

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

Amended Minutes of the Regular Meeting

Date: November 21, 2023

A link to the recording of the meeting:

[https://1drv.ms/u/s!ApV\\_BVCbHuQwvzHkyvtqlthh5Jb3?e=r7Fbdg](https://1drv.ms/u/s!ApV_BVCbHuQwvzHkyvtqlthh5Jb3?e=r7Fbdg)

[Times shown correspond to recording.]

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

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

- A. Chairman's Remarks - [0:30] Smith provided an update on the Tarpon Towers cell tower, and suggested negotiations with the Town of Groton were looking favorable. Smith noted the Town of Groton was making short-term rental proposals with a Public Hearing to take place January 9th, 2024. Smith emphasized the commissioners four-hour training obligations were to be completed by December 31st, and would be reported to Executive Committee Chair Michael Noel.
- B. Public Comment - Issues Not on the Agenda - None
- C. Public Hearing on Applications for Design Review - None
- D. Elections - [4:51]
  - 1. Beth Steele was nominated Chair by Drakos, Powell seconded. Motion carried unanimously.
  - 2. Rick Smith was nominated Vice-Chair by Steele, Drakos seconded. Motion carried unanimously.
- E. New Applications for Design Review - 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.

Smith detailed a spreadsheet given to commissioners with proposed regulation changes. Smith believed these proposed changes were almost at a level to send to Attorney John Casey to draft regulatory language. [8:10] Smith noted another approach would be to hold another public meeting, although little had changed since the previous public meeting on September 19. Drakos recommended a

**DRAFT - Options for In-Structure ADUs Only - 11/26/23**

	<b>NZC Draft</b>	<b>Public Comment, General</b>	<b>Proposed Regulation</b>
<b>Permit/Fee? (See Note 1)</b>	?		Held in Abeyance
<b>2 Family Dwellings Allowed As of Right (Note 2)</b>	Y	Don't amend 2.13	Amend 2.13
<b>Remove 1965 cut-off date from Section 2.13 (Note 3)</b>	?	?	Do Not Remove the Date
<b>Applicability to Zoning Districts (Note 3)</b>	All	Try other districts first; do RV last	Amend 2.13. The rule would apply in all zoning districts, in older homes only
<b>Minimum ADU Floor Size (Sq Ft)</b>	550 s.f.	Smaller (~350 s.f. Larger (support families)	350 s.f. Minimum
<b>Maximum ADU Floor Size (Sq Ft)</b>		<50% of PDU?	<30% of PDU
<b>Minimum Lot Size (Sq Ft) - allocation per family unit (dwelling unit)</b>	5,000 s.f.		5,000 s.f. Minimum
<b># Parking Spaces in addition to PDU</b>	2	2, or 1/BR	2
<b>Curb Cut-Outs (Note 4)</b>			No additional curb cutouts
<b># Bedrooms in ADU - Maximum</b>	2	No limit	2 Maximum
<b># ADUs/Lot (i.e. 1 ADU &amp; 1 PDU)</b>	1	1	1
<b>ADU must Have its Own Bathroom &amp; Kitchen</b>	Y		Y
<b>Exterior Stairway - Inside or at back of structure</b>	Y	Y	Y
<b>Require Code Compliance</b>	Y		Y
<b>Fire code compliance is key</b>		Y	Y
<b>Non-conformities (Note 5)</b>			
<b>Utilities per Code Requirements in Groton</b>	Y		Comply with Groton Requirements
<b>Prevent STRs</b>		How do we?	Enforce consistent with current practices

