

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

Approved Minutes of the Regular Meeting

Date: August 20, 2024

A link to the recording of the meeting:

<https://1drv.ms/u/c/30e41e9b50057f95/>

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

Members Present: Dana Oviatt, Blake Powell, Beth Steele, Mike Hewitt for Peter Drakos, and Rick Smith. Others: Janet Sutherland, Clerk.

A. Chairman's Remarks - Status of Short-Term Rental Issue in Noank

Smith discussed the recent court decision of 'Francis Wihbey vs ZBA of the Pine Orchard Association, and noted the Town Attorney still had to review before informing the commission.

B. Public Comment - Issues Not on the Agenda -

Nip Tanner, 36 Church St asked about the status of short-term rentals, Smith replied they were waiting for the attorney's advice.

C. Public Hearing on Applications for Design Review - None

D. New Business -

1. **Architectural Design Review** - Application of Express CT Home Buyers LLC for a Certificate of Design Appropriateness for an extension of the porch on the first and second floors, with interior and exterior renovations and site improvements to an existing duplex at 270 Elm Street.

Applicants Gramoz Mema and Pratik Patel of Express CT Home Buyers began the presentation, displaying visuals of existing and proposed elevations. While listed as a four-unit, the building will be a legal two-family dwelling. Side addition would be within the existing footprint.

Oviatt commented that the Notice was posted but difficult to see. Mema replied he had discussed this project with neighbors and notified through letters sent to abutters.

Mema highlighted two major changes. A deck on the first-floor wraps around to right hand side, adding additional living space on the first and second floor, all within the existing footprint. Additionally, a new deck would be added on the second floor.

The building has existing vinyl, this would be changed to cedar impression wood to be used, light grey in color. Existing right and proposed right elevations were shown as well, with deck showing on second floor, and leaving a small deck on the third floor.

Mema continued that the roof is currently leaking, and they want to fix this as soon as possible with architectural asphalt roof shingles. Siding is grey vinyl and will be grey cedar impression with white PVC trim and white soffit. The green wooden deck is unsafe and will be replaced with neutral brown composite deck and white PVC railing and balusters. Exterior doors to be replaced with fire rated entry doors. Windows replace as needed with double hung vinyl windows. Exterior lights will use dark sky requirements and timed flood lights as discussed with neighbors.

Mulholland noted the existing windows are double-hung and replacements would be matched like for like.

Steele asked what the entry points were and whether there is an outside stairwell for residents. Mema replied the finished bedrooms in the basement will be removed, nobody will have access except Patel and himself as this would be used for storage. A common hallway in the back with a second egress in the rear of the property is access for the first apartment. Doors would be removed between the second apartment and the previously illegal attic unit. The number of bathrooms would be consolidated from six to four.

Smith asked if they had a visual of the doors? Mema replied they would have six panel fire rated doors in case of emergency.

Mulholland noted the doors are an architectural component of the house, so they should be keeping with that original character, and a solid door would not. The original door is made of wood panels with an opening at top.

Smith had Mema select a door from the adjacent homes on display. Mema chose 288-290 Elm Street.

Downlighting was discussed, would be pointed down with motion censored flood lights on exterior. Hewitt noted the driveway needs significant work. Mema replied they would prefer gravel pebbles similar to 14 Center St. Hewitt asked if the same pathway and parking area would be used, Mema replied yes, same as shown on the GIS map.

Smith asked for public interest.

Jenette Piper, 268 Elm St - regarding the driveway area of 24' x 30', does not want this to expand. Two parking spaces for each unit is a lot. Mema replied the floor plans had been revised, and code allows one space per bedroom. They would not be expanding on existing conditions. Piper noted vinyl siding is uncharacteristic for Noank. Piper also asked where kitchen exhaust would be pointed.

Vicky Preston, 256 Elm St - noted her understanding of the regulations was that they could not expand on a nonconformity under Section 13.3.1. Mulholland replied he did not interpret the section that way, as the regulation noted speaks to the issue of expansion on the land.

The commission then determined the application was complete. The commission determined to have a site plan review without a public hearing.

Motion (Steele / Powell): Ms. Steele moved and Mr. Powell seconded that the Noank Zoning Commission find that the application of Express CT Home Buyers LLC for a Certificate of Design Appropriateness for an extension of the porch on the first and second floors, with interior and exterior renovations and site improvements to an existing duplex at 270 Elm 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.

Motion carried unanimously, Smith abstained, 4:0:1

Motion (Steele / Hewitt): Ms. Steele moved and Mr. Hewitt seconded that the application of Express CT Home Buyers LLC for a Certificate of Design Appropriateness for an extension of the porch on the first and second floors, with interior and exterior renovations and site improvements to an existing duplex at 270 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, and that said approval be subject to the following conditions: 1) that the front and rear access doors are similar in design to those located at 288 Elm Street, and 2) that all lighting be facing downwards and not towards neighbors.

