

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

Minutes of the Regular Meeting

Date: June 20, 2023

A link to the recording of the meeting:

https://1drv.ms/u/s!ApV_BVCbHuQwvF_arlofTkVO0qsz?e=5kuw3L

[Times shown correspond to recording.]

Call to Order: 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 Hansina Wright for Blake Powell. Others: Janet Sutherland, Clerk.

Chairman's remarks: Commissioner Oviatt asked that Residential Renting Opportunities be tabled to a later meeting where all commissioners are present, Drakos endorsed this and Steele seconded. The topic was moved to the July 18 Regular Meeting.

A. Public Comment - Issues Not on the Agenda - None

B. Public Hearing on Applications for Design Review - None

C. New Applications for Design Review -

1. Receipt of the Application for a Certificate of Design Appropriateness Under Section 2.26 of the Noank Zoning Regulations for the property of Thomas Durr at 0 Elm Street South Lot 3.

[2:57] A brief description of the project was given to construct a single-family home with three-bedrooms and three-bathrooms with a two-car garage underneath.

Smith asked if there was public interest in the application.

[3:33] Joseph Kane, 131 Prospect Hill Rd - Kane commented this lot was the third in a group created from a subdivision approximately 10 to 15 years ago. Durr's property is currently accessible by a utility road crossing Kane's property. Kane asked that a private driveway be in use for access to Durr's property for utilities.

Mike and Laura Perry, 826 Groton Long Point Rd - additionally requested that a driveway giving access from Elm Street be in use prior to construction so that no vehicles use their shared driveway access road. Perry added that the shared driveway utility road had been misused by other property builders.

Smith asked for clarification that Perry and Kane wanted the driveway from Elm St South since Durr has easement for utility vehicles only through shared driveway.

[5:40] Elizabeth Yerkes, 129 Prospect Hill Rd - Yerkes noted the lower part of their property abuts Durr's lot, and additionally asked for no access from the shared driveway.

Drakos noted the application describes a three-bedroom home, while the engineers report states it is a four-bedroom home.

Commissioners then discussed the application's completeness. Drakos and Steele stated it was complete. [8:10] Oviatt commented the Design Review Notice was far too small for the public to read, and included photos of the Notice for the commissioners. Oviatt questioned whether there was sufficient notification to the public. Smith replied the small size was for logistical reasons (difficulty in preparing a large sign at a print shop in the time allotted for notice in the regulation). Smith commented the application was complete barring signage.

Commissioners determined the level of review of the application and need for a public hearing. Drakos did not see any need for a public hearing, Steele agreed. Wright noted there were inconsistencies that needed to be addressed, such as the number of bedrooms, exterior lighting and concerns from neighbors. Smith stated this was the order of motions as provided by the attorney, but these questions would be clarified later in the meeting. [14:48]

Motion (Steele/Oviatt): I move that the Noank Zoning Commission find that the application of Thomas Durr for a Certificate of Design Appropriateness to construct a new single-family three-bedroom three-bathroom home with a two-car garage underneath at 0 Elm Street South Lot 3 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 without a public hearing 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.

Motion carried unanimously, 5:0.

Motion: Drakos moved and Steele seconded to table the motion to determine the application's completeness until after the presentation of Thomas Durr of 0 Elm Street South Lot 3, Noank to construct a new single-family three-bedroom three-bathroom home with a two-car garage underneath.

Motion carried unanimously, 5:0.

D. 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 Thomas Durr at 0 Elm Street South Lot 3 to construct a single family home with three-bedrooms and three-bathrooms with a two-car garage underneath.

[17:56] The architect (Darren ?) began by addressing the inconsistencies in the number of bedrooms. Lot 3 is on a hill and the original design was made without knowing grade elevations. Once elevations were received from the engineer and height requirement calculated, adjustments were made to the original design. The vaulted bedroom would now become an office.

The home would be a chalet cottage style with a garage underneath and deck facing out towards the water (South). The roof would be flatter to conform to height requirements. The design would emulate neighboring homes with transoms aligned symmetrically with the garage underneath. The right side of the home would have a covered entrance from the exterior, a porch, bedroom located in the rear with a small closet, third bedroom shown on the left elevation of the Site Plan. A small sunroom would be located in the front left of the house. Two bathrooms to be located downstairs with one upstairs.

Smith asked about siding and windows. The architect responded there would be black Marvin or Anderson 400 quality, with grills in the windows for aesthetics and as not to impede the view. Window size would be 4 over 4. There would be hardy lap board siding with a wood-type finish, and hard board with light trim for fascias and duckboards. The deck would be made of composite AZEK decking with a brownish color. There was uncertainty regarding final color but it would be composite material. The roof would have architectural grade shingles of either charcoal or a weathered wood color. Exterior doors would be constructed of wood-looking fiberglass with a textured appearance. Garage doors would also have textured wood-style and potentially have grills between the glass windows at the top of the garage doors.

[26:37] Smith asked if Durr had any plans for a driveway. Durr responded that the Groton Wetlands Commission granted permission for a driveway on the left side of the property. Smith asked if the driveway would be built first, Durr replied yes. Smith noted this should be a permit condition.

Steele questioned whether some vehicles would have to enter through the right of way to lay utilities and what the logistics would be. Durr replied they were on the edge of the property and only necessary utilities would enter through right of way. Smith commented he was unsure how rights of way work, Commissioners then search for property deed, only a recitation of easements that affect the property was found by Steele. This described an easement for the installation and maintenance of utilities for this property.