<b>Notes:</b>	
1. Certificate of Occupancy - Is it necessary, who does it, do we charge for it, how do we track it, do we inspect?	
2. See Section 2.13. Initial Commission View: Amend 2.13 to allow smaller in-structure apartments on smaller lots. Consider the effects of additions to the PDU or detached ADU's as a next step in the deliberations. Section 2.13 is an as-of-right authorization. NZC considered and decided to retain concept.	
3. Initially, it was believed the 1965 date reflected concerns with the advent of the Tanglewood subdivision and, given the passage of time, perhaps the date could be eliminated so that ADU's could be allowed in that subdivision. A public comment to the contrary caused some reconsideration, that the date was actually intended to preserve the historically-significant homes in the village. Review of Section 4.1 of the NZ regulations suggests the date in Section 2.13 was, in fact, based on the advent of the new subdivision. NZC proposes to retain the date, logically, to start slowly and not change too many criteria at once. The effect of this proposed course of action is that structures older than 58 years old will be able to do ADU's and more recent structures will not. This will require legal review (equal protection).	
4. NZC concerned with parking space cut-outs from the road, adversely affecting the scenic character of the village homes. Felt parking should be off street, based on existing cut-outs.	
5. Structure non-conformities are generally not applicable as long as new additions and new detached structures are not included in the initial proposal. Additions and new standalone structures will require review of the non-conformities issue. Presumably, all current rules would apply with variances required for exemptions. The use non-conformity (from single family to a two-family) is presumed to be acceptable since it is presumptively approved as-of-right by the language in Section 2.13.	
<b>Effect of Regulation</b>	
43% of properties in the RV district are less than 10,000 s.f. so 57% would be able to remodel to include a minimum 350 s.f. ADU that is not greater than 30% of the principal structure footprint, in a home that predates the April 1965 grandfather date. The effect on structures in other zoning districts or newer structures in the RV district is unknown.	
<b>Definitions</b>	
ADU - Accessory Dwelling Unit	
PDU - Principal Dwelling Unit	
<b>11/26/2023</b>	

public meeting once the draft proposal was completed. Smith described the different processes for a Public Hearing vs an informal public meeting. [10:43] Oviatt strongly advocated for an informal public meeting first, as the commission has more specific potential regulation changes that the public may not yet be aware of. Powell suggested the commission review the proposed changes spreadsheet to determine how much they have been altered since the last public meeting before scheduling another.

[12:17] Smith began the review of the proposed changes. Smith noted a permit fee option was discussed during an earlier meeting, and emphasized the potential excess burden on Zoning staff including the need for inspections. Steele questioned who would be responsible for inspecting the apartments. Smith suggested the Fire Marshall inspects the apartments every year. Drakos noted the owner of a new apartment is required to apply for a Building Permit with the Town of Groton, and their inspector is responsible, with no added expense to the Fire District. Smith replied that any regulation needing an inspection would require extra time from ZEO Bill Mulholland, which a permit fee would help cover. Smith added that Groton would not enforce parking space requirements, the ZEO would. Powell questioned if there was a fee for a Home Occupation Certificate, Smith replied no. [17:40] Oviatt questioned whether a building permit was required for a new apartment, Powell and Smith replied yes.

[18:44] Two family homes as of right - Smith referenced Paul Bates' suggestion at a previous meeting that the Commission not amend the 1965 date in Section 2.13 of the 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.

Oviatt explained Bates' reasoning for keeping this regulation as it was created for larger homes on larger sized lots occupied by a widower for example, to dissuade the owner from razing their home for a conforming two-family dwelling, Smith added this would potentially be done in an effort to gain revenue from the rental to cover home costs. [20:33] Smith commented that any widower in this situation who could not utilize excess space for another apartment would be forced to leave the village for a more affordable home. Smith noted uncertainty in need for April 19, 1965 date requirement. Steele recommended asking Attorney Casey for reasoning behind date.

Drakos questioned whether the commission should create a separate regulation

for detached ADUs since the topic is already being address. [22:38] Smith replied the regulating of detached units includes setbacks, Architectural Design Review, height requirements, etc. Powell noted these regulations would apply to an addition as well. Smith stated he did not recall allowing an addition to an existing unit to create an accessory unit that is compliant. [23:58] Steele stated she thought additions were allowed. Powell questioned the need for a distinction. Smith stated he was not aware this was the intent, then noted an addition to an existing structure is an attached ADU. Drakos suggested any addition to a home would be required to complete Design Review regardless of use. Smith questioned commissioners whether an addition to an existing dwelling should be considered an attached ADU. Drakos suggested the issue was non-conformity when turning an existing structure into an ADU. [26:00] Oviatt stated if one wanted an addition on a house, the use would not matter. Steele questioned what prevented a homeowner from making an addition into an ADU. [27:45] Smith questioned whether attached ADUs are considered the same as an in-structure addition being used as ADUs.

