Section 2.26 of the zoning ordinance for the Noank Fire District.

Chairman Smith asked if there was discussion on the motion. None noted.

Approved: 5:0

3. Application of Brian Johnson, Yankee Remodeler, for Jody Farrington, 92 Front Street for a Certificate of Design Appropriateness to construct a new second story deck and install a new patio door.

Mr. Johnson gave his presentation.

Chairman Smith asked if there were any questions on the application.

Commissioner Oviatt asked if the plan included relocating the electrical panel to the front of the building. Mr. Johnson indicated yes, the panel would be moved to the front of the building.

Action: Motion (Powell/Steele) to approve 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 submitted as complete, and to approve the application of Brian Johnson on behalf of Jody Farrington for a certificate of design appropriateness to construct a second story deck and install a new patio door at 92 Front Street because it meets the criteria set forth in Section 2.26 of the zoning ordinance for the Noank Fire District.

Chairman Smith asked if there was discussion on the motion. None noted.

Approved: 5:0

*H. New Business:

1. Planting trees at Noank Community Garden, Waiver of Site Plan Requirements under Section 11 of the Noank Zoning Ordinance.

Mark Berry, Director of Groton Parks and Recreation gave a presentation consisting of the Application for Zoning Permit and map showing the proposed planting locations and species and planting plan for 16 trees. He noted that

the plan showed 11 new plantings and 5 proposed locations for future planting that were not a part of the current proposal.

Chairman Smith asked if there were any questions on the application and noted that it was appropriate to approve the 11 new plantings that are identified and named on the plan and that the other five would be part of a future plan.

Action: Motion: (Steele/Tanner) that the Noank Zoning Commission waive the requirements for a site plan review for the planting of trees at the Noank Community Garden because it had determined that the proposed activity will not increase the need for parking, nor shall it entail any significant exterior change to a building or the site, nor shall such new activity have any impact different from the existing use from which the change is requested.

The Town of Groton submitted its request for a waiver on July 7, in excess of the five day prior notice period set forth in Section 11.2.3 of the Noank Zoning Ordinance.

Chairman Smith asked if there was any discussion on the motion. None noted.

Approved 5:0

E. Approval of Meeting Minutes

1. Regular Meeting of May 25, 2021 - Approved without objection
2. Regular Meeting of June 15, 2021 - Approved without objection
3. Special Meeting of June 28, 2021 - Approved without objection

F. Approval of ZEO Reports – May 2021 and June 2021 – Approved without objection

G. Old Business

1. Consideration/Approval of STR Issues and Schedules

Chairman Smith asked if there was anything from the July 8, 2021 Special Meeting that influenced the views of any of the Commissioners and commented that he thought it would be a good idea to brainstorm thoughts amongst the Commissioners.

Discussion:

Commissioner Tanner commented that he felt it was very important going forward, in order to protect the Commission from future lawsuits, that they be careful to be very thorough to have a strong case for what was presented at the Special Meeting on July 8th, and what will end up being presented at the Public Hearing. He felt it would be beneficial to go around the table and have the Commissioners discuss what they heard at the meeting that struck them as significant. This would provide documentation to the fact that collectively, they attended the Special Meeting, listened to the speakers, read the letters and this is what they took away from it. Once that list was complete, he suggested going through and deciding what changes the commission might make to the draft document.

All Commissioners were agreeable to listing the areas for focused discussion based upon their recollections of significant submissions and comments concerning STR's (List Attached).

Discussion continued concerning a meeting with Counsel Casey being necessary and whether it should take place in open session or privately in Executive Session.

The Commissioners then went on to discuss “macro options” for the proposals which included prohibiting STR's completely and enforcing that, allowing hosted only STR's, allowing hosted and non-hosted STR's, not allowing STR's in commercial or waterfront areas, etc. Chairman Smith noted that he wanted to get an idea of where each of the Commissioners stood at this point and after going around the table, he got a better sense of their views.

Three were generally inclined for the purposes of discussion towards a prohibition on all STRs, enforced by the ZEO. One was generally in favor of prohibiting non-hosted STRs, allowing hosted STRs with limits adjusted accordingly, and streamlining/simplifying the proposal by deleting parts that would not be necessary if non-hosted STRs were prohibited. One Commissioner offered no view. No decisions were made.

2. Review of Workshop on Esker Point Beach Maintenance and Consideration/Approval of Approach to Commission Application Review Process.

Chairman Smith commented on the helpfulness of the Workshop and felt it provided the Town with beneficial comments from the public and from the Noank Zoning Commission.

All agreed they feel the process is going in the right direction, but once the Town files their next application, they will be able to determine whether or not the applicants took the comments of the public and of the Zoning Commission into consideration.

Discussion also included whether or not the approval of the application can include conditions. Chairman Smith will inquire of Bill Mulholland what a significant loss of sand would be and what appropriate measures could be taken if the sand loss exceeds that which is deemed to be significant, and if the approval of the application could be conditioned upon that and/or other performance criteria.

Action: Motion (Tanner/Steele) to adjourn. 8:56 PM

Approved: 5:0

Respectfully submitted by
Susan Weber, Clerk, NZC

Notes re 7/8/21 Information Meeting
(Recorded at 7/20/21 NZC regular meeting)

1. Need monitoring/enforcement specifics
2. Per Attorney Rutkowska, need clear reasons why change to allow STRs
3. Make regulations simpler (got more complicated since public hearing of June 2019)
4. Rules on frequency and duration too restrictive
5. Pause STRs for 2 years – don't allow during period – and take enforcement action for violations
6. High level of concern re STRs/need strong regulations
7. Comments regarding problems due to STRs*
8. # comments against non-hosted rentals
9. Question having different/(**same**) regs for village vs balance of NFD
10. Concern re allowing STRs in apartments
11. Put STR regs within Home Occupation section of regs
12. Concern re STRs as commercialization of Noank
13. Encourage hosted STRs
14. Limit # of STR permits
15. No STRs in commercial/marina districts
16. Legal challenge likely, no matter what
17. Advocacy of allowing legacy/family operators
18. STR must be primary residence of operator
19. Delete the "+3" for occupancy during rental
20. Allow current STRs as pre-existing, but no more
21. Complaints from neighbors of existing STRs re trespassing, loss of privacy, etc

* several comments noted that traffic and congestion from STR activity is negligible compared to marina and restaurant activity. Related to this point, other people have made the point that STR activity is important to the local businesses. Are these points contradictory? If problems due to STR activity are negligible, the benefit to local businesses may be negligible as well.

Ranked Macro Options for Revised Regulations
(per discussion at 7/20/21 NZC regular meeting)

- Hosted only (4 votes)
- Keep as not allowed – take enforcement action on violators (3 votes)
- Do nothing – don't take enforcement action (2 votes)
- Proceed with current draft (2 votes)
- No STRs in apartments (1 vote)
- Relax hosted regulations (1 vote)
- Prohibit STRs in commercial/waterfront districts (1 vote)
- Limit # permits – maybe vary rules in village vs outside