Powell noted that the exterior lighting was already part of the application, Steele replied flood lighting should be away from neighbors.

Motion carried unanimously, Smith abstained, 4:0:1

2. Election of Officers -

Steele nominated Smith for Chair, all were in favor.

Powell nominated Oviatt for Vice-Chair, all were in favor.

G. Old Business -

- 1. Municipal Coastal Site Plan Review -** Application of David R. Provencher, Shore Design, PLLC, for the property of The Tea House, LLC at 25 Palmer Court, Parcel 2, to repair an existing stone bulkhead that runs along the entire shoreline of the parcel.

Smith read comments from DEEP into the record, see 'Attachment A'.

Provencher began his presentation on the bulkhead repair where Palmer Ct and Riverview Ave meet. Bulkhead would be built up with drainage system in place to allow flow through the bulkhead with minimal erosion behind it. Permits have been secured from DEEP and the Army Corps of Engineers.

Hewitt asked if the stonewall would be raised eleven inches. Provencher replied yes, but some areas only about four inches. Hewitt asked whether the same stones would be used during construction, Provencher replied yes, same natural stones with gravel and crushed stones too. The current stones are undersized and pushed around with wave action, impacting the drainage system behind it.

Oviatt questioned whether Provencher addressed an email from Stan White regarding the wall, and asked the applicant to address the questions. Provencher replied there would be no rounded stones, angular ones would be used to lock together.

Motion (Oviatt / Hewitt): Mr. Oviatt moved and Mr. Hewitt seconded that the application of David R. Provencher, Shore Design, PLLC, on behalf of The Tea House, LLC for a Municipal Coastal Site Plan to repair an existing stone bulkhead that runs along the entire shoreline of the parcel at 52 Palmer Court, Noank, be approved because it meets the criteria set forth in Section 15.1 of the Noank Zoning Regulations.

There was no discussion on the motion.

Motion carried unanimously, 5:0

H. Approval of Meeting Minutes -

Motion (Steele / Oviatt): The Minutes of the May 28, 2024 meeting were approved with one change. The Minutes of the July 16, 2024 meeting were approved without change.

I. The ZEO Report for July 2024 was received.

Motion (Drakos / Steele): to adjourn at 8:08 pm. Motion carried unanimously, 5:0.

Respectfully submitted,
Janet Sutherland
Zoning Clerk

Attachment A

Land and Water Resources Division

COASTAL SITE PLAN REVIEW COMMENTS CHECKLIST

This checklist is used by the Land and Water Resources Division (LWRD) to assess the consistency of the proposed activities with the relevant policies and standards of the Connecticut Coastal Management Act [(CCMA), Connecticut General Statutes (CGS) sections 22a-90 through 22a-112, inclusive].

ORIGINAL TO:

William Mulholland
Zoning Enforcement Officer
Noank Fire District
10 Ward Avenue
Noank, CT 06340

COASTAL SITE PLAN REVIEW TRIGGER:

☒ Zoning Compliance
☐ Subdivision
☐ Special Exception or Permit
☐ Variance
Municipal Improvement

Date sent/delivered 8/20/2024 by (indicate all that apply): hand fax e-mail U.S. mail

APPLICANT NAME: **The Tea House, LLC/Ronald Bizick**
MAILING ADDRESS: **1260 South Ocean Blvd, Delay Beach, FL 33483**
PROJECT ADDRESS: **25 Palmer Court, Parcel 2, Noank, CT 06340**

PROJECT DESCRIPTION:

The applicant is proposing to repair an existing stone bulkhead along the shoreline of the site with new and existing stone. The wall will occupy roughly the same footprint as the existing wall with no encroachment waterward. The height of the wall will be altered slightly, being slightly increased at and below the Coastal Jurisdiction Line (CJL) and slightly decreased landward of the CJL.

