

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

Minutes of the Regular Meeting

Date: June 21, 2022

A link to the recording of the meeting is:

https://1drv.ms/u/s!ApV_BVCbHuQwuF4bMt2z-P_Cw540

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, Nip Tanner, Hansina Wright, Alternate seated for Blake Powell. Chairman's remarks: None

- A. Public Comment - Issues Not on the Agenda - None
- B. Public Hearing on Applications for Design Review - None
- C. Application for a Home Occupation Certificate for Francis Scalley, 780 Groton Long Point Road to conduct a sewing and upholstery business as "Noank Canvas and Cushion."

Mr. Scalley presented his proposal for a single-person, in-house sewing business for seat cushions and other types of similar repairs. He stated it would be a largely mobile business with light sewing. There would be no employees other than himself and his wife, no outside signage, parking off the street with the expectation that only one customer at a time would be present, no materials would be stored outside and the only indication of a business presence would be a van with business information on the side panels. He noted he had discussed his proposal with his neighbors.

Discussion centered on whether this type of sewing activity was "customary." It was noted that it was repair, not retail and a "one at a time client" type of operation similar to an accountant, lawyer or doctor's office. One commissioner felt the activity was similar to a seamstress, which was customary.

Motion: to approve the application (Steele/Wright).

Discussion was similar to that noted above. It was viewed as "akin to seamstress work." It's customary, something that would be done in the home. One operator, one client at a time. One commissioner felt that this kind of activity was not customarily done out of the home. Others felt it was similar to other activities that would be viewed as customary in a coastal community, for example, sailmaking.

Motion carried 4:1 (Tanner opposed).

D. New Applications for Design Review

1. Receipt of Application for a Certificate of Design Appropriateness Under Section 2.26 of the Noank Zoning Regulations for the property of Tristan McDonald at 33 Church Street.

Commissioner Tanner recused himself due to the proximity of his property to the subject property. The Chairman briefly described the proposal and asked for expressions of public interest. There were none.

Motion (Steele/Oviatt): I move that the Noank Zoning Commission find that the application of Tristan McDonald for a Certificate of Design Appropriateness to make exterior renovations, replacing porch posts, removing and adding windows and doors, adding a wood stove flue and skylights at 33 Church Street Noank is complete and that based on the potential impact on neighborhood architectural harmony and character, property values, historical integrity, and/or public health and safety, the appropriate level of review for the application is a Site Plan Review under Section 2.26.6.5; and that all specific submittal requirements that are not included in this application be waived because they would not aid the Commission in its determination of the application's compliance with Section 2.26.

There was no discussion. Implied in the motion was that it would be a site plan review without a public hearing.

Motion carried unanimously, 4:0 (Tanner recused)

2. Receipt of Application for a Certificate of Design Appropriateness Under Section 2.26 of the Noank Zoning Regulations for the property of Kevin & Joyce Kristen Flanagan at 242 Elm Street.

Commissioner Tanner returned to the meeting. The Chairman briefly described the proposal and asked for expressions of public interest. There were none.

Motion (Steele/Tanner): I move that the Noank Zoning Commission find that the application of Kevin and Joyce Kristen Flanagan for a Certificate of Design Appropriateness to make exterior renovations, adding a 2-story dormer addition with deck at the rear of an existing single family home, replacement and addition of windows and doors at 242 Elm Street is complete and that based on the potential impact on neighborhood architectural harmony and character, property values, historical integrity, and/or public health and safety, the appropriate level of review for the application is a Site Plan Review under Section 2.26.6.5; and that all specific submittal requirements that are not included in this application be waived because they would not aid the Commission in its determination of the application's compliance with Section 2.26.

There was no discussion. Implied in the motion was that it would be a site plan review without a public hearing.

Motion carried unanimously, 5:0.

E. New Business

1. Applicant's Presentation, Review and Action on Application for a Certificate of Design Appropriateness Under Section 2.26 of the Noank Zoning Regulations for the property of Tristan McDonald at 33 Church Street for exterior renovations, replacing porch posts, removing and adding windows and doors, and adding a wood stove flue and skylights.

Commissioner Tanner recused himself. Mr. McDonald presented his proposal for moving windows and adding windows and doors, replacing porch columns with more period-consistent pillars, and modernizing utilities without sacrificing the heritage and charm of the structure. He felt the changes were not out of character with surrounding properties. Most changes would be at the rear of the property and not visible from the street. The most significant change was to add a stainless steel wood stove flue and skylight windows but he noted these would be on the north side of the structure, shielded by vegetation, and not very visible from the street.

Commissioner Oviatt asked whether all windows were being replaced (no). Alternate Wright asked about exterior lighting. There were no plans to add lighting at this time.