Steele questioned what prevented a home from having an ADU if setbacks are met. Drakos replied it must conform with general building regulations and codes. Smith stated more information must be added into regulation changes before presenting the Commissions proposal to the public if detached ADUs are included. Steele questioned if a persons' goal was to convert their addition into an apartment, what in the regulations prevents them from doing this. Drakos questioned how any change to a dwelling would not have to conform to the regulations. Smith suggested an addition qualifies as an attached dwelling unit and questioned whether commissioners agreed, all agreed. [31:50] Powell questioned how the process for creating an ADU would be more involved for a detached unit versus an attached or addition, Smith replied it would not be. Drakos noted if the primary building already complies with the regulations, sheds or garages would need to comply as well. Powell noted small house on small lots would probably not meet the setback requirements, and would create more congestion for neighbors. Smith suggested bringing the commissioners suggestions to the public regarding the difference between a detached or attached new structure.

[34:15] Smith questioned the original logic behind separating attached vs detached ADUs for regulation changes. Oviatt replied this was done over concern that homeowners would raze an existing pre-existing non-conforming single-family dwelling to create a new conforming two-family dwelling for revenue from rentals. Powell commented this reasoning was irrelevant as regulations allow for a garage conversion that demolished the previous one. Commissioners discussed the issues regarding converting non-conformities. [37:00] Smith suggested any ADU proposal that requires expanding the footprint must wait until the Commission addresses the potential associated issues. Oviatt questioned why more regulation changes would be required as any addition would be required to conform, Smith adds that all rules and setbacks

should apply regardless of use. Powell queried if one has an existing pre-existing non-conforming home, should they be allowed to have an ADU if no major structural changes are made. Commissioners replied yes, Powell suggested no. Powell stated any changes in a structures use would affect neighbors. [40:30] Smith recommended against preventing ADUs in a non-conforming structure as previously agreed by commissioners, Smith hadn't thought of the need for a change of use. Steele added that a separate structure would double the change in use, from single-family to two-family, and non-residential to residential use for a garage. Steele suggested attached ADUs are an important issue as the home's use is not altered, whereas a garage converted to an ADU would have an exterior change in use which could create more problems with neighbors. Oviatt noted the most basic change in regulations would only allow for attached ADUs including additions.

Smith questioned whether commissioners should allow for properties with a lot size of 10,000 sq ft to build a tiny home of 550sq ft, thus increasing population density. [46:10] This change would allow for 57% of properties within the village to have an ADU with an addition, which could affect the density issue said Smith. Drakos emphasized the density issue which has been prevalent since the creation of the regulations, and is mentioned several times throughout the regulations. Smith noted support from the public, and added the proposed changes would allow for about half the properties in the village to have an ADU. Powell mentioned they should also eliminate structures that are nonconforming. [47:55] Oviatt believed the commission was over-emphasizing the issue of density, and added he did not believe it would increase by a significant amount. Oviatt stated his preference to exclude the regulating of lot size. Powell stated doubling the population of a small lot would affect the neighbors. Oviatt suggested there was no empirical evidence of a significant increase in population. [50:01] Drakos commented a density increase is significant to anyone living next door. Smith noted the public was supportive of residential renting opportunities but perhaps were not aware of the potential increase in density, and stated his favor of another public information session.

[53:35] Steele questioned if allowing larger homes on a small lot to have an ADU, would other nonconformities such as setbacks etc. be lifted as well. Powell noted the difficulty in segregating houses for use. Smith suggested different regulations for each zoning district, and noted additions to old homes in the village would be a problem regardless of use. Oviatt noted few houses within the village have the footprint to accommodate an addition. [58:17] Steele questioned the purpose of changing the regulations if not allowing for nonconformities, as this would apply to most homes within the village. Drakos suggested principal dwellings should allow for an ADU if nonconforming. [1:00:02] Commissioners discussed the effects of a regulation change on nonconformities within the village versus other districts.

