

**Black Point Beach Club Association Zoning Commission
October 18th, 2019 Special Meeting Minutes**

Present:

Jim Fox, Chairman

James Mastria

John Kycia

John Horoho, Alternate (*Sat as Regular Member)

Also Present:

Jim Ventres, Zoning Enforcement Official

Absent:

Jim Allen, Secretary

Matt Peary

Barbara Koenig, Alternate

Steven Beauchene, Board of Governors Liaison

The Special Meeting of the Black Point Beach Club Zoning Commission was held on Friday October 18th, 2019 at 6:00 p.m. in the Black Point Beach Clubhouse located at 6 Sunset Avenue, Niantic.

I. Call to Order and Establishment of Quorum

Mr. Fox called the Regular Meeting of the Black Point Beach Association Zoning Commission to order at 6:00 p.m.

Mr. Fox introduced the Commission Members and he noted that a quorum was present; Mr. Horoho was sat as a Regular Member for the Meeting.

II. Call For And Additions to the Agenda

There were none.

III. Approval of Minutes

a. **August 16th, 2019 Public Hearing Minutes**

b. **August 16th, 2019 Regular Meeting Minutes**

MOTION (1)

Mr. Mastria moved to approve the August 16th, 2019 Public Meeting Minutes as presented.

Mr. Kycia seconded the motion.

Motion carried, 4-0-0.

Motion (2)

Mr. Kycia moved to approve the August 16th, 2019 Regular Meeting Minutes as presented.

Mr. Mastria seconded the motion.

Motion carried, 4-0-0.

IV. Public Comments

Public Comments is the time when members of the Black Point Beach Club Association are invited to speak to the Commission about certain matters. Items, referrals or applications subject to a decision by the Commission, a public hearing or in litigation may not be discussed.

1. Peter Baril of 17 Sea View Avenue spoke about potential amendments to the Zoning Regulations which he is hoping will levitate conditions for small lot owners and referenced the email he had sent to Mr. Fox (attached.) He briefly discussed the process of going before the Zoning Board of Appeals, the issue of hardship and making a home year round in Black Point Beach.

V. Reports

A. Communications and Correspondence

Mr. Fox said the only correspondence he received was from Mr. Baril. He noted that a position for Zoning Alternate has been posted and he received both a letter and email expressing interest; the position will be filled in the Spring when the new season starts.

B. ZEO: Jim Ventres

Mr. Ventres briefly discussed his ZEO Report (attached.) He received for more requests today including demolition and rebuild for 6 Sea Spray as well as a new foundation for 24 Woodland in order to heat the home more properly.

C. Ex-Officio: Steve Beauchene

Mr. Beauchene was not in attendance.

D. Chairman: Jim Fox

Mr. Fox shared how he and Mr. Ventres took a ride through the entire community and took notes if there was an existing issue or concern; they created a running list of items to monitor and make sure they are in communication with the homeowner if necessary.

VI. OLD BUSINESS

- A. Regulation Review;** Discussion and review of current regulations and/or new regulations.

- **Final review, prior to implementation, of BPBCA Zoning Regulations as amended to November 1, 2019.**

Mr. Ventres supplied the Commission with an updated draft of the amended Zoning Regulations for their perusal (attached.) Mr. Horoho noted that Mr. Allen provided some suggestions on writing (attached) since he was unable to attend tonight's meeting.

The Commission reviewed Mr. Allen's suggestions. Mr. Fox explained that one of Mr. Allen's concerns is regarding where some of the definitions are located in the regulations; the pod definition is currently included in section 8, whereas it would be more appropriate to include it under definitions. Mr. Ventres said this could simply be moved since no actual change is occurring.

Mr. Fox said the next concern was in regards to boats and trailers. Mr. Horoho said Mr. Allen is proposing that the second paragraph of item d on page 10 be contained in it's own paragraph, e, in order to make it more clear. The Commission determined that the current verbiage is sufficient and discussed how the highlighted item e (see attachment) can't be added because it is not a simple edit; this will have to be added next Summer.

