

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

Minutes of the Special Meeting and Public Hearing  
Consideration of Proposed Changes to Zoning Ordinance

Date: May 3, 2022

**I. 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; Elizabeth Yerkes - Clerk.

A link to the recording of the meeting is:

[https://1drv.ms/u/s!ApV\\_BVCbHuQwtzrTMrdgRN9yV486](https://1drv.ms/u/s!ApV_BVCbHuQwtzrTMrdgRN9yV486)

Chairman's remarks: Smith read aloud the Notice of Meeting and Public Hearing as published in The Day on April 19 and 29, 2022. Smith read aloud the comment received from Planner III S. Alexander of SECCOG which determined that the Regulation text amendments would not have significant "inter-municipal" impact. Smith said he would summarize one other public comment received by NZC at the appropriate time.

**II. Public Hearing to Obtain Comment on Proposed Text Amendments to the Noank Zoning Ordinance.** Smith read aloud the text of the Cannabis text amendment, p. 16. [00:04:00]

1. A prohibition on the establishment of Cannabis establishments in the Noank Fire District as allowed for by P.A. 21-1 of the Connecticut General Assembly.

Zell Steever, 81 Main St., supported the amendment.

Smith closed the Cannabis portion of the public hearing.

2. A reduction in the time allotted for calculating substantial improvement under FEMA rules, from ten (10) years to two (2) years, to achieve similarity with surrounding communities

Smith said the FEMA text amendment (p. 79) is embedded in the definition of substantial improvement. He read aloud the portion of the amendment that addresses the time period reduction, and noted Groton, East Lyme, and Stonington have a one or two-year look-back period. Smith said that in its discussions, the ZC attempted to balance conformity to nearby communities with the protection of architecturally significant structures versus impact of sea-level rise. Smith solicited public comment.

Jim Baker, 20 Wilbur Court, supported the amendment.

Ann Bergendahl, 50 Front St. supported the amendment. She said she is a real estate agent.

Andy Giblin, 18 Williams St., supported the amendment.

Zell Steever, 81 Main St., opposed the amendment. He submitted written remarks.

Jessie Stratton, 31 Spring St., strongly opposed the amendment.

Jim O'Donnell, 16 Brook St., opposed the amendment. He said, "It is bad public policy to continue to invest in Federally insured properties close to the shoreline."

No further comments were forthcoming. Smith closed the FEMA portion of the hearing.

Smith opened the public hearing on proposed text amendments to the Zoning Regulations, the "omnibus" amendment [00:26:33]. He reviewed non-substantive changes proposed: "regulation" instead of "ordinance" throughout; corrected typos; corrected citation in Section 2.15; number changes (plural to singular); added explanatory text re: manufactured homes; Groton Town "Planning and Zoning Commission" instead of Groton Town "Planning Commission" throughout; clarifying phrases: corrected posting Notice citation. Smith reviewed substantive changes: posting Notice requirement of 12 days instead of 15. Smith asked for public comment. Jim O'Donnell, 16 Brook St., did not ask about posting Notice, but asked how many times the public can see applications and plans before the NZC reviews them? Smith said NZC is considering posting plans on bulletin board in fire house corridor and on Noank website. It already posts applications on Noank website. Further text amendments: "buildings" instead of "houses" throughout; "approved" instead of "approached"; corrected citation in customary home occupation section; made concise the section (p. 18) on setbacks; added exceptions to setback language in each section re: accessory buildings and back yard; corrected citation re: "all landscape requirements" and omitted specific section and subsection; substantive change (p. 38) to requirements for site plan: "No non-residential building or structure and no parking lot sign or outdoor use of land for non-residential purposes or any residential use for which a site plan is specifically required by these regulations shall be erected, altered, enlarged, moved or used until a site plan meeting all applicable requirements of section 11 herein has been approved by the Zoning Commission"; added missing word; changed "Department of Energy and Environmental Protection" instead of "Department of Environmental Protection" throughout; "NAVD-88" / "North American Vertical Datum of 1988" instead of "NGVD" / "National Geodetic Vertical Datum" throughout; added a section, D, to site plan section - "the boundaries of flood hazard zones and the Coastal Area Management boundary shall be shown where applicable"; reference to "building permit or certificate of occupancy" instead of "building permit or home occupation certificate"; "special exception" instead of "special permit" throughout; "residential district" (p 52) instead of "residence district": added to the "exempt" section in Coastal Area Management section - "elevated decks", "interior modifications to buildings which are exempt from site plan review requirements", "minor changes in the use of building, structure or property except those changes occurring in property adjacent to or abutting coastal waters"; (p. 59) section that delineates the "narrowest mobile home dimension 22 feet"; loading station section word change - "access" instead of "success"; in Definitions section, re-ordered alphabetically; "system" instead of "stem"; cut redundant language in definition of "yard"; "integrated" instead of "integrating" solar panels installed on roof; Smith and Casey presented history of their discussions

and the suggestion to not change ZBA appeal period from 30 to 15 days, in the interest of public accessibility. Smith asked for public comment.

