

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

Minutes of the Regular Meeting

Date: October 17, 2023

A link to the recording of the meeting:

https://1drv.ms/u/s!ApV_BVCbHuQwvvgwQIVCyj9WfZu2O?e=qEPhFE

[Times shown correspond to recording.]

Call to Order: Chairman Rick Smith called the meeting to order at 7:00 PM.

Members Present: Dana Oviatt, Stan White for Blake Powell, Beth Steele (Vice Chairman), Rick Smith and Peter Drakos. Others: Janet Sutherland, Clerk.

A. Chairman's Remarks - [0:42] Smith discussed the postponement of the public meeting hosted by Tarpon Towers, initially to take place at the Marriott in Groton on Monday, September 25, 2023. Tarpon Towers is considering the alternative site at the Groton Police Station. Smith commented on his email from Town of Groton Manager John Burt who stated this location looked favorable for the proposed cell tower.

B. Public Comment - Issues Not on the Agenda -

Zell Steever, 81 Main Street - [2:07] noted issues with the Design Review procedures regarding proper notification of neighbors. The Noank Zoning Commission dropped the requirement to notify adjacent property owners in a 100 sq ft radius that a modification is being made to the subject property. Steever found this to be an unacceptable way of approaching the public, and provided recommendations to the Commission to improve notifications.

C. Public Hearing on Applications for Design Review - None

D. New Applications for Design Review -

1. Receipt of Application of Sabrina Foulke of Point One Architects for a Certificate of Design Appropriateness Under Section 2.26 of the Noank Zoning Regulations for the property of David S. Spira at 8 Front Street. [8:30]

Smith provided a brief description of the project to rebuild the existing garage with a higher roof and new dormer to be used as a garage and sail loft.

Smith solicited public interest in the application. Steever noted the proposal was nicely done, but that a sail loft implies construction of sails or a commercial operation.

The Commission determined the application to be complete. A discussion was then held to determine the level of review and potential need for a Public Hearing. Smith referenced a discussion with ZEO Bill Mulholland who noted setbacks are not a consideration for a special exception. Steele commented there was a need for a Site Plan Review, and felt the application did not require a Public Hearing. [14:08] Drakos questioned whether Mulholland okayed the garage's location, Smith replied that rules on special exceptions in the State Statutes suggests side yard setbacks are not a requirement for a special exception. Steele expressed concern with site yard setbacks. Commissioners agreed no Public Hearing was required.

Motion (Steele/Oviatt): I move that the Noank Zoning Commission find that the application of Sabrina Foulke of Point One Architects on behalf of David S. Spira for a Certificate of Design Appropriateness to rebuild an existing garage with a higher roof and new dormer for use as garage and sail loft at 8 Front 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 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.

Drakos requested clarification on the application process.

Motion to receive application carried unanimously, 5:0. [19:37]

2. Receipt of Application of Peter J Springsteel Architect LLC for a Certificate of Design Appropriateness Under Section 2.26 of the Noank Zoning Regulations for the property of Kevin and Joyce Kristen Flanagan at 242 Elm Street.

A brief description of the project was given, for a second-floor addition to an existing single-family home on the northwest side of the property. There was no public interest. Commissioners discussed the application materials, as the original plan contained a dormer addition. The application was determined to be complete, and would require a Site Plan Review, and no Public Hearing.

Motion (Steele/Drakos): I move that the Noank Zoning Commission find that the application of Peter J Springsteel Architect LLC on behalf of Kevin and Joyce Kristen Flanagan for a Certificate of Design Appropriateness for dormer additions and second floor addition to an existing single-family dwelling at 242 Elm, 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 to receive application carried unanimously, 5:0.

E. New Business - [25:52]

1. Municipal Coastal Site Plan Review - Application of Docko, Inc. for the property of the Town of Groton, Parks & Recreation Department at Spicer Park, 29 Spicer Avenue to make landside improvements to continue a wharf shoreward, above the waterline, with a concrete walkway and stone dust pathway between an ADA-compliant parking space and the rowing dock facilities, to comply with the Americans with Disabilities Act (ADA).

Smith read the application into record, and added DEEP had already approved all waterward work.

Neilson detailed the proposed improvements to the existing stone and concrete wharf and floating dock at Spicer Park. Only a small section of the whole facility, approximately 15ft long and 5ft wide, will be resurfaced for a concrete wharf. The existing wood ramp will become a concrete sidewalk. An ADA access parking space will have a curving compliant path leading down to the wharf landing. Current grading will remain at the facility as it is easily usable for a handicapped individual. The project has passed Zoning and Code compliance review from the Town of Groton. Neilson stated the project would be low impact, and would not affect wildlife or shellfish in Beebe Cove.