- **Blight / Property Maintenance**

Mr. Fox noted they have discussed at the last few meetings, crafting a set of guidelines as opposed to regulations to assist our community; they've examined an existing property maintenance guide from the city of Union as a template for their discussion. He said he shared this idea with several neighbors that he encountered and it was well received. Mr. Fox said that he thinks property owners have a responsibility to maintain that property; the Town has a Blight Ordinance but we don't have our own set of rules or suggestions.

Mr. Kycia mentioned some of the items he deems important such as natural growth of weeds, landscaping, general maintenance and junk. Mr. Horoho said he thinks the greatest difficulty will be the different definitions that people may have for landscaping. Mr. Fox observed that this why in certain circumstances it's more appropriate to address such items in a guide as opposed to a regulation. Mr. Horoho said this will be a good insert for the Black Pointer and website. Mr. Mastria said the guide will be a good tool for people and will feature useful information. The Commission will revisit this discussion in the future.

- **Non Conforming Building Regulations.**

Mr. Fox noted the extensive work Mr. Horoho has done identifying the affected lots. Mr. Fox said these identified lots are prevented from doing anything by the current regulations. Mr. Ventres further detailed how these nonconformities were created. He also shared how some non-conformities were created in the last 20 years because of a

misinterpretation of the regulations; one comma caused misunderstanding. Mr. Ventres reviewed the suggestions he prepared for the Commission to review and consider (attached.) The Commission further discussed this issue. Mr. Fox said this is a significant change since currently all lots are treated the same regardless of size. Mr. Horoho said a little over 20% of the existing lots are faced with this obstacle. The Commission will revisit this discussion in the future.

Mr. Ventres also discussed implementing a doorway/landing width amendment that has more of an ADA bent to allow for greater clearance.

VII. New Business

A. Pre-planning ideas for upcoming meetings

The Commission discussed continuing the practice of meeting the third Friday of every month:

- March 20th, 2020
- April 17th, 2020
- May 15th, 2020
- June 19th, 2020
- July 17th, 2020
- August 21st, 2020
- September 18th, 2020
- October 16th, 2020

MOTION (3)

Mr. Mastria moved to approve the 2020 meeting schedule as discussed.

Mr. Horoho seconded the motion.

Motion carried, 4-0-0.

Mr. Fox thanked everyone for their hard work and contributions this year.

VII. ADJOURNMENT

MOTION (4)

Mr. Mastria moved to adjourn the Black Point Beach Club Association Zoning Commission meeting at 7:06 p.m.

Mr. Horoho seconded the motion.

Motion carried, 4-0-0.

Respectfully Submitted,
Brooke Stevens
Recording Secretary

Attachment
#1

James Ventres

From: Jim Ventres <bpzoning@gmail.com>
Sent: Wednesday, September 11, 2019 8:01 PM
To: James Ventres
Subject: [External]Fwd: Endorsement of Proposed BPBC Zoning Regulations

----- Forwarded message -----

From: Peter Baril <peter.baril@gza.com>
Date: Wed, Sep 11, 2019 at 3:13 PM
Subject: Endorsement of Proposed BPBC Zoning Regulations
To: bpzoning@gmail.com <bpzoning@gmail.com>
Cc: Alice Baril (wife) (a.baril@verizon.net) <a.baril@verizon.net>

To: Jim Fox, Chairperson

Dear Mr. Fox:

I understand that the Black Point Beach Association Zoning Commission will be considering certain amendments to the current zoning regulations. Some of these proposed amendments are related to property set back limits and other allowed modifications to existing and proposed structures on non-conforming lots. My wife, Alice, and I wholeheartedly endorse zoning regulation amendments that will provide some relief to property owners, such as we, who have single lots (e.g. 50 ft. x 100 ft.).