Zell Steever, 81 Main St. [00:52:17]: opposed shortening ZBA appeal window to 15 days; he requested a special public meeting to discuss all text amendments.

Smith replied that NZC has twice sent the proposed Regulation document to the public via the Zoning Commission e-mail list. He said he was not inclined to call a public interactive explanation session because of the time constraint for NZC, to wit: 35 days to hold a public hearing, 65 days to make decision on text amendments, and said that it is the public's responsibility to read and review the draft regulations, attend this special meeting and ask their questions.

Tanner asked, "Haven't we done the explaining tonight?" Smith said Steever's point is worth the Commission's consideration. Smith said if there were no further comments, ZC would seek a motion to close hearing and the 35-day clock would begin. [00:56:45]

Groton Town and Robinson & Cole LLC Attorney John Casey said, regarding protocol, if any further discussions are wanted, NZC simply continues the present hearing. Commissioners agreed to close the public hearing. Tanner said there has been plenty of opportunity for public to participate in the text amendment process.

Andy Giblin, 2 Williams St., said he felt the public has been informed. [00:58.43]

Zell Steever, 81 Main St., said, "There has not effectively been an opportunity to have a real discussion with the public, and in fact the way you run your meetings is that you don't allow people to talk unless it's on the agenda, or, if it's on the agenda you can't talk, and that is not conducive to really getting appropriate public input in my opinion. And furthermore, by limiting that, which is what you typically do in most of these meetings, to three minutes, that really does not effectively allow for public comment...I think the substantive changes, (seven or so) you ought to be able to have a public conversation about (them) first, some time to think about it, and then you have a decision that is brought before the Commission at a public hearing."

**Action: Motion:** to close hearing [Powell/Steele] **Action: Vote**, unanimous. Motion carried [01:01:10].

Smith presented the protocol of moving to approve the proposed amendments with changes. Attorney Casey clarified Smith's terminology, "You want to accept the proposed amendments as proffered, except for the following, say the ZBA one..."

**Action: Motion:** to accept amendments to the Regulations as proffered with the following exceptions [Tanner/Powell].

The exception to the text amendments is on p. 83: Powers and duties of ZBA, which commissioners agreed to leave as 30 days, (Section 20.2.1).

Substantive text amendments proposed to the Regulations:

Powell suggested to keep Cannabis proposal as is; Steele agreed.

Steele suggested to keep the FEMA look-back proposal with a 2-year frame; Commissioners agreed. Tanner dissented, "I continue to believe a higher number is better."

"15 days Notice posting" to 12 days. Oviatt commented that he is concerned about both the number of times Noankers can come in to office to look at documents and about the requirement to post Notice in front of applicants' houses.

p. 38 - "requirements for site plan" - clarified wording of Section 11, and stated the requirement to show boundaries on site plans.

p. 55 - "Coastal Area Management review" language added to comport with law, and to include potential exemptions. Tanner asked about the term "exception." Attorney Casey answered, "If you were within 1,000 feet of shoreline or some coastal feature, you might be in the coastal boundary but not adjacent to coastal waters." A recent example, Smith said, is the application for the Noank School Community Gardens which is on a hill but in the CAM zone. Discussion ensued about adding an explanation to this section of NZ Regulations. Attorney Casey discouraged the idea to avoid future confusion.

p. 85 - Tanner asked about the wording, "all properties within one hundred fifty feet," Smith clarified that the word "one" was missing and is now restored.

Attorney Casey suggested that the amendments become effective June 1, 2022, Tanner **Moved:** to accept amendments to the Noank Zoning Regulations as proposed with the following exceptions: Section (20.2.1) to leave the 30-day ZBA appeal period as-is, and to make the amended Regulations effective June 1, 2022. [Tanner/Steele] No discussion followed. **Action: Vote** unanimous. Motion carried. [1.24.00].

**Motion:** to adjourn [Smith/Powell]. **Action: Vote** Unanimous. Meeting adjourned at 8:24 PM.

Respectfully submitted,

Elizabeth Yerkes  
Recording Secretary