[1:03:58] Drakos noted 2.13 does not mention nonconformities. Smith agreed

this wording would have to be added to the section. Smith noted the initial plan was to alter a few numbers in Section 2.13, but with the issues of nonconformities and additions realized regulation changes to allow for ADUs could require more work. Powell questioned the meaning of 'as of right', Drakos and Smith responded one must obey the rules to receive a permit, Powell found this troubling. Drakos quoted Section 2.13. Smith originally thought reducing numbers of lot size and minimum floor size in Section 2.13 would allow for more residents in the village to have ADUs, [1:06:30] and added Attorney Casey said Section 2.13 was not an ADU regulation but Smith disagreed. Smith noted the suggestion of allowing nonconformities would affect the regulations. Steele emphasized that Section 2.13 mentioned converting and existing dwelling, not an existing conforming dwelling. Smith noted non-conformities were covered in Section 13 - Non-Conforming Uses, Buildings and Structures, then read Section 13.1.b: No non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of these Regulations, except with the approval of the Zoning Commission as provided for in Section 13.3.3 of these Regulations.

Smith suggested the safest option for the commission would be to continue to comply with Section 13, Powell agreed. Commissioners discussed whether or not Section 13 applied to Section 2.13. Oviatt suggested there was language in the regulations when they were formed which required Section 13 to apply. [1:10:54] Commissioners discussed the date the regulations were adopted, and the reasoning behind the April 19, 1965 date in Section 2.13.

[1:13:05] Drakos questioned whether the commission should continue the bifurcation of detached vs attached ADUs to adopt a regulation change. Smith questioned whether homes would be required to meet conformities before allowing an ADU, and suggested reviewing the nonconformities to decide which may be amended to allow for ADUs. [1:17:14] Oviatt summarized Smith's question as whether the commission would allow for ADUs in nonconforming homes. Drakos replied ADUs are allowed as of Section 2.13. Smith suggested the goal was to broaden this allowance. Steele reread Section 2.13 suggesting it currently allows ADUs, both discussed potential amendments to this section. Oviatt relayed his discussions with former commissioners Andy Giblin, Nip Tanner and Dave Campbell for insight into Section 2.13, but Campbell emphasized the importance of keeping the regulation as is, especially if the origin or reasoning is unknown, and suggested adding a separate section for ADUs. Smith replied the intention was to liberalize Section 2.13 by reducing numbers, not throwing out the whole section.

[1:21:45] Smith quoted Section 4.1 (R-12 General): The minimum lot size in this district is 12,000 square feet and the purpose of this district is to establish standards to control modifications to the one family detached dwellings within the Tanglewood Subdivision as approved by the Town of Groton Planning Commission on April 26, 1965 in order to retain the residential character of Tanglewood; and to maintain a like character for other areas similarly zoned.

Smith suggested the origin of the April 19, 1965 date in Section 2.13 was added due to the Tanglewood Subdivision, which had been questioned at a previous meeting. Steele recommended the commissioners decide whether to allow nonconforming lots to have an ADU, if so, only a few numbers in Section 2.13 would need to be changed. [1:23:41] Drakos agreed, but noted this section does not address detached ADUs. Steele replied they would just change the numbers for existing dwellings, but does not allow a separate structure to be built or a shed to be converted as it is not an existing dwelling. Powell suggested it may require more work, as Section 2.13 does not regulate enough, such as the size of an ADU relative to the PDU, utilities and parking. Steele replied it does address parking. Smith queried whether the commissioners agreed they would work towards amending Section 2.13 to liberalize some of the conditions to see the potential effects on Noank. [1:26:43] Powell thought reducing the minimum lot size to 5,000 sq ft per unit was far too small, Oviatt contested it was too large and unfair to homeowners with smaller lots. Commissioners discussed bringing lot coverage and nonconformities to a public meeting. Steele suggested it was far too early in the regulation process for a public meeting. Smith suggested having a formal regulation outlined prior to a public meeting.

Smith suggested the commissioners review the ADU list and come to a consensus on some of the figures. [1:31:10] Smith questioned whether the commissioners agreed to just amend Section 2.13. Powell asked whether 'as of right' could be removed. Smith replied it would then become a special exception. Powell believed it was unfair that neighbors would not be notified, noting an addition requires a public hearing. Smith suggested if an ADU is compliant with regulations then a permit would be granted, and if not a special permit would be required. Smith questioned the commission whether ADUs should only be allowed 'as of right'; Drakos, Smith, Steele and Oviatt agreed, Powell was against and thought neighbors should be able to weigh in on decision. The commission retained the 'as of right' option on the spreadsheet. Smith then asked if the April 19, 1965 should be removed, Steele suggested it remain and all agree.