Our recent experiences with the ZBA process have shown that the subjective interpretation of the "hardship rule" contained within the zoning appeals guidelines can be applied too narrowly and arbitrarily. In our opinion, this leads to decisions that are demonstrably unfair, lack reasonableness, and are counter to the spirit of the zoning regulations. We hope that the amendments will be adopted and allow Black Point residents to avoid the appeal process, especially for those redevelopment projects that are clearly non-controversial and have the full endorsement of surrounding neighbors. The amendments dealing with developing new dwellings on existing lots should provide flexibility and practicality for owners while simultaneously holding paramount the health, safety and well fair of the neighborhoods within the Black Point Beach Club.

The physical characteristics of our community have been changing over the past decades, as more owners are choosing to make a permanent home at Black Point as they enter their retirement years. This necessitates significant modification of existing structures or in most cases, requires construction of a wholly new dwelling. This is most notable with the new construction ongoing throughout the Point including those homes

overlooking our shorelines. These changes are a good thing as they improve the aesthetics of our neighborhoods and provide a more vibrant setting for neighborly interactions and developing lasting friendships.

People should have the opportunity to realize their dream of making a permanent home at our beautiful Black Point. It is our hope that the proposed amendments will help achieve this goal.

We would appreciate it if you would enter our comments into the public record during your September 20th meeting.

Sincerely,

Alice and Peter H. Baril

17 Sea View Avenue

Peter H. Baril, P.E. (MA/CT/NH/ME)

Consultant/Hydrologic Engineer

GZA | 249 Vanderbilt Avenue | Norwood, MA 02062

c: 781.760.6419 | peter.baril@gza.com | www.gza.com

GEOTECHNICAL | ENVIRONMENTAL | ECOLOGICAL | WATER | CONSTRUCTION MANAGEMENT

Known for excellence. Built on trust.

Proactive by Design. Since 1964.

James Ventres

From: Jim Ventres <bpzoning@gmail.com>
Sent: Wednesday, September 11, 2019 8:01 PM
To: James Ventres
Subject: [External]Fwd: Endorsement of Proposed BPBC Zoning Regulations

----- Forwarded message -----

From: **Peter Baril** <peter.baril@gza.com>
Date: Wed, Sep 11, 2019 at 3:13 PM
Subject: Endorsement of Proposed BPBC Zoning Regulations
To: bpzoning@gmail.com <bpzoning@gmail.com>
Cc: Alice Baril (wife) (a.baril@verizon.net) <a.baril@verizon.net>

To: Jim Fox, Chairperson

Dear Mr. Fox:

I understand that the Black Point Beach Association Zoning Commission will be considering certain amendments to the current zoning regulations. Some of these proposed amendments are related to property set back limits and other allowed modifications to existing and proposed structures on non-conforming lots. My wife, Alice, and I wholeheartedly endorse zoning regulation amendments that will provide some relief to property owners, such as we, who have single lots (e.g. 50 ft. x 100 ft.).

Our recent experiences with the ZBA process have shown that the subjective interpretation of the "hardship rule" contained within the zoning appeals guidelines can be applied too narrowly and arbitrarily. In our opinion, this leads to decisions that are demonstrably unfair, lack reasonableness, and are counter to the spirit of the zoning regulations. We hope that the amendments will be adopted and allow Black Point residents to avoid the appeal process, especially for those redevelopment projects that are clearly non-controversial and have the full endorsement of surrounding neighbors. The amendments dealing with developing new dwellings on existing lots should provide flexibility and practicality for owners while simultaneously holding paramount the health, safety and well fair of the neighborhoods within the Black Point Beach Club.

The physical characteristics of our community have been changing over the past decades, as more owners are choosing to make a permanent home at Black Point as they enter their retirement years. This necessitates significant modification of existing structures or in most cases, requires construction of a wholly new dwelling. This is most notable with the new construction ongoing throughout the Point including those homes

overlooking our shorelines. These changes are a good thing as they improve the aesthetics of our neighborhoods and provide a more vibrant setting for neighborly interactions and developing lasting friendships.

People should have the opportunity to realize their dream of making a permanent home at our beautiful Black Point. It is our hope that the proposed amendments will help achieve this goal.

