

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

Minutes of the Regular Meeting

Date: October 18, 2022

A link to the recording of the meeting:

[https://1drv.ms/u/s!ApV\\_BVCbHuQwuTZwjIWvxZfIHF60?e=IhJmyE](https://1drv.ms/u/s!ApV_BVCbHuQwuTZwjIWvxZfIHF60?e=IhJmyE)

Call to Order, Roll Call: Chairman Rick Smith called the meeting to order at 7:00 PM. Members Present: Dana Oviatt, Beth Steele (Vice Chairman), Rick Smith, Peter Drakos and Alternate Stan White seated for Blake Powell. Others: Janet Sutherland, Clerk.

Chairman's remarks: Reminder that next month the Commission has two non-routine items on the November agenda, one is the election of the Vice Chairman which is an annual event, the other is the Coastal Site Plan Review for 53 Riverview Avenue. By that time the Commission will have received DEEP's comments, if any, and will consider CSPR attributes under the Commission's authority.

Public Comment - Issues Not on the Agenda - None

A. Public Hearing on Applications for Design Review - None

B. New Applications for Design Review

1. Receipt of Application of Reagan Construction Group for a Certificate of Design Appropriateness Under Section 2.26 of the Noank Zoning Regulations for the property of John O'Keefe at 17 Smith Court.

Chairman Smith stated that the builder for Reagan Construction Group came down with COVID at 5pm tonight and will not be presenting. Smith then asked if the owners are present, which they are not. Smith then addressed the board stating the Commission is under no obligation to get a presentation, and the application can be judged merely on the package received, and asked Board how they would like to proceed.

Steele: Does not want to impede upon their progress, but places significance on the builders explanation of the application.

Oviatt expressed his agreement that the builder should be present.

Smith agreed to postpone Design Review until the November meeting.

## E. New Business -

1. Application of Reagan Construction Group postponed to November meeting.
2. Informal Public Information Session for Noank Residents & Property Owners – on the need for enhancement of residential renting opportunities in Noank and potential ways to accomplish this goal.

Commissioner Smith presented background on the topic. From about last October until June the Commission was dealing with some of the requirements of Public Act 21-29 which was intended to try to make rental opportunities more affordable and more available. The Commission had agreed that the goal was rational and sound, but the methods in the statute were troublesome, chiefly that they were set in stone. As allowed by the Public Act, the Commission voted to opt out of certain provisions, but not the entire Act. By law, the Executive Committee had to agree with that position, which they did in July/August. The Act is done as far as the Commission is concerned, but the goals are still worthwhile to pursue. During debates on the Act, the Commission had decided it would like more time to craft some provisions that are more sensitive to what Noank wanted in terms of enhancing rental opportunities. At the last meeting [September 20], the Commission decided before drafting a proposed regulatory solution, to get some public input. Commissioner Smith emphasized this is not a formal public hearing, and that property owners and residents were notified to give their thoughts on two questions – should the Commission move forward on provisions to enhance long-term renting opportunities, and if so how should the Commission approach this? Smith then invited the public to discuss.

Sidney Van Zandt – Described purchasing her house, with her husband, on the corner of Front St and Main St. In 1961 the town was full of people building ships in the neighborhood, and many houses had more than one family occupying. The neighborhood changed and houses became less affordable, but there were no zoning regulations to allow homeowners to build accessory apartments. Believes multi-family houses should be allowed in Noank for those who cannot afford purchasing a home.

Chairman Smith clarified that there is a provision currently in the Zoning Regulations that allows for apartments, but there are limits including size.

Van Zandt asked that the current provisions be sent out along with the meeting announcement.

Smith clarified that the Regulations are all on the Noank website, section 2.13.

Steve Pendery – Recommended eliminating any parking requirement for long term rentals in the Fire District, as they do not serve the best interest of the renter, landlord and community. Eliminating parking restrictions would open up

many properties for potential rent. Second, Pendery emphasized the right of current property owners to rent out extra parking spaces, landlord must maintain parking spaces even when unused, costs which could be offset by renting. Final point from Pendery is to enforce current parking regulations, as there is plenty of illegal parking citing an example in his email sent to the Commission.

Clint Wright, 24 Westview Ave – Described detached garage on property that was remodeled for his daughter on visitations, then emphasized a growing demographic of under-thirties who cannot afford to buy property. Wright believes property owners with available and up-to-code units for rental should be able to do so to help the aforementioned demographic.