[31:59] Drakos asked if there was a pad before entering the garage on the driveway, Durr responded yes there would be a pad. Steele noted there were many 'probablys' and variables in the application that were yet to be decided, and added concern that the design could be changed after approval. Smith stated the Commission could add a permit condition to ensure house is built according to design submitted for the meeting. Smith asked if Durr was fully committed to the current design such as windows and roof line, Durr replied yes. Steele questioned what exterior lighting would be included as the house is fairly close to the neighboring lot. Durr replied only motion detector lights that would be pointed downward. Smith questioned whether the plans had been shown to neighbors, Durr replied yes. Drakos questioned the positioning of the house within the hilled lot, Durr replied in the location where large rocks were placed by neighbors after drilling. Smith questioned how the rocks would be moved, Durr replied the neighbors responsible would remove the rocks. Drakos asked if there was concern regarding proximity to the neighboring home, Durr replied no the neighbor had been very helpful.

[38:40] **Motion:** Steele moved and Drakos seconded to take the motion back off the table to determine the application's completeness until after the presentation of Thomas Durr of 0 Elm Street South Lot 3, Noank to construct a new single-family three-bedroom three-bathroom home with a two-car garage underneath.

Motion carried unanimously, 5:0.

Motion (Steele/Drakos): I move that the Noank Zoning Commission find that the application of Thomas Durr for a Certificate of Design Appropriateness to construct a single family home with three-bedrooms and three-bathrooms with a two-car garage underneath at 0 Elm Street South Lot 3, 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 without a public hearing 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.

Motion carried unanimously, 5:0.

[42:42] Steele opened the motion to accept the application. Commissioners then discussed conditions that the permit would be subject to. First, that the driveway from Elm Street South be constructed and in use before construction has started, and all construction vehicles enter from Elm Street South except utility vehicles as permitted in the legal right of way. Second, that the new home is a three-bedroom not a four-bedroom. Third, that the structure form and

shapes of design are approved as shown in the design considered and discussed on June 20, 2023.

Wright questioned if the Commission was required to consider hours of operation for construction vehicles. Smith suggested a permit condition that the hours of construction be in accordance with Town of Groton Building Regulations. Wright then questioned whether an as-built was required for a new project, Smith replied he was unsure but would add a permit condition that the home be constructed as required by the ZEO.

[52:40] Kane commented his concern with the motion, then added that only the Town of Groton had an easement for his deed, not private entities such as Noank Water Company. Steele noted that if Durr has an easement to install utilities then they would be an agent of the owner (Durr) who has a right to place utilities. Smith added the right of way issue is not one the Commission could control, their decisions are regarding Design Review only. Wright suggested the Commission ensure the owner abides by all easements as a permit condition. Steele noted the Commission has no control or authority to make conditions other than owner must comply with chain of title. Smith read out the six permit conditions to be added to the application to agreement from the Commissioners.

Motion (Smith/Steele): I move that the application of Thomas Durr for a Certificate of Design Appropriateness to construct a single family home with three-bedrooms and three-bathrooms with a two-car garage underneath at 0 Elm Street Lot 3, Noank be approved because it meets the criteria set forth in Section 2.26 of the Zoning Ordinance for the Noank Fire District, and that said approval be subject to the following conditions: 1) that the driveway from Elm Street South be constructed and in use before construction has started, and all construction and site work vehicles must enter the lot by Elm Street except for utilities vehicles. Utilities vehicles for construction and maintenance to be as permitted in the legal right of way in the chain of title of the applicant, 2) that the new home is a three-bedroom and not four-bedroom, 3) that the structure, form and shapes of the design must be as shown and discussed on June 20, 2023, 4) that all exterior lighting be down facing and away from neighboring lots, 5) that the hours of construction be in accordance with Town of Groton rules, and 6) that “as built” plans to be as required by the Zoning Enforcement Officer.

Motion carried unanimously, 5:0.

F. Old Business

1. Residential Renting Opportunities - Consideration of public comments from October 18, 2022 informal public information meeting and deliberation on enhancement of residential renting opportunities in Noank and potential ways to accomplish this goal.

This was tabled to the July 18 Regular Meeting.

2. Tarpon Towers - Discussion on progress working with technical expert and Tarpon Towers representatives, and future actions.

[1:05:12] Smith described meeting with the applicant and the expert hired by the Noank Fire District since the June 1st Meeting. There would be an Executive Committee meeting on June 22 regarding hiring an attorney and approving a budget for legal fees. Smith and Executive Committee Chairman Mike Noel had been working together on a robust list of alternative sites. July 8 is the deadline for submitted the list of alternative sites. Drakos asked for clarifications, Smith responded the expert hired advised on alternative site locations to minimize obstruction of views.

Smith reminded Commissioners about Public Act training requirements to be completed by December 21, 2023.

Drakos commented on the Tarpon Towers meeting date correction sent out by email and was concerned about confusion from the public. Smith commented the Noank Fire District meeting would be held on Thursday (June 22) and the second meeting would be a month away, and all information was provided in emails sent to everyone on the Zoning email list.

3. Approval of Meeting Minutes - The minutes of the Regular Meeting of May 23, 2023 were approved without objection.
4. The ZEO report for May 2023 was received.

Motion to Adjourn carried unanimously at 8:18pm (Drakos/Oviatt).

Respectfully submitted,

Janet Sutherland
Clerk, Noank Zoning Commission