[31:15] Drakos queried access to the parking pad made from Wilbur Court, from the north side of the shed shown on the Site Plan. Neilson noted yes, handicapped visitors would drive over grass to access the parking pad.

White questioned whether DEEP approved the concrete overlay. Neilson replied yes, the Corps of Engineers and DEEP had already approved the project.

Drakos/Steele move to approve application [32:32].

Motion carried unanimously, 5:0.

2. Applicant's Presentation, Review and Action on Application of Sabrina Foulke of Point One Architects for a Certificate of Design Appropriateness Under Section 2.26 of the Noank Zoning Regulations for the property of David S. Spira at 8 Front Street to to rebuild existing garage with higher roof and new dormer for use as a garage and sail loft. [33:10]

Smith stated the garage use described on the application would be changed to

use as a garage and sail storage for personal use. Foulke replied there was no objection from the owner.

Foulke began her presentation by showing the Site Plan delineating the garage as currently over the side yard setback requirement of 10 feet in the RV district. The ridge of the roofline meets current setback requirements, as will new garage roofline, with changes shown in Site Plan. Foulke noted the proposed dormer would reflect neighboring dormers. The proposed structure would be 20ft in height, with a cupola that may exceed regulation requirements. Smith read the relevant section of the Noank Zoning Regulations.

Section 2.7.b.: HEIGHT LIMITATIONS - No accessory building shall be constructed, reconstructed, extended, enlarged, moved or altered in any way so as to be in excess of 20 feet in height above grade provided all other requirements of this section 2.7 are met. In addition, at the discretion of the Zoning Commission, roof mounted cupolas occupying in the aggregate not more than 10 square feet in all may be erected up to 4' in height above the ridge plus a weathervane. (Added 7/19/2016)

Drakos questioned whether the neighbors at 22 Front Street were aware of this project and its proximity to their home, yes the neighbors are aware and present at the meeting. Steele requested Foulke state for the record that the cupola not exceed more than 10 sq ft in total and not more than 4 ft in height. Foulke added the cupola would have a weathervane.

[43:19] White questioned how the garage doors operated. Foulke replied there were no windows in the door, which operated as one overhead door. The new person door would have windows, as would the dormers for more sunlight.

Oviatt questioned plans for exterior lighting. Foulke replied she had not addressed that, a barn light facing down was previously used. Oviatt referenced international dark sky requirements for exterior lighting to be facing downward and away from neighbors. Drakos asked about any plans to remove vegetation, yes approximately 4 ft around the building, and no trees would be removed.

Motion (Steele/Drakos): I move that the application of Sabrina Foulke of Point One Architects on behalf of David S. Spira for a Certificate of Design Appropriateness to rebuild an existing garage with a higher roof and new dormer for use as garage and sail storage for personal use at 8 Front Street, Noank be approved because it meets the criteria set forth in Section 2.26 of the Zoning Ordinance for the Noank Fire District.

Chairman Smith added two conditions to the motion: 1) there be no further encroachment into the side yard setback, and 2) exterior lighting be directed downward and away from adjacent properties. [48:26]

Steele queried whether the commission should consider requiring a vegetation buffer between properties as allowed in Section 13.3.3a(10) to retain privacy provided by current vegetation. Oviatt questioned the commission's authority over landscaping, Smith responded it is a consideration in Design Review.

Motion carried unanimously, 5:0. [51:51]

3. Applicant's Presentation, Review and Action on Application of Peter J Springsteel Architect LLC for a Certificate of Design Appropriateness Under Section 2.26 of the Noank Zoning Regulations for the property of Kevin and Joyce Kristen Flanagan at 242 Elm Street for dormer additions and a second floor addition to an existing single-family dwelling.

Springsteel began the presentation by referencing work completed on the rear portion of the waterfront property. The north-west facade of the dwelling would be heightened for the addition, with no increase to the current footprint, creating a bonus bedroom. Exterior will be resided with new shingles.

Motion (Steele/Drakos): I move that the application of Peter J Springsteel Architect LLC on behalf of Kevin and Joyce Kristen Flanagan for a Certificate of Design Appropriateness for dormer additions and a second floor addition to an existing single-family dwelling 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 discussion on the motion. [57:34]

Motion carried unanimously, 5:0.