Minimum ADU floor size - Oviatt for 350 sq ft, Drakos and Steele for 550 sq ft. Oviatt noted smaller size allows for a studio apartment, Powell was content with smaller floor size. Smith noted Patty Oat's comment at the previous meeting in support of larger apartments for families. Smith added Stonington has a min and maximum floor size, Oviatt clarified 350 to 1,100 sq ft. [1:37:22] Drakos and Steele preferred a minimum of 550 sq ft, Oviatt suggested 350 sq ft, Powell did not believe it should be specified, and Smith broke the tie for 350 sq ft.

Maximum ADU floor size - Smith questioned whether a maximum was required. Powell emphasized that in general all ADUs should be small than the PDU. Powell suggested a requirement of no greater than 30% of the entire dwelling,

all agree.

Minimum lot size requirements - [1:39:18] Oviatt argued against regulating a minimum lot size requirement. Drakos and Steele recommended 5,000 sq ft, Powell argued for 10,000 sq ft. Smith concluded with 5,000 sq ft minimum.

Parking Space requirement - Smith's spreadsheet proposed two, Drakos preferred two, Oviatt favored requiring one spot per bedroom. All agreed with two parking spaces would be required for an ADU. Oviatt questioned regulating curb cutouts, Smith stated most properties could not accommodate this. Drakos noted the difficulty in requiring two parking space with no curb cutout. Smith suggested using existing driveway. All agreed to allow two parking spaces off street with no additional curb cutout.

Number of bedrooms per unit; should two be required or have no limit - [1:46:20] all agree on a two bedroom maximum.

Smith stated the commissioners largely agreed on the requirements in the remainder of the spreadsheet: allowing only one ADU per lot, ADU must have its own bathroom and kitchen, exterior stairways must be inside or at the rear of the structure, must be Code Compliant and fire code compliant, and utilities as required per Code Requirements in Groton. Smith stated if the commissions goal was to amend Section 2.13, then there was no need to address nonconformities.

Smith questioned how to prevent short-term rentals, Drakos stated it was enforcement. Smith suggested it would be no different than the current enforcement process, only increase the opportunity. [1:48:00]

#### G. New Business -

1. Consideration of ways to improve the process for Architectural Design Reviews.
  - A. New signs - Smith suggested requiring the applicant to place bigger pricier 10" x 24" plastic yard sign with the Notice and signed by ZEO Mulholland.
  - B. Public notice - Smith also suggested emailing new applications to the [nfdzoning@gmail.com](mailto:nfdzoning@gmail.com) distribution list used for meeting notifications.
  - C. Motion sequencing - Smith detailed an email from Stan White suggesting the applicant be required to discuss their application with neighbors.
  - D. Other - Smith's final proposal was to require Certified Mailing a Notice to neighbors, but felt this was laborious to Zoning staff and would not reach a greater audience than the email list. Sutherland noted the onus was typically on the applicant to send Certified Mailing. Steele suggested this required excess work, and added that any enforcement would require a regulation change.



Steele agreed a larger sign would be better, and sending the application to the Noank list would be plenty notification. Drakos preferred to avoid making applications available virtually, but agreed with recommendation to discuss project with neighbors, which could be enforced by questioning the applicant during Design Review. Powell suggested a non-regulatory addition to the Design Review worksheet already utilized. Oviatt suggested the onus be on the applicant to notify neighbors. Smith suggested the email achieves the same purpose of notifying neighbors and telling all who are interested. Steele noted if there was an appeal from a neighbor who was not notified, the email would not be enough of an argument. Smith stated the neighbor is responsible for finding out notification. Steele reiterated that Certified Mailing would be a burden on staff, Drakos disagreed. Smith suggested starting with larger notification sign, an email notification, and alerting neighbors be added to Design Review worksheet. All agreed.

- H. Approval of Meeting Minutes - The minutes of the Regular Meeting of October 17, 2023 were approved without objection.
- I. The ZEO Report for October 2023 was received.

**Motion to Adjourn carried unanimously at 9:07pm (Drakos/Steele).**

Respectfully submitted,  
Janet Sutherland  
Commission Clerk