

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

Minutes of the Regular Meeting

Date: July 18, 2023

A link to the recording of the meeting:

[https://1drv.ms/u/s!ApV\\_BVCbHuQwvHORPyiDhwUi3IDM?e=1neHrw](https://1drv.ms/u/s!ApV_BVCbHuQwvHORPyiDhwUi3IDM?e=1neHrw)

[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 Blake Powell. Others: Janet Sutherland, Clerk.

- A. Chairman's Remarks - [0:28] Smith provided an update on the Tarpon Towers cell tower. Tarpon requested a postponement of their public meeting to September 25th so they may review the alternative site list submitted. Noank asked for a 45-day extension for the alternative site list. Four properties currently suggested as alternates to 70 Marsh Road are: the Groton Police Station, Noank Baptist Church, 10 to 12 Groton Long Point Road, and a HAM radio at Palmer Cover Marina that could potentially be upgraded to accommodate Tarpon's needs. Documentation regarding proof of tower is still needed for Palmer Cove Marina, though this is to be discussed between them and Tarpon. Smith then commented on a recent meeting with the new Noank Fire District attorney representing this case regarding new potential sites that would provide similar coverage while being less offensive. The technical expert David Maxson is additionally looking into this topic, and less offensive looking tower options.
- B. Public Comment - Issues Not on the Agenda - [6:16] Ben Greenfield wished to comment on an agenda item, Smith responded such comments should be sent to [nfdzoning@gmail.com](mailto:nfdzoning@gmail.com)
- C. Public Hearing on Applications for Design Review - None
- D. New Applications for Design Review - None
- E. New Business - None
- F. Old Business
  1. Residential Renting Opportunities - Consideration and deliberation on enhancement of residential renting opportunities in Noank and potential ways to accomplish this goal.

[8:17] Smith provided updates from the May meeting, and noted his discussion

with Noank Fire District Attorney John Casey regarding requiring at least one unit be owner-occupied if renting a secondary dwelling, Casey thought it would be difficult to defend this requirement. Oviatt commented that both Norwich and Town of Groton Regulations state that the owner must live in one of the units. Oviatt read Norwich's Regulation 6.7.3 Owners of dwelling unit must occupy one of the units on the property. Powell questioned whether the Commission could regulate for one ADU, Smith replied yes, and Oviatt added that Town of Groton and Norwich already regulate them.

[15:10] Powell noted there are homes with ADUs in which the owner has no intention of renting, and added his favor in allowing for a kitchen for ADUs regardless of the owner's intent to rent or not. Steele read Sections 2.11 and 2.13 into record to analyze regulations.

2.11 MORE THAN ONE DWELLING ON A LOT - Each dwelling unit shall be located on a separate lot, except as specifically provided elsewhere in these Regulations.

2.13 CONVERSION OF EXISTING DWELLINGS - Any single-family dwelling in the Fire District, existing as of April 19, 1965, may be converted to contain not more than two single-family dwelling units, provided that each dwelling unit shall contain the required 850 square feet of floor area and provided further that the lot area shall be not less than 10,000 square feet per family unit and that the provision of an adequate sanitary sewerage system shall have been approved by the Director of Health of the Town of Groton. Parking requirements of Section 9 (OFF-STREET PARKING) must be met.

[16:45] Smith explained a difference in terms, ADU term comes from the Public Act, while 'residential renting opportunities' allow the Commission to distinguish this from the short-term rental business. Steele reads Section 2.10 ACCESSORY BUILDINGS Subsection D - Accessory buildings shall not be used as a sleeping facility for a guest or tenant. Smith had asked the attorney if this Section 2.10D could be amended for family visits, but Casey had concerns that this would create more problems than it could solve. Steele responded if the Commission allowed stand-alone ADUs, Section 2.10 D would have to be removed due to conflict.

[20:12] Drakos requested clarification whether Section 2.10 requires ADUs to have a sanitary facility and kitchen, Powell suggested this is an undefined line that the ZEO would have to regulate. Drakos reads into record the definition of Dwelling Unit in the Regulations: a room, or group of rooms, occupied or intended to be occupied as separate living quarters by one family and containing independent cooking, sleeping facilities, and sanitary facilities.

[21:27] Smith suggested a three tier approach to enhance renting opportunities, first changing current regulations to convert existing accessory units to allow for sleeping quarters, second to allow sleeping quarters and sanitary facilities, third

being detached ADU approach where accessory buildings up to code and regulation requirements may be converted to a dwelling unit. Drakos questioned whether Executive Committee should regulate owner occupied ADUs as this is more of a policy issue, Smith responded Zoning authority regulates use, particularly rental usage and problems that could arise.

[24:50] Oviatt suggested the Commission approach attached and detached rental units separately, as attached units have fewer variables and the public may show more interest in renting attached ADUs. Steele disagreed that attached ADUs would increase renting opportunities as most landlords prefer separation from tenants, but agreed dealing with attached units would be easier. [33:38] Oviatt detailed changes that could be made to the current regulations to encourage rental units, specifically three points in Section 2.13: minimum floor size of 1700 sq ft, minimum lot size, and parking. Commission chose to reference Smith's spreadsheet.

Minimum ADU floor size suggestions in sq ft on spreadsheet: Smith 700, Steele 500, Powell 700, Stonington Regulations 300-1,100, Groton Regulations 800. Steele referenced new apartments on Bank Street in New London which will have 550 sq ft units, and added any reduction to the current requirement would open up opportunities. Oviatt suggested a minimum of 300 sq ft as this would allow for ADUs in smaller houses. Drakos questioned whether such cramming would compromise the character of the village, Powell agreed. Oviatt clarified that smaller ADUs could accommodate elderly living, Steele replied the focus should be on current renting opportunities. Smith suggested a preliminary, non-binding place holder of 500 sq ft minimum ADU floor size, Oviatt agreed, Drakos then suggested 550 sq ft, to which all agreed.

