

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

MINUTES OF THE REGULAR MEETING

Date: Tuesday, April 19, 2022

Location: Noank Fire House, 10 Ward Avenue, Noank

A. Call to Order, Roll Call: Chairman Rick Smith called the meeting to order at 7:00 PM. Members Present: Smith, Beth Steele - Vice Chairman, Dana Oviatt, Blake Powell, Nip Tanner; Alternate - Hansina Wright; Elizabeth Yerkes - Clerk.

A link to the recording of the meeting is: https://1drv.ms/u/s!ApV_BVCbHuQwty9zQr88yQkamVNe

Chairman's Remarks: Chairman Smith reminded commissioners that the May 3 Public Hearing will concern itself with the omnibus Noank zoning ordinance text amendment, which includes the FEMA look-back period issue, Public Act No. 21-1 (the Cannabis issue) and other text amendments.

B. Public Hearing: None.

C. Public Comment for Issues not on Agenda: (01:18) Paul Bates, Church Street, asked how individuals would receive meeting materials for the upcoming May 3 meeting. Smith replied that NZC already sent the Public Hearing agenda and draft amendments to the Noank resident e-mail list; he offered to re-send it. Bates asked that the ZEO monthly report be put on Noank's website. Bates said a statutory requirement mandates posting of votes within 48 hours of the meeting in which votes were taken. Smith thanked him for the comments.

D. Applications for Design Review: (04:07)

Smith read the protocol for public comment and Architectural Design Review: Noank Zoning Commission revised its procedures for architectural design reviews to provide for more structured evaluation and to provide an opportunity for members of the public to provide brief expressions of interest in an application.

* The Zoning Enforcement Officer or a Member of the Commission will provide a brief description of the proposed activity.

* The Chairman will ask for brief expressions of interest by members of the public.

Public expressions of interest shall be limited to the requirements for design review, site plan review, and special exceptions as set forth in Section 2.26 of the Noank Zoning Ordinance. Such factors include but are not limited to structural appearances, materials used, relationship of the structure to its surroundings, landscaping, lighting, etc.

* Speakers must identify themselves and the address of their residence in Noank or the Noank property that they own.

* The expression of interest should state the nature of the concern and a brief description of why the speaker is concerned. For example, "I'm concerned with exterior lighting. It appears the lighting will shine on my property."

* This is not the place on the agenda for detailed comments in favor or opposed to the proposal.

* The Commission will make a determination as to whether a public hearing is necessary based on the nature of the proposal and the public's expressions of interest.

* If the Commission determines that a public hearing is warranted, no further discussion regarding the substance of the application will be permitted. A public hearing will be scheduled for a future date and the public will be encouraged to attend and provide their comments.

* If the Commission determines that a public hearing is not warranted and the application is complete, the proposal will be considered during the same meeting under New Business.

* Under New Business at this time, the applicant will provide a detailed description of the proposed activity

and answer any questions posed by the Commission. Following the applicant's presentation, the Commission will deliberate and vote on the application.

* The Commission reserves the right after the applicant's presentation to re-evaluate the need for a public hearing but no further public comment will be entertained at this time. It is within the Commission's sole discretion to determine the necessity for a public hearing.

Oviatt asked how and when the public finds out about applications and their materials. He held up a photo of the Notice sign, commented that it was "very small," and thought the sign's size defeats its purpose of informing the public. Smith replied that there are three ways the public is informed about proposals: the Noank website, street-side posting (ed. note, the sign), and making an appointment to see applications in person. He elaborated: 1) applications are posted on Noank's website at least a week before the NZC meeting in which they are to be reviewed; 2) the current Notice posting rules state "streetside" posting is sufficient though NZC could require posting closer to the street; 3) Noankers can email NFD Zoning and arrange to see application hard copies in the office and/or come Tuesday during Bill's office hours. Tanner commented on sign size and noted that if it is posted at house, public has to enter private property to read it. He suggested posting full application on bulletin board in Firehouse hallway. Smith summarized the suggestions: to improve the signage requirement by using larger font size, placing the sign at the sidewalk, and placing a message in the Firehouse glass case for public notices that full application materials are available during open office hours on the hallway bulletin board.