We would appreciate it if you would enter our comments into the public record during your September 20th meeting.

Sincerely,

Alice and Peter H. Baril

17 Sea View Avenue

Peter H. Baril, P.E. (MA/CT/NH/ME)

Consultant/Hydrologic Engineer

GZA | 249 Vanderbilt Avenue | Norwood, MA 02062

c: 781.760.6419 | peter.baril@gza.com | www.gza.com

GEOTECHNICAL | ENVIRONMENTAL | ECOLOGICAL | WATER | CONSTRUCTION MANAGEMENT

Known for excellence. Built on trust.

Proactive by Design. Since 1964.

Zoning Projects				Oct.	2019	Report			
Application #	Date	Address	Name	Map/Block	Project	Fee	Appr/Denied	Status	NOTES JV
2018									
JV-11	3/7	8 East Shore	Willard	5 11/64	AC / remodel	150	A	Under Constr	Insp 10/10/2019
JV-14	4/20	5 East Shore	Waleh	5 11 / 52	Addition	450	A	Under Constr	Insp 10/10/19
JV-16	4/26	6 East Shore	Willard	5 11 / 64	Addition	75	A	Completed	6/13/2018
JV-20	5/2	11 Brightwater	Corbett	5 19/52	Propane/gate	150	A	Completed	4/12/2019
JV-29	6/6	41 Sea Spray	Horofo	5 18 / 18	Fence/Fire Pit	150	A	Completed	5/9/2018
JV-30	6/16	30 Bellaire	Monroe	5 16 / 50	New Home	600	A	C2C	4/25/2018
JV-32	7/22	41 Sea Spray	Horofo	5 16 / 18	Garage	300	A	C2C	4/4/2018
JV-36	8/29	8 Bellaire	Mastris	6 11 / 42	New Home	600	A	C2C	6/21/2018
JV-36	9/5	11 Bond St	Magnuson	2 7 / 10	Propane	150	A	Completed	7/12/2018
JV-37	9/5	6 Seaview Ave	McAndrew	5 15 / 34	AC Condenser	75	A	Completed	8/2/2018
JV-38	9/26	46 Indiana	Schepker	5 14 / 20	New Home	600	A	Under Constr	Insp 10/10/2019
JV-39	9/26	47 Sea Spray	Wright	5 18 / 16	New Home	600	A	C2C	5/17/2018
JV-40	9/28	46 East Shore	Craven	5 15 / 83	New Home	600	A	Under Constr	Insp 10/10/2019
JV-41	10/3/18	8 Saltaire Ave	Terreira	5 19 / 43	Hest/AC	75	A	C2C	5/24/2018
JV-43	10/10/18	52 Indiana Rd	Kolosowski	5 14 / 23	2nd story add	600	A	C2C	3/28/2019
JV-46	10/19/18	2 Osprey	Bayne	5 19 / 87	New Home	600	A	Under Constr	Insp 10/10/2019
JV-47	10/27/18	18 Ridge Tr	Burka	5 8 / 26	3 Season Porch	300	A	Completed	8/22/2018
JV-48	11/9/18	9 Park Court	Mikunda	5 9 / 19	Propane bottles	45	A	C2C	4/4/2018
JV-50	11/23/18	47 Sea Crest	Paar	5 14 / 112	HVAC	150	A	C2C	4/25/2018
JV-52	12/6/18	17 Woodland Dr	Guzy	5 9 / 31	addition	45	A	Under Constr	Insp 9/26/2019
JV-54	12/24/18	57 Nehantic	Zito	6 10 / 86	addition	600	A	C2C	4/12/2019
2019									
JV- 1 - 19	1/25/19	20 Seaview Ave	Wunder	5 10 / 36	addition	900	A	Under Constr	Insp 10/10/2019
JV- 2 - 19	3/1/19	12 Indiana	Spelfuto	5 11 / 6	addition	300	A	Completed	6/6/2019
JV- 3 - 19	4/4/19	148 Old BP Rd	Denoe	5 9 / 35	deck	150	A	Not started	Insp 10/10/2019
JV- 4 - 19	4/4/19	18 Sea Breeze	Smith	5 15 / 61	porch addition	300	A	C2C	6/13/2018
JV- 5 - 19	4/4/19	35 Sunset Ave	Kyola	5 14 / 126	fence	75	A	C2C	4/12/2018
JV- 5 - 19	4/4/19	10 Blue Heron	Hyland	5 19 / 107	stairs & fence	75	A	Under Constr	Insp 10/10/2019
JV- 7 - 19	4/12/19	53 Sea Breeze	Bogue	5 14 / 59	dormer & show	300	A	Completed	8/22/2019
JV- 8 - 19	4/12/19	57 Sea Spray	Koch	5 18 / 13	shed	75	A	C2C	8/22/2019
JV- 9 - 19	5/2/19	9 Sea Breeze	Flaherty	5 15 / 74	Home Oc	10	A	APP	5/2/2018
JV- 10 - 19	5/6/19	9 Bilow Rd	Katzebek	5 2 / 64	Garage	300	A		10/10/2018
JV- 11 - 19	5/6/19	68 Nehantic	Martone	5 10 / 82	shed	45	A	C2C	8/22/2019
JV- 12 - 19	5/6/19	53 Sea Spray	Bruce	5 18 / 14	Propane tank	45	A	C2C	8/2/2018
JV- 12 - 19	5/17/19	1 Blue Heron Ct	Weiss	5 19 / 95	Fence	75	A	C2C	8/22/2019
JV- 14 - 19	5/17/19	56 Sea Spray	Foley / Coffee	5 18 / 23	Deck	150	A	Completed	8/26/2018
JV- 15 - 19	5/17/19	41 Sea Spray	Horofo	5 18 / 18	Fence / screen	45	A	Completed	7/12/2018

