

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

Approved Minutes of the Regular Meeting

Date: September 17, 2024

A link to the recording of the meeting:

<https://1drv.ms/u/c/30e41e9b50057f95/ET965r-aDZdMng5LThFK70kBvR0M--42-d29CdEuTHNmrQ?e=ro9hLT>

[Numbers in brackets correspond to times in the recording]

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

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

A. Chairman's Remarks - None

B. Public Comment - Issues Not on the Agenda -

Patty Oat, 35 Campbell Rd - asked for an update on accessory dwelling units and why the commission was stalling. Suggested ADUs return to the top of the agenda.

Smith replied they were active on the subject until Fall 2023, and there would be time consuming items this fall, so it was not likely to be discussed soon.

An audience member asked if the State had a deadline for a decision on ADUs, Smith replied no, Noank had opted out, and discussed attached ADUs.

Ben Greenfield, 82 Front St - asked what the more pressing priorities have been.

Smith replied the short-term rentals issue on tonight's agenda, and waiting to see what the proposal will be at Haring's, which would require a Special Exception Permit, Public Hearing and lawyers on several sides.

Attorney Casey noted any property owner could propose a text amendment for ADUs. One could apply and propose changes to the regulations.

Nip Tanner, 36 Church St - stated when the commission made the recommendation to opt out of ADUS, the commitment at that time was the for the commission to proceed and adopt ADU regulations for Noank. Tanner was disappointed all this time later and the topic hasn't been addressed. [9:03]

Drakos noted the commission has spent a great deal of time on the subject.

C. Public Hearing on Applications for Design Review - None

D. New Business -

1. Discussion with Counsel - Wihbey v. Pine Orchard Association ZBA decision and consideration of actions in response

Commission Counsel John Casey explained the basis for and outcome of the recent Connecticut Supreme Court decision in Wihbey v. Pine Orchard Association ZBA. After Commissioners' questions, Casey provided draft text indicating what a regulation amendment might look like to be consistent with the past decision of the Zoning Commission on short term renting, and to conform to the recent Supreme Court decision.

Commissioners asked questions on grandfathering (pre-existing uses), the possible need for a moratorium during development of a text amendment, features of the Wihbey case, and the definition of a family.

Proposed amendment language was distributed. Further questions were related to the issue of family and length of stay and whether this language would meet the requirements of the Supreme Court decision.

Smith asked the commission whether to proceed with the text amendment process. Casey noted it was best to move forward since discussing month after month sometimes doesn't lead anywhere.

The Commission was unanimous to proceed with the text amendment. [52:49] There would be a mandatory Public Hearing with staff sending out referrals once a date is determined.

2. Architectural Design Review - Application of Express CT Home Buyers LLC for a Certificate of Design Appropriateness to first and second story rear sliding doors and one entry exterior door at 270 Elm Street.

[57:02] Applicant Pratik Patel began his presentation with the proposed changes to the original approval, including replacing the first and second story vinyl windows with sliding doors, and replacing a third exterior vinyl window with an exterior door. Patel shows photos of neighboring homes, and map with abutting properties.

Oviatt noted the exterior lights had not been shown on the previous approved plans. Mulholland noted this was a natural regulatory function of any remodel, and would inspect upon completion.

Motion (Oviatt / Hewitt): Mr. Oviatt moved and Mr. Hewitt seconded that the Noank Zoning Commission find that the application of Express CT Home Buyers LLC for a Certificate of Design Appropriateness to replace a first story rear window with a sliding door and to replace two second story rear windows with one slider door and one entry

exterior door at 270 Elm Street, Noank, is complete; and that based on Section 2.26.6.4 and the minor anticipated impact on neighborhood architectural harmony and character, property values, historical integrity, and/or public health and safety, the Zoning Enforcement Officer, upon determination that the application satisfies all relevant design criteria, is authorized to issue a Certificate of Design Review Approval under Section 2.26.6.2; 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 was no discussion on the motion. **Motion carried unanimously, 5:0:0**

E. Old Business - None

F. Approval of Meeting Minutes - Regular Meetings of August 20, 2024 and April 16, 2024

There were no corrections to the August minutes. The Minutes of August 20, 2024 were approved without objection.

Sutherland requested clarification of the record regarding the receipt and approval of the minutes at the April meeting. All agreed no minutes were approved in April and the record would reflect that. The Minutes of April 16, 2024 were approved with corrections.

A. The ZEO Report for August 2024 was received.

Motion (Drakos / Steele): to adjourn at 8:28 pm.

Motion carried unanimously, 5:0:0.

Respectfully submitted,
Janet Sutherland,
Recording Secretary

ATTACHMENT A

PROPOSED AMENDMENTS TO THE ZONING REGULATIONS FOR THE NOANK FIRE DISTRICT

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

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. The rental of a dwelling unit for a period of thirty (30) consecutive days or less is prohibited, as is the rental of a dwelling unit to more than one family during the same time period.

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. The rental of a dwelling unit for a period of thirty (30) consecutive days or less is prohibited, as is the rental of a dwelling unit to more than one family during the same time period.

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. The rental of a dwelling unit for a period of thirty (30) consecutive days or less is prohibited, as is the rental of a dwelling unit to more than one family during the same time period.

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. The rental of a dwelling unit for a period of thirty (30) consecutive days or less is prohibited, as is the rental of a dwelling unit to more than one family during the same time period.

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. The rental of a dwelling unit for a period of thirty (30) consecutive days or less is prohibited, as is the rental of a dwelling unit to more than one family during the same time period.

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. The rental of a dwelling unit for a period of thirty (30) consecutive days or less is prohibited, as is the rental of a dwelling unit to more than one family during the same time period.