E. Applications for Design Review (13:49)

1. Application of Peter J. Springsteel Architect LLC for Design Review Under Section 2.26 of the Regulations for property of Adam Hewson and Avery LaChance at 75 High St. Powell recused himself. Hansina Wright, Alternate, was seated for Powell.
 - a. Smith described proposal: to construct additions (dormers, decks and one room) and re-model a single-family residence. The windows, siding, and roof are to be like-for-like.
 - b. Smith solicited public interest in application from the audience. Lynn Marshall, Pearl Street, gave commissioners color printouts of the view of the structure from Pearl St. She cited Section 2.26.3.3, and said that in Noank attic windows are small and do not have doors that open.
 - c. Determination of application completeness: application determined to be complete.
 - d. Determination of level of review of application: Smith suggested the application needs Site Plan review with or without a Public Hearing. Tanner recommended Site Plan review without a Public Hearing. Wright suggested the application should have a Public Hearing so the public can have input and review the design, and asked whether the Notice was posted. Smith confirmed both applications for the night's meeting posted the Notice and NZC received photographic, date-stamped proof of this. Oviatt asked why Wright wants a Public Hearing? Wright said the property side and rear are changed so that they are visible from High and Pearl Streets, the latter being a main road. Wright said Noank regulations specify keeping in mind that which is visible from street and main roads. Oviatt said he wants to review application without Public Hearing, and yet, he said, that would ignore what NZC designed in last two months. He asked, "What criteria does it take for the public to come before us to have a public meeting?" Smith replied that NZ commissioners were elected to use their best judgment based on what was presented and decide whether the proposal needs a Public Hearing. Steele asked what objective criteria does ZC need to have a Public Hearing. Smith distinguished between number and content, i.e. number of people who comment in Public Comment section versus appropriateness of comment to the proposal. Powell, from the audience, asked to be allowed to be part of the a general conversation since he has been asking this for several months. Tanner said he hoped he (himself) would be rational enough to take into consideration Ms. Marshall's comment and not make a decision and go to a Public Hearing. Smith suggested putting the subject of objective standards on a future agenda. He asked that commissioners decide on level of review of, and whether to hold a Public Hearing on the current application.

Action: Motion: (27:53) To deal with this application as submitted with a Site Plan review and without a Public Hearing (Tanner/Steele). **Motion carried, 5:0.** Powell was reseated; Ms. Wright returned to the audience.

2. (30:08) Receipt of Application of Peter J. Springsteel, Architect LLC for Design Review Under Section 2.26 of the Regulations for property of Verena Karsten & Kevin Driscoll at 37-R Spring St.
 - a. Smith described proposal: to add decks, remove part of the living area, re-side the structure, re-model, replace windows, re-build a dormer, and add or re-build a stairway to a third-floor apartment. The last item received a variance approval.
 - b. Smith solicited public interest in application from audience. No one expressed interest.
 - c. Determination of application completeness: Commissioners agreed it was complete.
 - d. Determination of level of review of application: Commissioners agreed a Site Plan review and no Public Hearing was required.

F. New Business: (34:00)

1. Review and Action on Application for Design Review Under Section 2.26 of the Regulations for the property of Adam Hewson and Avery LaChance at 75 High St.

Powell recused himself and Wright was seated for Powell.

Architect Springsteel presented proposal, elevations, surrounding property styles, Site Plan, footprint, locus map, and stated that all work is proposed for the rear of the house. Commissioners discussed preferences and precedent re: attic door, wire cable-style railings. Springsteel mentioned that building styles usually show change first at the rear of houses, e.g. Victorian styles. Steele asked about triangular attic door and its conformity with 2.26.3.3. Architect distinguished between size/shape of attic door and its proportion, to wit that proportion is relative to other elements, and shape/size is consistent with other area attic windows and doors. Wright asked for depth and pitch of infill roof from North side. Architect said the membrane roof is about a one pitch and the depth projects to the wall plane. Architect explained that the full height of attic window and all but the edge of the roof will not be seen because viewer would be 20 to 30 feet below on street. Regarding the addition in relation to the existing structure, Wright asked for existing, allowed, and planned lot coverage square footage. Architect replied that 1,925 square feet is allowed, 1,742 is existing, and proposed is 1,925 which is the maximum allowed.

Action: Motion: (52:52) "I move that the application of Peter Springsteel on behalf of Adam Hewson and Avery LaChance for a certificate of design appropriateness to construct additions, dormers, decks, and one room and re-model a single-family residence; windows, siding, and roof to be like-for-like at 75 High Street, Noank be approved because it meets the criteria set forth in Section 2.26 of the zoning ordinance of the Noank Fire District." (Steele/Oviatt)

Discussion: Steele raised 2.26.3.6 "building and structures in relation to materials to be used", in reference to the cable railing's harmony with surrounding houses. She knew of one other house that has cable railings. Smith said he is amenable to the cables because they are on the rear of the house, so less visible to most people. Tanner expressed sympathy for homeowners who wish to see the view through a code-required railing. Wright raised the question of exterior lighting not being on plans and what people on street would see and the cladding. Oviatt expressed interest in any planned lighting. Smith asked Architect directly about exterior lighting. Architect replied that he would suggest recessed lighting in porch ceiling and on stairs off of deck some low riser-lighting. Steele suggested making exterior lighting a permit condition.

Action: Revised Motion: (1:04:00) "I move that the application of Peter Springsteel on behalf of Adam Hewson and Avery LaChance for a certificate of design appropriateness to construct additions, dormers, decks, and one room and re-model a single-family residence; windows, siding, and roof to be like-for-like at 75 High Street, Noank be approved because it meets the criteria set forth in Section 2.26 of the zoning ordinance of the Noank Fire District and that said approval be subject to the following conditions: that any lighting on the rear of the house be limited to recessed lighting in the ceiling above the first floor porch and low riser lighting on stairs to the deck." **Motion Carried, 5:0.** Powell reseated; Wright returned to audience.