BLACK POINT BEACH CLUB ASSOCIATION

ZONING REGULATIONS

As amended to November 1, 2019

Attachment
3

TABLE OF CONTENTS

<u>SECTIONS</u>	<u>PAGE</u>
PURPOSE	2
I. DEFINITIONS	2
II. JURISDICTION	7
III. DISTRICTS	7
IV. GENERAL REGULATIONS	9
V. DIMENSIONAL REQUIREMENTS	13
VI. SOIL AND EROSION CONTROL REGULATIONS	18
VII. NONCONFORMING USE, BUILDINGS, & LOTS	19
VIII. ADMINISTRATION AND ENFORCEMENT	20
IX. ZONING BOARD OF APPEALS	22
X. AMENDMENTS	24
XI. VALIDITY	24
XII. EFFECTIVE DATE	24
FEES	25

BLACK POINT BEACH CLUB ASSOCIATION

ZONING REGULATIONS

As amended to November 1, 2019

PURPOSE

These regulations are adopted for the purposes set forth in the General Statutes of the State of Connecticut, namely; to promote the health, safety and general welfare of Black Point Beach Club Association with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality; to protect the existing and potential public surface and ground drinking water supplies; to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision for the transportation, water, sewerage, parks and other public requirements.

SECTION I – DEFINITIONS

Accessory Buildings. – A detached subordinate building located on the same lot with the principal building and devoted to an accessory use, but not used for human habitation.

Accessory Use. – A use subordinate to and customarily incidental to the principal use of a lot or building and on the same lot.

Association Right-of Way. – A strip of land, owned by Black Point Beach Club Association, that is granted, through an easement or other mechanism for transportation purposes for access to the Black Point Beach Club beach or other property.

Beach Front Lot. – All lots within the limits of the Association which abut the Reserved Beach, Niantic Bay or Long Island Sound.

BOATS AND WATERCRAFT DEFINITIONS

Boat. – A watercraft propelled by oars, paddles, sails or engine.

Canoes, Kayaks, and Paddle Boards. – A watercraft designed to be paddled by the operator.