Powell then questioned the need for a maximum ADU floor size, should be proportional to primary dwelling. [45:35] Oviatt reads Stonington Regulations - The ADU must be clearly subordinate to the primary residence, and contain no more than 33 percent of the total floor area of the primary residential structure. Powell noted his agreement with the general concept.

Number of ADUs per lot in additional to Personal Dwelling Unit (PDU): [47:00] All commissioners agree on one ADU per lot.

Minimum lot size in sq ft on spreadsheet: Smith 7,500, Steele 5,000. [47:50] Commissioners discussed importance of regulating lot size. Powell suggested regulating lot coverage for ADUs. [52:05] Steele suggested current regulations penalize larger homes and larger lots, when in reality those properties can best accommodate an ADU. Drakos requested clarification on maximum lot coverage, Steele confirmed 3,000 sq ft is the maximum currently allowed. Oviatt noted that only three properties within the village meet the current ADU criteria. Smith questioned the negatives of removing the minimum lot size requirement, Steele responded it could lead to overcrowding and parking issues

within the village, Smith agreed it was zoning's responsibility to be aware of neighborhood tranquility. [56:54] Oviatt referenced Norwich Regulations - The lot on which the accessory apartment is located shall be of sufficient size and shape to accommodate parking and other normal requirements of residential uses without compromising the character of the neighborhood. Smith and Steele noted this regulation is fairly loose. Drakos commented the regulation has intent, and Steele suggested it be coupled with a number to regulate.

[58:25] Commissioners discussed how altering minimum lot size would differ in each residential zone, particularly Residential Village (RV). Powell again emphasized focusing on lot coverage before changing use. Steele noted reducing minimum lot size does not equate to an increase in footprint, and additionally suggested the Commission focus on regulating coverage instead of lot size. Drakos reads 2.10 C - The aggregate lot coverage of all accessory buildings and structures on any single lot shall not exceed 25% of the total lot coverage allowed on such lot. Steele noted this regulation pertained to additional structures, and not all accessory dwelling units. Commissioners discussed relevance of lot coverage for ADUs. [1:14:30] Smith suggested regulating both lot coverage and lot size. Powell asked the Chairman to clarify Section 2.13, Smith replied that Attorney Casey stated it does not regulate ADUs and was created prior to large developments in the Fire District (Crosswinds etc.).

Drakos referenced the issue of non-confirming structures being converted to ADUs. Powell stated setbacks should apply, and noted the Commission would be expanding a non-confirming use if changing a garage to dwelling unit. Steele suggested adjusting to non-confirming uses could affect entire Regulations, and added the law does not allow for the Commission to pick and choose between non-conformities. Oviatt queried what is required if an ADU is used as an office. Smith responded this requires a Home Occupation Certificate, whereas an ADU has more requirements such as sanitary facilities. [1:26:45]

Oviatt suggested the Commission received feedback from the public throughout this process. Smith stated it was still too early in the process, but would be sure to hold a Special Public Information Session in the future.

Number of parking spaces in addition to PDU on spreadsheet: Smith 1, Steele 1, Powell 1, Drakos 1, and Stonington Regulations 1. [1:31:18] Oviatt questioned when a cutout is allowed, Smith responded ZEO Mulholland would know specifics. Steele noted that Section 9.3 LOCATION OF REQUIRED PARKING FACILITIES requiring parking facilities to be on the premises they serve would prevent Steve Pendery's suggestion to rent out excess parking spaces.

Allow an ADU on a NCL if setbacks and limits compliant - Smith referred to

Steele's earlier concern in regulating some non-conformities and not others. Steele agreed this could be problematic.

ADU must be setback compliant: all agree yes.

Number of bedrooms in ADU on spreadsheet: all suggest 2. [1:36:56] Drakos chose to revise his suggestion of two to one-bedroom after agreeing on 550 sq ft minimum floor size per ADU.

Separate structures for ADUs was left aside for a later discussion, could be regulated by special permit.

Maximum height for ADUs on spreadsheet: Smith 20ft, Drakos 20ft, Stonington Regulations 30ft.

ADU must be architecturally consistent with the PDU on spreadsheet: [1:44:45] Smith, Powell and Stonington Regulations say yes. Smith stated this would preserve architectural character.

Must have own bathroom & kitchen: all say yes.

Code compliant: all say yes.

Access / entry doorway on rear or side of building on spreadsheet: Commissioners questioned relevance and removed this as an option.

Exterior stairways at rear: Smith questioned whether this was a code requirements, and noted Stonington required this, possibly for architectural reasons. Town of Groton Regulations state stairs must be inside exterior walls. All agreed to remove this as a requirement as well. [1:56:25]

Utilities: [1:57:20] Powell emphasized the importance of this topic, particularly for grinder pumps in older properties. Steele added some homes have a gravity pump, but some still have a grinder pump which can be easily overwhelmed. Smith stated he would review code compliance and grinder / ejector pumps.

2. Approval of Meeting Minutes - The minutes of the Special Meeting of June 1, 2023 and Regular Meeting of June 20, 2023 were approved without objection.
3. The ZEO Report for June 2023 was received

**Motion to Adjourn carried unanimously at 9:05pm.**

Respectfully submitted,  
Janet Sutherland  
Commission Clerk