

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

Approved Minutes of the Regular Meeting

Date: November 19, 2024

A link to the recording of the meeting: [Times correspond to the meeting recording]

https://1drv.ms/u/c/30e41e9b50057f95/EUAsKd53H7REjkVT3y_dvtYBK-i1HRIPBirNsMb9CCfcLA?e=OoagPs

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

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

- A. Chairman's Remarks - None
- B. Public Comment - Issues Not on the Agenda - None
- C. Public Hearing on Applications for Design Review - None
- D. New Business - Applications for Design Review

- 1. Application of Tristan McDonald, 33 Church Street, for a Certificate of Design Appropriateness to construct an 18' x 24' boat barn.

Mr. McDonald described the proposal and presented photos and plans.

Smith asked for expressions of interest. One person asked about a separate structure appearing in the photos. Mr. McDonald noted it was a structure that had previously been approved by the commission although it was not present on the site plan. McDonald stated that the ZEO had informed him that the lot coverage limits were not exceeded by all structures on the site.

Lighting was discussed.

The Commission judged the application to be complete and a public hearing was not called for.

MOTION (Oviatt/Steele): I move that the Noank Zoning Commission find that the application of Tristan McDonald to construct an 18' x 24' boat barn at 33 Church Street, 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.

There were no comments or question by commissioners.

Motion Approved Unanimously, 5:0.

MOTION (Oviatt/Powell): I move that the application of Tristan McDonald for a Certificate of Design Appropriateness to construct an 18' x 24' boat barn at 33 Church Street be approved because it meets the criteria set forth in 2.26 of the Zoning Ordinance for the Noank Fire District.

There were no comments or questions by commissioners.

Motion Approved Unanimously, 5:0.

2. Approval of 2025 calendar of Meeting dates. (ATTACHMENT A)

MOTION (Drakos/Steele): To approval the 2025 calendar of meeting dates.

Motion Approved Unanimously, 5:0.

3. Deliberation and Action on Policies and Procedures - Smith requested the item of business titled Deliberation and Action on Policies and Procedures be moved to the last item of business after receipt of the ZEO report.

MOTION (Steele/Drakos): To move the item of business titled Deliberation and Action on Policies and Procedures to the last item of business after receipt of the ZEO report.

Motion Approved Unanimously, 5:0.

E. Old Business

1. Deliberation and Action on Proposed Amendments to Sections 3.1.1, 4.1.1, 5.1.1, 6.1.1, 7.1.1, and 8.1.1 of the Zoning Regulations for the Noank Fire District, concerning permitted uses in the RV, R-12, R-20, R-40, VC, and WC zoning districts, and proposed addition of Section 2.31. (ATTACHMENT B)

Comments by Commissioners - [16:20]

[16:37] Dana Oviatt and Blake Powell were both absent from the public hearing on Short Term Renting (STR) held on November 5, 2024. Both made statements that they had listened to the recording and reviewed the written submissions and felt comfortable deliberating and deciding the issue.

[17:01] Smith noted that the Commission can make minor changes to the proposed language but can't make major changes without going out to hearing with a new proposal. He clarified the Commission's responsibilities relative to the charge given to counsel to prepare proposed language that preserved the Commission's decision in 2021 while complying with the recent Connecticut Supreme Court (CSC) decision on STR.

Commissioners' questions and comments included 1) equity, 2) pre-existing uses, 3) renting to families, 4) the date at which renting occurred, 5) proving rental activity, 6) the need to base decisions on a zoning commission's regulations, and alternative approaches (approve the proposal or reconsider the broader issue),

Smith summarized choices the Commission could consider.

2. Determination of Effective Date of Any Change to the Regulations - See Item H.

MOTION (Powell/Oviatt): [36:26] To approve the proposed language.

The difference between a month and 30 days (i.e. when some months have 28 or 31 days) was discussed. The Commission decided to leave the language as proposed.