Personal Water Craft (Jet Ski/ Sea-Doo)– a recreational watercraft propelled by engine that is ridden like a motorcycle by one or more people

Sailboats and Catamarans – Boats designed to be propelled primarily by sail.

Building. – Any structure with walls and a roof securely affixed to the land and entirely separated on all sides from any other structure and which is designed for the shelter, enclosure, or protection of persons, animals or chattels.

BLACK POINT BEACH CLUB ASSOCIATION

ZONING REGULATIONS

As amended to November 1, 2019

Building Height – The maximum height of any building structure shall be twenty-seven feet, measured from the grade plane to the mean roof height. In no case shall any peak or other building feature exceed thirty-eight feet when measured from the grade plane to that roof peak or other building feature, except chimneys may be of such height as regulated by the building code as amended time to time.

Building Line. – The line parallel to a street, side yard, and rear yard which establishes the minimum depth of front yard, side yard, and rear yard for the particular district as measured from the street right-of-way, side and rear property lines.

Deck. – An outdoor raised structure, above ground level, not enclosed by any roof or walls, but which may be enclosed by a low railing not exceeding 42 inches in height.

Dwelling, One Family. – A detached building for or occupied by one (1) family.

Exterior Accessory Equipment. – All fixed heating, air conditioning, fuel storage, swimming pool filtering and pumping equipment (including but not limited Heat Pumps, surface mounted air conditioners, condensers, above ground gas storage tanks and swimming pools accessory pool equipment) that are not attached to the primary dwelling unit or an approved auxiliary building.

Family. – Any number of individuals related by blood. Marriage or adoption, living together as a single housekeeping unit, provided that any two (2) persons not related by blood or marriage may be considered a family.

Final Grading. – The final elevation of the ground surface after the completion of grading.

Floor Area.

a. Net floor area shall be the actual occupied area above grade, not including accessory unoccupied areas, or thickness of walls.

b. Gross floor area would include the total sum of all measurable floor area, where measurement is made from the outside dimension of the structure at the applicable floor levels, above grade, exclusive of attic area.

Front Lot Line. – The lot line on the street address of a lot. In cases when a property abuts multiple streets, the street address shall be the same as the front entrance of the single-family dwelling.

BLACK POINT BEACH CLUB ASSOCIATION

ZONING REGULATIONS

As amended to November 1, 2019

Garage.

- a. A structure designed principally for the shelter, enclosure or protection of vehicles.
- b. Attached Garage. – A garage that is part of a dwelling by being physically connected to it by means of a permanent structural connection other than pavement or fences.
- c. Detached Garage. – An accessory building which is not physically connected to a dwelling by means of any permanent structural connection other than pavement or fences.

An open accessory building not exceeding 144 square feet with a roof not exceeding 12 feet in height.

Grading. Any excavation, grubbing, filling (including hydraulic fill) or stockpiling of earth or any combination thereof, which results in a change of contour or elevation.

Grade Plane. A reference plane representing the average of the finished ground level adjoining the building of the exterior walls as measured at the corners. The lowest finished grade measured shall be no higher than the natural grade. (The Commission will not consider platforms built above the natural grade as a valid measuring point.)

Gross Vehicle Weight Rating. The maximum recommended weight for a vehicle, including: the weight of the vehicle itself, fuel and other fluids, passengers, and all cargo.

Ground Level. An elevation not exceeding 2 inches above the final grade.

Housekeeping Unit. One or more rooms which are arranged, designed, or used as living quarters for only one (1) family and which have individual bathrooms and permanently installed kitchen facilities.

Lot. A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings customarily incidental to it.

Lot Line. The outside dimension of a lot as defined in these regulations.

Mobile Home. A dwelling of vehicular, portable design, built on a chassis and designed to be moved from one site to another and to be used without permanent foundation.

BLACK POINT BEACH CLUB ASSOCIATION

ZONING REGULATIONS

As amended to November 1, 2019

Motor Home. A vehicular unit designed to provide living quarters and necessary amenities which are built into an integral part of, or permanently attached to, a truck or van chassis.