Motion (Steele/Oviatt): I move that the application of Tristan McDonald for a Certificate of Design Appropriateness to make exterior renovations, replace porch posts, remove and add windows and doors, and add a wood stove flue and skylights at 33 Church Street, Noank, be approved because it meets the criteria set forth in Section 2.26 of the Zoning Ordinance for the Noank Fire District.

Discussion centered on the issue of exterior lighting. Oviatt felt that there were a lot of properties that had a lot of exterior lights and it can impair one's view when walking through the village. Steele felt that, if no change was being proposed, it would be difficult to envision adding a condition on something that was not being proposed. Wright felt that we should at least offer guidance to minimize exterior lighting as it is projected into neighboring properties. The chairman agreed to discuss the issue with the ZEO and counsel.

Motion carried unanimously, 4:0 (Tanner recused).

2. Applicant's Presentation, Review and Action on Application for a Certificate of Design Appropriateness Under Section 2.26 of the Noank Zoning Regulations for the property of Kevin & Joyce Kristen Flanagan at 242 Elm Street Street for exterior renovations, adding a 2-story dormer addition with deck at the rear of an existing single family home, replacement and addition of windows and doors.

Commissioner Tanner returned to the meeting. Peter Springsteel, architect for the Flanagans, described the work being proposed. No work is being done at the front of the house. Many structures in the neighborhood have dormers. The structure is in a flood zone but would be flood-compliant. The existing back yard second story dormer roof is to be elevated but not above the height of the existing structure. Additional windows and doors are proposed. The deck will remain the same but the railings will be changed. Shingle siding will be used in the back but the

clapboards will remain in the front. Fenestration was described. There is no proposed change in the existing lighting array.

Commissioners asked questions that Mr. Springsteel answered regarding initiation of work and permit status. Wright asked about the height limit and lighting. The height will not increase and no added exterior lighting is proposed. The windows in the back of the structure to be replaced are quite similar to the existing windows. Smith noted that architectural design review includes vision from the waterway and further noted that many homes along the cove have second story decks with doors out to the deck. Tanner noted that the regulation states “view from navigable waters.” Alternate Wright noted that people boat from Beebe Cove out to navigable waters. She also recommended that lighting be a consideration in all such proposals in the future. The chairman again agreed to discuss the issue with the ZEO and counsel.

Motion (Steele/Tanner): I move that the application of Kevin and Joyce Kristen Flanagan for a Certificate of Design Appropriateness to make exterior renovations, add a 2-story dormer addition with deck at the rear of an existing single family home, replace and add windows and doors at 242 Elm Street, Noank, be approved because it meets the criteria set forth in Section 2.26 of the Zoning Ordinance for the Noank Fire District.

There was no further discussion.

Motion carried unanimously, 5:0.

F. Old Business

1. Update on STR issues - Little to report. Chairman Smith noted that the number of potential offenders or questionable operators remained around none to 1 and ZEO Mulholland and Counsel Casey continued to work on the issue. Commissioner Tanner noted the frustration of community members with one operation that appeared to a number of people to be an ongoing STR. Smith noted that Mulholland and Casey were aware of the complaints but was not at liberty to comment further.
2. Update on P.A. 21-29 Opt Out Hearing - June 15th - Smith reported that the legal Notice of Decision of the Commission’s decision to recommend opting out had been published in The Day on June 17th and the issue had been referred to the Executive Committee for endorsement, as required by the Act.
3. Approval of Meeting Minutes - The minutes of the Regular Meeting of May 24, 2022 and the Special Meeting of June 1, 2022 were approved without objection. The minutes of the June 15, 2022 Special Meeting (public hearing and meeting to consider opting out) were reviewed and the chairman polled commissioners as to whether they had reviewed them. They had, so a motion was offered (Steele/Oviatt) to approve them. The motion passed 4:0:1, (Wright abstained).
4. Approval of ZEO Reports - The ZEO report for May 2022 and a revised report for April 2022 were approved without objection. Commissioner Tanner noted that it might be more appropriate to “accept” the ZEO report in the future instead of “approving” it.

G. Added New Business

1. Commissioner Tanner requested time to discuss the potential use of accessory buildings for sleeping arrangements when family members visit. Without objection, the issue was discussed. Tanner noted that it was one of those things that a number of residents had done over time and wondered whether the zoning regulation could be amended to allow such activity. Smith noted that he had discussed the issue with counsel to identify background and concerns, if any. There were some that would be worthy of consideration if the Commission chose to pursue the idea.
2. Chairman Smith thanked departing Commissioner Tanner for his contribution of time and service over the past decade. Tanner noted significant accomplishments over that time, namely the Ford's site development, the short term rental issue, more attention that the commission was now placing on design reviews, and his observation that we have been more rigorous than the law requires in avoiding the appearance of conflicts of interest. He felt that was good for the applicant and good for the commission.

Motion to Adjourn carried unanimously at 8:18 PM (Tanner/Steele).

Respectfully submitted,

Rick Smith
Interim Recording Secretary