2. Review and Action on Application of Peter J. Springsteel, Architect LLC for property of Verena Karsten and Kevin Driscoll at 37-R Spring St. for Design Review under Section 2.26 of the Regulations. (01:05:36)

Architect Springsteel presented proposal, elevations, cladding, fenestration, surrounding property styles, Site Plan, footprint, locus map, and stated that the owners plan to "re-do the house inside and out" because the house is "in rough shape" and not much of the original is salvageable. The apartment egress stairway was re-located for which a variance was obtained. He commented that the porch cable railings are on the water-side of the house. Tanner asked how the third-floor apartment would be used, and whether there was a shower in the bath. The owners said the apartment is for overseas family visits and eventually a caretaker; Springsteel answered that the shower is in the drawings and pointed to it on the large-scale easel-mounted drawing.

Action: Motion: (01:16:25) "I move that the Application of Peter J. Springsteel, Architect LLC on behalf of Verena Karsten and Kevin Driscoll for a certificate of design appropriateness to add decks, remove part of living area, re-side structure, re-model, replace windows, re-build dormer, and add or re-build stairway to third-floor apartment by variance (structure is currently a two-family residence) at 37-R Spring St. be approved because it meets the criteria set forth in Section 2.26 of the zoning ordinance of the Noank Fire District." (Steele/Powell)

Discussion arose about exterior lighting and whether ZC wished to include conditions to this approval. Architect said he had not discussed exterior lighting with owners. He said he would suggest ceiling-mounted porch lighting and code-compliant stairway and landing lighting with full cut-off, such as lanterns. Tanner suggested a condition that exterior lighting be minimal as required for code and safety.

Action: Revised Motion: (01:20:05) "I move that the Application of Peter J. Springsteel, Architect LLC on behalf of Verena Karsten and Kevin Driscoll for a certificate of design appropriateness to 37R Spring St., Noank to add decks, remove part of living area, re-side structure, re-model, replace windows, re-build dormer, and add or re-build stairway to third-floor apartment by variance (structure is currently a two-family residence) be approved because it meets the criteria set forth in Section 2.26 of the zoning ordinance of the Noank Fire District and that said approval be subject to the following condition: minimal exterior lighting as required for code or safety." (Steele/Oviatt) **Motion Carried, 5:0.** Motion carried.

Tanner commented that regulations specify that ZC review how the subject property looks from adjacent navigable waterways as well as from street and that both are equally important.

G. Old Business: Smith said two items should be discussed in future agendas. (1:22:05)

The first item is the locus map circle ("circle of doom") and how the regulations should word it. If the ZC changes the regulation, a text amendment and notification of agencies is required. Second, what if any objective standards should there be for design reviews. Tanner said the importance of the requirement is how the subject property looks from street-side, not necessarily "from down the hill and across the street, which seems less relevant."

The second item is P. A. 21-29 ADU housing and parking issue. Smith said ZC may want to adopt a text amendment that responds to long-term rental opportunities in Noank. The sequence of actions to opt-out of P. A. 21-29 and adopt new rental housing provisions requires swift action. He suggested that ZC schedule an "opt-out" public hearing, listen to public comment, and based on that, either opt-out or not. This allows ZC time to write a text amendment that adopts measures customized to Noank's needs. He urged commissioners to think of reasons to opt-out in time for the public hearing, and ZC must have its reasons for the record at the time it opts-out. Tanner said he wanted commissioners to list regulation changes it wants to enhance rental apartment availability. He said he wanted commissioners to have their lists of reasons to opt-out and suggestions for long-term rental enhancements ready in time for the public hearing.

Steele suggested holding one workshop with two subjects: 1) design review standards and 2) regulation changes to enhance long-term rental availability. Smith asked whether the workshop would be public or ZC only? No disagreement with "Commission only." Tanner supported the notion of a single workshop with two subjects. Commissioners discussed dates they are available for a workshop and chose May 31, June 1, 2, 15, 16. Smith asked for dates commissioners are available to hold the opt-out Public

Hearing and chose June 28, 29, 30. Smith said ZC, then, would then decide to opt out at its July 19 meeting. He recited the sequence of actions that would proceed if the ZC chose to opt-out.

H. Approval of the March 15, 2022 Minutes of the Regular Meeting and Public Hearing. Approved without objection.

I. Approval of Zoning Enforcement Officer's Report - March 2022. Approved without objection.

J. Discussion: Smith asked commissioners to use remaining meeting time to brainstorm housing issues in advance of the workshop. Tanner suggested ZC determine: minimum apartment size, parking and facilities, especially cooking. Smith said Noank's zoning regulations do not allow garage apartments but PA 21-29 allows them. Tanner said he is amenable to allowing garage apartments. Discussion ensued about accessory structures and making them come into Town of Groton building code as well as Noank's zoning rules. Steele asked whether Noank will allow pre-existing non-conforming structures to be used as legal rentals? Oviatt raised the issue of ADUs being built as-of-right on 10,000-square foot lots.

K. **Motion (Steele/Oviatt)** to adjourn. Approved unanimously. 8:56 PM.

Respectfully Submitted,

Elizabeth Yerkes, Recording Secretary