The problem of a few qualifying to do STR while the majority cannot was discussed. It was noted that the current proposal could be step one and nothing prohibited the Commission from considering further action in the future.

[43:35] Motion approved 4:1 (Steele opposed).

[44:25] Discussion ensued on the larger issue of reconsidering past decisions. The equitability of commission decisions was discussed. It was noted that this issue would come back before the Commission when it began again to discuss Accessory Dwelling Units (ADUs).

F. Approval of Minutes - Regular Meeting of October 15, 2024.

[53:40] Smith proposed a change in how the draft October minutes introduced Counsel Casey's presentation in September. Commissioners agreed. Other wording changes were approved.

MOTION (Drakos/Steele): [57:01] To approve minutes of the October 15, 2024 meeting as amended.

Motion Approved Unanimously, 5:0.

G. ZEO Report - [57:24] ZEO report of October 2024 accepted.

H. Further Old Business (from Agenda Item E.2.)

[58:15] Determination of the Effective date of Any Changes to the Regulations - Smith returned to the issue of the regulation change, Item E.2 on the agenda, and proposed the adoption date of December 1, 2024.

MOTION (Drakos/Oviatt): To approve December 1, 2024 as the implementation date of the approved regulation.

Motion Approved Unanimously, 5:0.

- I. [1:00:00] Return to Postponed Action on Item D.3 of the agenda - Deliberation and Action on Policies and Procedures. Smith discussed the question of putting meeting minutes on the Noank website. The Commission agreed this should be done.

Motion to Adjourn (Steele/Drakos) carried unanimously at 8:07 pm.

Respectfully submitted,

Rick Smith, Chairman

Noank Fire District
Zoning Commission
2025 Regular Meeting Schedule

Please note that all regular meetings will start at 7:00 PM and be held
at the Noank Firehouse located at 10 Ward Avenue, Noank.

Tuesday, January 21

Tuesday, February 18

Tuesday, March 18

Tuesday, April 15

Tuesday, May 27

Tuesday, June 17

Tuesday, July 15

Tuesday, August 19

Tuesday, September 16

Tuesday, October 21

Tuesday, November 18

Tuesday, December 16

Tuesday, January 20, 2026

ATTACHMENT B

PROPOSED AMENDMENTS TO THE ZONING REGULATIONS FOR THE NOANK FIRE DISTRICT

Deletions are in [Brackets]. New text is underlined.

Section 2.31 SHORT TERM RENTALS

The rental of a dwelling unit for a period of thirty (30) consecutive days or less is prohibited in all zoning districts of the Noank Fire District. The rental of a dwelling unit to more than one family during the same time period is prohibited in all zoning districts of the Noank Fire District.

Section 3 - Village Residential District (RV)

The following are permitted uses within this zone:

Section 3.1.1 One-family detached dwelling occupied by the same family for a period of thirty-one (31) consecutive days or greater.

Section 4 - Moderate Density Residential District (R-12)

The following are permitted uses within this zone:

Section 4.1.1 One-family detached dwelling occupied by the same family for a period of thirty-one (31) consecutive days or greater.

Section 5 - Low Density Residential District (R-20)

The following are permitted uses within this zone:

Section 5.1.1 One-family detached dwelling occupied by the same family for a period of thirty-one (31) consecutive days or greater.

Section 6 - Rural Residential District (R-40)

The following are permitted uses within this zone:

Section 6.1.1 One-family detached dwelling occupied by the same family for a period of thirty-one (31) consecutive days or greater.

Section 7 - Village Commercial-District (VC)

The following are permitted uses within this zone:

Section 7.1.1 One-family detached dwelling occupied by the same family for a period of thirty-one (31) consecutive days or greater.

Section 8 - Waterfront Commercial District (WC)

The following are permitted uses within this zone:

Section 8.1.1 [A one-] One-family detached dwelling occupied by the same family for a period of thirty-one (31) consecutive days or greater.