F. Old Business - [58:20]

1. Residential Renting Opportunities - Consideration and deliberation on enhancement of residential renting opportunities in Noank and potential ways to accomplish this goal.

Chairman Smith reviewed the premise for the commissioners continuing discussion on enhancing affordable rental opportunities within the village after opting out of State mandates. During a previous meeting, the commission chose to focus on attached Accessory Dwelling Units (ADUs), and shelve detached ADUs. The discussion has centered around a reduction in some of the numerical requirements of Section 2.13 of the Noank Zoning 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.

Smith then detailed the proposed changes to Section 2.13 as previously agreed upon by the commissioners [1:05:00]: allowing one personal dwelling unit and one attached dwelling unit, requiring two parking spots per unit to reduce congestion in the village, two-bedroom maximum ADU, requiring bathroom and kitchen, additional exterior stairway at side or rear of property, having utilities, must be Code compliant, and will follow Architectural Design Review per Regulations. Smith opened the discussion for public comment.

Zell Steever, 81 Main St, [1:07:59] voiced support for two-family units within the village. Suggested a smaller minimum floor size requirement of 225 or 275 sq ft, emphasized interest in maximum floor size requirements such as 50% of the homes footprint. Stated 85% of homes in the village have a lot size under 10,000 sq ft, so this requirement eliminates most homes. Encouraged creating an entrance without exterior stairs or exits. Stated parking is an issue as there is too much crowding already.

Joan Main, Williams St, commented parking is an issue, requiring a minimum of two parking spaces per unit would help get cars off the street. Questioned how the commission would prevent ADUs from becoming STRs.

Patty Oat, 35 Campbell Rd, voiced interest in ADUs large enough for a family.

Deborah Kargl, 28 Church St, voiced favor of ADUs commonly named 'granny flats' for a caregiver. Suggested parking spaces could be required as proportionate to number of bedrooms.

Nip Tanner, 36 Church St, [1:19:56] noted appreciation of the commission creating a Noank solution after opting out of State regulations. Agrees with decision to put off detached ADUs as property lines can become an issue. Stated two parking spots per unit is excessive, could have parking spots be proportional to unit size. Agreed with a higher limit on minimum lot size requirements.

Lynne Marshall, 118 Pearl St, thanked the commission for approaching this topic. Voiced interest in having the commission pursue a more conservative approach when reducing minimum size requirements or parking spaces, as numbers can later be increased if there is minimal negative impact to the village. Agreed with decision to focus on attached units first, and encouraged regulation changes to expand beyond the village district. Looking ahead, side yard setbacks should be included in detached ADUs. Expressed hope in seeing

more young families living in the village, so would prefer to eliminated two-bedroom maximum. [1:29:46]

Mary McFadden, 16 High St, supported senior living ADUs, and questioned what impact the proposed changes would have on existing apartments. Smith replied it would have no impact as they are pre-existing non-conforming.

Ken Steere, 63 Macdonald Ct, questioned whether ADUs would have to be owner occupied, Smith replied no. Steere then queried whether the regulation changes were for long-term rentals, Smith replied the goal was to enhance opportunities for residents to rent. [1:34:30]

Drakos asked if there was a minimum rental period requirement, Smith replied at the time no, Drakos recommended considering a minimum period.

Ben Greenfield, 82 Front St, noted summer or academic rentals are a large potential market.

Sloan Rankin, 25 Spring St, [1:38:45] commented favor of ADUs and rentals in general.

Zell noted this public discussion process was helpful and useful, and recommended engaging the public again for next steps.

Paul Bates, 43 Church St, [1:43:13] advocated for smaller ADUs, and noted parking issues on Church Street. Bates then detailed the reasoning behind the April 19, 1965 date in Section 2.13 such as discouraging the destruction of historic homes, and asked that this remain. Bates recommended the commission embrace Stonington's ADUs regulations. Suggested minimum floor size of 350 sq ft with one on-site parking space, and allowing an ADU to stand alone from the primary dwelling. Bates questioned whether anyone had asked Stonington or Town of Groton the number of ADUs they have permitted, Smith replied no. Smith then concluded this portion of the meeting.

2. Approval of Meeting Minutes - The minutes of the Regular Meeting of September 19, 2023 were approved without objection.
3. The ZEO Report for September 2023 was received.

Motion to Adjourn carried unanimously at 9:01pm (Drakos/Steele).

Respectfully submitted,
Janet Sutherland
Commission Clerk