Nonconforming. Any use of a building or lot, or any building or structure, lawfully existing as of the effective date of these regulations, but not conforming to these regulations as they pertain to the district in which the use, building or structure is located.

Open Space. That portion of a lot which is to be unoccupied by buildings or structures as determined by the setback of buildings or structures from the street right-of-way or other lot lines.

Patio. See Terrace

Pool. An artificially created or contained body of water designed or used for swimming, wading or bathing.

Pool Cabana. An accessory building designed for use or used in connection with a pool.

Pool Complex. A pool together with any above ground level apron or deck, pool cabana or other structure which is attached to or used in connection with such pool.

Setback. The minimum distance permitted between a structure and a designated lot line.

Shed. An accessory building designated for the shelter, enclosure or protection of tools, recreation equipment, swimming pool equipment, lawn maintenance equipment and the like.

Special Flood Hazard or Coastal High Hazard Definitions

AREA OF SPECIAL FLOOD HAZARD means land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

BASE FLOOD ELEVATION (BFE) means the elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

COASTAL HIGH HAZARD AREA means the area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity waters, including but not limited to, hurricane wave wash or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone VE.

BLACK POINT BEACH CLUB ASSOCIATION

ZONING REGULATIONS

As amended to November 1, 2019

FLOOD INSURANCE RATE MAP (FIRM) means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Street Right-of-Way. A strip of land, owned by the Town of East Lyme or the Black Point Beach Club Association, that is granted, through an easement or other mechanism for transportation purposes, such as a street. Additional land abutting the paved street may also be reserved for the purposes of maintenance or expansion of existing services with the right-of-way and is considered part of the right-of-way.

Structure. Anything constructed or erected, the use of which requires location, under or above the ground or attachment to something having location on the ground, provided patios, walkways and driveways constructed at ground level shall not be considered structures for the purposes of these regulations.

Terrace / Patio. A level, landscaped and / or surfaced area located at no more than 2" above grade with no roof and no structural supports other than subsurface materials.

Trailer. A vehicular device designed to be pulled by a motor vehicle as provided below:

- a. Boat Trailer – A trailer designed to store and transport a boat not exceeding 26 feet in length.
- b. Camping Trailer – A vehicle not exceeding a gross vehicle weight rating of 5,000 pounds which is designed to be used primarily as temporary living quarters for recreational, camping, travel, or seasonal use that does not have its own motor power but is mounted on or towed by another vehicle.
- c. Utility Trailer – A trailer, whether uncovered or enclosed, used for hauling materials, good or objects, provided that it shall not exceed 16 feet in length and it shall not have a gross vehicle weight rating of more than 2,600 pounds.

Variance. A modification to the requirements of these regulations which may be granted in an individual case by the Zoning Board of Appeals.

Yard, Front. An open space extending across the full width of a lot, lying between the front lot line of the lot and the principal building structure on the same lot.

BLACK POINT BEACH CLUB ASSOCIATION

ZONING REGULATIONS

As amended to November 1, 2019

SECTION II – JURISDICTION

Within the Black Point Beach Club Association, no lot, building or other structure shall be used and no building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered except in conformity with these regulations. No lot shall be subdivided, conveyed or encumbered so as:

1. To make said lot non-conforming or more non-conforming to these regulations.
2. To make any use thereof, or any building or other structure thereon, non-conforming or more non-conforming.
3. To make any non-conforming building line, setback or open space more non-conforming.

SECTION III – DISTRICTS

The area of the Black Point Beach Club Association is hereby divided into two districts and zones, they being a Residence District and a Business District.

Residence District

All the zoned area of the Black Point Beach Club Association except the business district as herein defined. This shall include all the land within the territorial limits of the Black Point Beach Club as described in a map made by Daboll & Crandall, received for filing May 27, 1931 and placed on file in the Town Clerk's Office in the Town of East Lyme, Connecticut.

Permitted Uses. – The following uses of buildings and/or land and no others are permitted in the residence district.