Larry Dunn, 91 Crosswinds – Believes it is correct for the Commission to update the Long-Term Rentals section of the Zoning Code in an effort to increase rental population. Dunn agrees with the points sent out by the Commission regarding this, and urges caution and clarification that such rentals do not become Short-Term Rentals. Dunn asked Commission if future regulations would include corporate ownership or whether owners should be present. Dunn stated he agrees on parking, emphasized a way for owners to rent out excess spaces [as suggested by Pendery] but should be off the street.

Smith clarified that the Zoning Commission can regulate parking on private property, but has no authority on public streets.

Sandy Van Zandt, 3 Front St – Asked the Commission what were the regulations regarding parking for someone who is renting.

Smith said he could not research it or provide further information at the moment, but asked for suggests as to what Commission could do regarding parking.

Sandy Van Zandt then detailed an excessive amount of cars parked on the streets of Noank village, particularly on Front St.

Tom Olson, 188 Crosswinds Dr – Commented this is good initiative taking by the Commission. Only concern was the Commissions definition of long-term vs short-term rentals, as long-term rentals are not discussed in the current regulations. Would like to see long-term rentals as an approved authorized use.

An audience member asked the Commission for clarification on current provisions on accessory apartments.

Chairman Smith – Summarized Section 2.13, as follows: any house preexisting 1965 and meeting a certain size limit for the lot and unit, can be converted from a single-family dwelling into two single-family dwellings.

Lynn Marshall, 118 Pearl St – Supported the Commission taking measures to promote long-term renting. Agreed with the State of Connecticut that Affordable Housing is an important issue, and many people would like to live in Noank and contribute to the community, but cannot afford it. Would like to welcome more people to the Noank community, particularly to increase the amount of year-round residents. Marshall also believed this could help some owners stay in their home by providing additional revenue, although this should not be the main purpose. Yes, the size of the apartment should be limited, Public Act 21-29 mentioned a certain percentage of the floor area of the principal dwelling or 1000 square ft, whichever is less. Suggested the Commission should decide on limit for floor size. Accessory buildings already have a limited size, emphasized that zoning regulations state maximum floor area, and referenced previous Zoning Commissions providing a definition of floor area as designed for Noank but was not included in regulations. Marshall thought that the size of a lot on which an accessory apartment could be added or expanded from an existing dwelling should be limited, at least for starters. She did not feel the number of separate structures allowed on lots should be limited as long as they meet regulations. Allowing only one would change the character of Noank. Marshall stated parking is important, however it is accomplished, but there should be some restrictions as parking on Pearl St is already congested. Urged caution against corporate entities, owners should be present. Should the number of accessory apartments owned by one property owner be limited, Marshall felt one per property would be an increase over what Noank currently has and would benefit future renters.

Zell Steever, 81 Main St – Handed out detailed map of Noank from Spicer Park to Potter Ct and Front St, and displayed same map on easel for audience. Steever came to Noank in 1963 and purchased a home in 1964, and proceeded to discuss the history of the neighborhood from Front St to Church St. Half of the houses in the area historically had an apartment or some sort of accessory dwelling structure. Discussed owning a multi-family structure with seven studio apartments that does not have the required fourteen parking spaces, but never had any complaints, nor did previous owners Van Zandts. Steever then mentioned the common practice of renting for three or four months, and not requiring a full year commitment. Argued it would be best to avoid corporate ownership of places in Noank, it should be the principal place where people live with the ability to rent out one or two apartments. Steever recommended the Commission use and maintain the current relationship they had previously developed with the square footage of lot coverage vs the square footage of the lot itself, to avoid changing the character of the village. He noted he is a fan of the small house movement, and mentioned the State Building Code should be followed, his experience as a renter had shown there was great interest in one-room affordable studio apartments. Steever believed LTRs could open up the community to a more diverse population, and solve some of the economic problems that people have complained about. Steever encouraged further public meetings, particularly as Commission builds a data set for where they are

going, and recommends bringing in a consultant to analyze history of single-family vs multi-family units in Noank. Steever does not recommend the use of separate entrances for units, as this would change the character of the village.

Wayne Burdick, 15 Davis Court – Burdick believed it is great of the Commission to allow accessory building units on properties that can observe the necessary parking regulations and lot coverage. Burdick's own property is under corporate ownership. He encouraged accessory apartments as they will increase the tax base, add to the value of the property, will bring in full time residents and make the community feel more lived in, and will allow families to continue their legacies.