LWRD reviewer BL

Date plans were received by LWRD: 7/17/24

Date LWRD review completed: 8/20/24

Most recent revision date on plans: 02/02/24

Plan title: Bulkhead Repair

COASTAL RESOURCES AND RESOURCE POLICIES:

General Coastal Resources*

Beaches and Dunes

ON-SITE**ADJACENT
TO SITE****POTENTIALLY
INCONSISTENT****NOT
APPLICABLE**

Bluffs and Escarpments

Coastal Hazard Area

Coastal Waters and/or Estuarine Embayments

Developed Shorefront

Freshwater Wetlands and Watercourses

Intertidal Flats

Islands

Rocky Shorefront

Shellfish Concentration Areas

Shorelands

Tidal Wetlands

ADVERSE IMPACTS ON COASTAL RESOURCES:

	Appears Acceptable	Potentially Unacceptable	Not Applicable
Degrades tidal wetland, beaches and dunes, rocky shorefronts, or bluffs and escarpments			<input checked="" type="checkbox"/>
Degrades existing circulation patterns of coastal waters	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Increases coastal flooding hazard by altering shoreline or bathymetry	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Degrades natural or existing drainage patterns			<input checked="" type="checkbox"/>
Degrades natural shoreline erosion and accretion patterns			<input checked="" type="checkbox"/>
Degrades or destroys wildlife, finfish, or shellfish habitat			<input checked="" type="checkbox"/>
Degrades water quality			<input checked="" type="checkbox"/>
Degrades visual quality			<input checked="" type="checkbox"/>

COASTAL USE POLICIES:**

	Applies	Potentially Inconsistent
General Development*	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Boating		
Coastal Recreation and Access	<input type="checkbox"/>	<input type="checkbox"/>
Coastal Structures and Filling		
Cultural Resources		
Fisheries		
Fuels, Chemicals, or Hazardous Materials		
Ports and Harbors	<input type="checkbox"/>	<input type="checkbox"/>
Sewer and Water		
Lines Solid Waste		
Transportation Water-	<input type="checkbox"/>	<input type="checkbox"/>
dependent Uses	<input type="checkbox"/>	<input type="checkbox"/>

* General Coastal Resources and General Development policies are applicable to all proposed activities.

** Policies that are not applicable are not checked in this chart.

ADVERSE IMPACTS ON FUTURE WATER-DEPENDENT DEVELOPMENT ACTIVITIES AND OPPORTUNITIES:			
	Appears Acceptable	Potentially Unacceptable	Not Applicable
Replaces an existing water-dependent use with a non-water-dependent use			<input checked="" type="checkbox"/>
Reduces existing public access			<input checked="" type="checkbox"/>
Locates a non-water-dependent use at a site that is physically suited for a water-dependent use for which there is a reasonable demand			<input checked="" type="checkbox"/>
Locates a non-water-dependent use at a site that has been identified for a water-dependent use in the plan of development or zoning regulations			<input checked="" type="checkbox"/>

ISSUES OF CONCERN (SEE SUMMARY AND RECOMMENDATIONS BOX FOR ADDITIONAL DETAIL):
<p>Insufficient information</p> <p>Potential increased risk to life and property in coastal hazard area</p> <p>Adverse impacts on future water-dependent development opportunities</p> <p>Proximity of disturbance to sensitive resources/need for additional vegetated setback</p> <p>Potential to cause erosion/sedimentation; need for adequate sedimentation and erosion control measures</p> <p>Water quality and/or stormwater impact</p> <p>Other coastal resource impacts:</p> <p>Other:</p>

SUMMARY AND RECOMMENDATIONS:
<p>The applicant has obtained the necessary US Army Corps of Engineers (USACE) permits, a Certificate of Permission (COP) from our office dated March 1, 2024, and a Natural Diversity Data Base (NDDB) determination dated February 5, 2023. The application does not appear to deviate from what was approved under the COP. The applicant should follow all conditions of the DEEP-issued license and USACE permit as well as the conditions of the State NDDB determination.</p>

FINDING: (Please see summary and recommendations section on page 3 for discussion)

☒ CONSISTENT WITH ALL APPLICABLE COASTAL POLICIES

☐ CONSISTENT WITH MODIFICATIONS OR CONDITIONS

☐ ADDITIONAL INFORMATION NEEDED PRIOR TO COMPLETE CSPR EVALUATION

Coastal Site Plan Review Comment Checklist

Page 4

Copies of photographs of the site dated:

Copies of aerial photographs dated:

GIS maps depicting:

Coastal resources maps dated:

Coastal Management Fact Sheet(s):

Other:

SUPPORTING DOCUMENTATION ATTACHED TO THIS CHECKLIST:

Structures, Dredging, and Fill in Tidal Coastal or Navigable Waters

Tidal Wetlands

Stormwater General Permit:

☒ Other: Certificate of Permission – Obtained March 1, 2024

Please direct questions or comments
regarding this checklist to:

Braden Lynn

Planning Section

Land and Water Resources Division

CT DEEP

braden.lynn@ct.gov

copy/ies provided to

LWRD Reviewer Initials BL

Date: 8/20/24

This checklist is intended to replace a comment letter only in those instances where LWRD comments can be readily conveyed without the background discussion that would be provided in a letter.

This checklist is not used for projects that LWRD recommends should be denied.