

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

Minutes of the Regular Meeting

Date: Tuesday, September 21, 2021, 7:00

Location: Noank Fire House, 10 Ward Avenue, Noank

Commission Members present: Rick Smith (Chair), Beth Steele, Arthur Tanner, Dana Oviatt, Blake Powell, Hansina Wright (Alternate). Others: Elizabeth Yerkes (Clerk)

A. Call to Order: The meeting was called to order at 7:00 PM. A link to the MP3 recording of the meeting is: https://1drv.ms/u/s!ApV_BVCbHuQwsi9Vbbr7JZwZGAv4?e=S7XmVp

B. Public Hearing: None

C. Public Comment - Issues not on the Agenda: None. The chairman noted that the commission will prepare a sign for design review applicants to post on their properties prior to review and approval. Once the permit is granted, it will be applicant's responsibility to display sign for 15 days after the permit is issued. Commissioner Tanner noted it must be posted prior to permit issuance as well.

D. Applications for Architectural Design Review

1. Consideration of the application of Peter Springsteel, architect, on behalf of Lisa and Doug Steere, 8 Palmer Court, Noank to make additions and renovations to a single family residence. Mr. Springsteel said 1980s renovations were "not treated as sensitively as they might have" been. He described exterior cladding, bracket work, double-hung windows. The entire inside of the house is to be gutted. The only change to the footprint is to add a porch. Maximum allowable coverage is 1,962 sq. ft, "and we're staying within that." Site plan summation shows existing footprint 1,727 sq. ft, with the proposed porch addition of 134 sq. ft, the dormer overhang 20 (sq. ft), proposed bay on back side of the house (18 sq. ft.), a stairway (20 sq. ft.), and a deck of 43 sq. ft.

Motion to accept and approve application for certificate of design appropriateness (Steele/Tanner).

To determine 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, architect, on behalf of Lisa and Doug Steere, 8 Palmer Court, Noank for a certificate of design appropriateness to make additions and renovations to a single family residence because it meets the criteria set forth in Section 2.26 of the Zoning Ordinances for the Noank Fire District.

No discussion. Motion approved unanimously.

2. Consideration of the application of John Lockwood on behalf of Jessica Lyons, 93 Pearl Street, Noank to revise a previously approved permit to include remodeling of the front porch, addition of an entryway roof, to move a chimney, and to add a window over the front entry doorway. Commissioners Steele and Powell and Alternate Wright recused themselves to the back of room due to the proximity of their properties to the applicants. (Discussion about recusal policy- Chair noted this should be discussed in New Business.) Mr. Lockwood explained style changes: porch columns, chimney to be moved from inside wall to outside wall, roof detail, window into stair core. Chair asked and builder confirmed no additional chimney height.

Motion to accept and approve application for certificate of design appropriateness (Oviatt/Tanner).

To determine 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 John Lockwood, builder, on behalf of Jessica Lyons, 93 Pearl Street, Noank, for a certificate of design appropriateness to make adjustments to a design previously approved by the commission because they meet the criteria set forth in Section 2.26 of the Zoning Ordinances for the Noank Fire District.

No discussion. Approved unanimously.

Commissioners Steele and Powell rejoined the Commission.

Zoning Enforcement Officer Report: August 2021

Without objection, the Commission approved the report of August 2021.

Review of Minutes: Regular Meeting August 17, 2021; Special Meeting August 26, 2021
Without objection, the Commission approved Minutes for the regular meeting of August 17, 2021 and the special meeting of August 26, 2021.

Old Business:

- 1) Consideration of STR issues: Chair mentioned e-mail requests that question authorization for ST vs LT rental. This was a no-change decision from 2018, which is that STRs are not an authorized use. No change in the ordinance was required. The enforcement process will be progressive: the first letter, a courtesy notification and start of the enforcement process, goes to all who have been identified as engaged in STR. The first letter will inform that it has come to the ZEO's attention that the recipient may be engaged in STR, which is not an authorized use. If this is in error, please notify the ZEO. The chairman's impression was that the second letter would be a more formal warning and the third letter would be a cease & desist order. Recipients could appeal to the ZBA and if not satisfied, court. The effort now is getting correct addresses and names of legal owners. Commissioner Powell asked if there have been any complaints about ongoing STRs? The chairman responded there had been one. Commissioner Oviatt asked what criteria is for issuing the second letter. The chairman responded that this would be determined by counsel and the ZEO. Oviatt inferred that a response is expected from all recipients. The chairman responded that these are good questions for counsel and the ZEO, that is, how does the commission know that recipients have complied.
- 2) Review of Housing Law, [Public Act 21-29](#) and implications for Noank. The parking provision does not have an opt-out deadline; it is no longer an item of concern regarding timing. The standard in the law is very close to the Noank ordinance (Section 9). The chairman described the process of opting out. The accessory apartment provision is an item of concern with respect to timing. Key issues: it is within NFDZC purview to allow or not allow STRs; and the opt-out provision deadline is January 1, 2023. The law's provision states that any dwelling unit that meets standards of accessory apartment square footage and lot size would be able to have an accessory apartment "as of right." The Commission could not require a special permit. The chairman suggested a special meeting on this item might be necessary. Commissioner Tanner suggested and Commissioner Oviatt volunteered to prepare a comparison of Noank's existing provisions with the new law's provisions.
- 3) Immediate Priorities for a Potential Omnibus Text Amendment, FEMA/10-Year Look Back Provision, Technical Amendments, P.A. 21-1, P.A. 21-29. Section 11 of the Noank zoning ordinance has a text error. Assuming it's not a typo, it would require a text amendment (ed. Note: confirmed that it was a typographical error; no text amendment required). Other text amendments that may be required: [PA 21-1](#), Cannabis Act, has some requirements that we could choose to allow, or do a text amendment to prohibit. The chairman believed that the law's provision is that by 2024, if a municipality has not passed a rule on cannabis establishments then one establishment per some number of thousands of residents could be allowed (ed. note: 25,000). If the commission didn't think that was a good idea, it might want to act on it.

New Business:

1. Commissioners who recuse themselves during applications for design review due to proximity to the applicant: Commissioner Tanner said, historically, leaving the room was standard. In small communities like Noank, though, he felt leaving the room seems unnecessary. “They’re ethical enough to recuse themselves.” Withdrawing to the back of the room seemed, to him, to be appropriate for the size of Noank’s commission and how it operates. Tanner felt the commission was already applying a higher standard than CT statutes required. The chairman agreed to check with counsel for legal implications. He agreed with the concept that members are better informed if they hear the discussions.
2. In November, the commission will hold elections for chairman and vice chairman. The chairman will be for a two-year term. The vice chairman will be for an annual term. Commissioner Tanner noted that the commission needs more alternates. Furthermore, he thought there might be (should be) a mechanism to fill a vacancy on the commission, ideally out of the body of alternates. The chairman noted that, by the fire district by-laws, as many as five alternates can be elected at the annual meeting. If the commission can’t conduct business due to shortage of members or alternates, it appeals to the executive committee for a special meeting mid-year to elect members or alternates. Commissioner Tanner discussed the 2018 election by-law change, which came about because it was a legal risk for alternates to be appointed rather than elected. The chairman noted the commission can do this without going through a by-law amendment. Food for thought. Commissioners should be thinking about potential nominees for the future, people who would be good at the job and willing to take on the responsibilities. Is there a process change required to fill seats when they become vacant?

Adjournment: Motion to adjourn, 8 PM. (Powell/Tanner)

Respectfully Submitted,

Elizabeth Yerkes, Recording Secretary