Liz Raisbeck, 81 Main Street – Raisbeck believed attracting LTRs is important for Noank, will hopefully bring more people to village in the winter. Asked the Commission if anyone was present during the laborious process of establishing house footprint to lot ratio, all respond no. Houses were being built with size and scale far outside the character of the village. Raisbeck encouraged the Commission to not yield to pressure to change ratios so that people may not add large two-story accessory buildings.

Robert Porter, 60 Main Street – Agreed with the Commission that apartments should be reconsidered. Porter then discussed the history of Noank, many homes had accessory apartments in the village, his father's house was originally a boarding house. Knew locals who were rejected by Zoning Commission to build apartments, and could no longer afford their homes and were forced to move out. Porter would like an increase in youth and people in the winter.

Paul Bates – Supported some accessory building units. Strongly suggested leaving the section of converting existing buildings as is within current regulations. Bates mentioned any property built before 1956 isn't subjected to the current parking requirements. Bates delivered a handout of the Town of Groton and Stonington Zoning Regulations to Commission members regarding Accessory Dwelling Units, and he recommended the Noank Commission talk to these other Commissioners to get insight into any problems. Asked the Commission to refrain from any executive meetings with their lawyer, used just for personnel matters and pending litigation. Would like the Commission to change their current Rules of Disengagement, referencing other committees that allow the public to speak on all agenda items.

Ben Greenfield, 82 Front Street – Supported the Commissions initiative to open Noank up again to renters, would like to make it a more vibrant community. Should dwelling size be limited, Greenfield believed livability started at 750sq ft, should be within appropriate scale to lot size. Recommended not setting oppressively minimal dwelling size. Should the size of a lot on which an accessory apartment could be added or expanded from an existing structure be limited – from the GIS map the majority of village residential lots are 0.2 to 0.3

acre size, so around 8,500 sq ft is a good starting point for minimum ADU lot size. In reference to parking, Greenfield agreed with Bates point about being grandfathered in [property built prior to 1956 isn't subjected to current parking regulations]. Should the number of separate structures allowed on lots of a given size be limited, Greenfield believed based on the average lot sizes, allowing a detached ADU would be reasonable, added that many detached unit allow for family flexibility and unity. Should the number of ADUs owned by one property owner be limited, Greenfield believed qualifying lots should get one. What are the implications for parking, Greenfield suggested no more than one vehicle per ADU, and added that there is ample opportunity on many lots to accommodate off-street parking on residential lots.

Bates asked Larry Dunn to return and explain why whatever the Committee decides does not apply to 81 Crosswinds Drive.

Larry Dunn – In doing research, the original property owner established a covenant that all 50 homeowners basically inherited which don't allow STRs, but also doesn't allow accessory buildings to be lived in. There might be other areas within the town that need some legal research, but it is allowed that if 50% of the owners agree to a change in those covenants, you can make a change. So there might be a secondary point in these things, that if you research the legalities to keep everything clean. Dunn supported it in his existing neighborhood, even if it meant overturning the covenant.

Lynn Marshall – Point of clarification, she had not said anything about the minimum size of the unit, suggested the Commission start their considerations with unit sizes as low as 250 sq ft.

Zell Steever – Asked whether the Commission is interested in having any further discussion once some semblance of a proposal is made.

Chairman Smith – Too soon to tell. That would come about as the Commission discussed it. Chairman closed the session.

## F. Old Business

1. Update on STR issues – None
2. Approval of Meeting Minutes – The minutes of the Regular Meeting of September 20, 2022 were approved without objection.
3. Approval of ZEO Reports –  
Drakos asked for clarification regarding Whitehall Landing, Steele responded to location near Route 215.  
The ZEO report for September 2022 was approved without objection.

Drakos – Questioned by the Commission was not allowed to discuss issues that were brought up by the public during the public session.

Smith – Explained that all of the Commission’s business under Zoning Law has to be announced to the public and must be what is outlined in the agenda. He observed that he felt there would not have been enough time on the agenda to debate the issues raised during the public session, so he did not include debate and deliberation as an agenda item. The unanticipated cancellation of the design review freed up time. Generally, if a member of the public mentions an item, the Commission decides whether to add the issue to a future agenda and the public would have to be notified that the Commission would be discussion the issue at that time. The public needs to be made aware of what the Commission is discussion, otherwise it should not be discussed. This is the legal advice the Commission has received in the past.

**Motion to Adjourn carried unanimously at 8:10pm (Steele/Drakos).**

Respectfully submitted,

Janet Sutherland  
Clerk, Noank Zoning Commission