1. One single family detached. Furnishing of meals or lodging for compensation, (i.e. the use of a dwelling or building as a hotel, motel, boarding house or restaurant), is prohibited in this zone. The rental of an entire dwelling for a permitted use for a period of less than one week is prohibited in this zone.
2. A clubhouse or community building owned by the Black Point Beach Club Association and a playground or other grounds used for recreational purposes and owned by the Black Point Beach Club Association.

BLACK POINT BEACH CLUB ASSOCIATION

ZONING REGULATIONS

As amended to November 1, 2019

3. Signs not more than six (6) square feet in area when placed in connection with the sale, rental, construction or improvement of the premises provided that there shall be only one (1) sign in connection with the premises.
4. Home Occupation Service or Profession – The operation of a home occupation, service or profession in the residence district shall be permitted subject to the following requirements:
 - a. Such home occupation, service or profession includes, but is not limited to the office or studio of an architect, artist, economist, engineer, insurance agent, lawyer, photographer, or real estate broker. Such uses as physician's offices, restaurants, tea rooms, funeral homes, barbershops, beauty parlors, tourist homes, animal hospitals, any activity which constitute the manufacture of goods or products for sale, and any uses which require more than incidental traffic of clients to the dwelling, shall not be deemed to be a home occupation, service or profession.
 - b. The total area devoted to the home occupation shall be located within the dwelling and shall not exceed twenty-five (25) percent of the floor area of the single-family dwelling. For the purposes of these regulations, a garage, attached or detached, cannot be used for a home occupation.
 - c. No one who is not a resident of the single-family dwelling shall be employed or otherwise engaged in the home occupation at that address.
 - d. No sign, display or advertising of the home occupation on the lot shall be permitted.
 - e. No outside storage associated with the home occupation shall be permitted.
 - f. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced, no health or safety hazard shall be created, and no interference with radio or television reception in the neighborhood shall be produced by the home occupation.

BLACK POINT BEACH CLUB ASSOCIATION

ZONING REGULATIONS

As amended to November 1, 2019

- g. Before any home occupation, service or profession in the residence district may be initiated, a Home Occupation Zoning Application must be submitted to the Zoning Enforcement Officer with the requisite fee, and approval.

Business District

The Business District of the Black Point Beach Club Association shall consist of lots 722 and 723 as described on the map (map made by Daboll & Crandall, received for filing May 27, 1931 and placed on file in the Town Clerk's office in the Town of East Lyme, Connecticut) and is located at the northwest corner of Sunrise Avenue and Nehantic Drive.

The following uses of buildings and/or land and no others are permitted in the business district:

1. Any building or use permitted in a residence district.
2. Post Office.
3. Retail store excluding:
 - a. Store selling alcoholic beverages.
 - b. Store offering for use more than three (3) electronic video games or other coin operated amusement devices.

SECTION IV – GENERAL REGULATIONS

These regulations shall apply in all districts:

1. **Junk Materials & Debris** - Lots and yards shall be kept completely free from trash, rubbish, unregistered motor vehicles, unstacked fire wood, unstacked building materials or other items which are unsightly.
2. **Tents and Temporary Buildings** - No tents or temporary buildings shall be erected or placed upon the property, provided that the placement of pup tents for causal or temporary use shall not be prohibited and the placements of party tents or canopies for social occasions shall not be prohibited, provided such placement shall not last longer than seven consecutive days and complies with all applicable requirements of the Department of Public Safety and the Building Code of the Town of East Lyme which requires permits in some instances. No building or

BLACK POINT BEACH CLUB ASSOCIATION

ZONING REGULATIONS

As amended to November 1, 2019

structure shall be erected on a lot prior to the erection of a dwelling.
Mobile homes and motor homes will not be permitted on any lot.

3. Boats, Boat Trailers, Camping Trailers, or Utility Trailers –

One (1) of the following may be stored on a lot at any one time:

One boat not to exceed 26 feet in length, OR

One camping trailer, OR one utility trailer

Such items listed above, shall comply with the regulations below:

- a. All boats, boat trailers, camping trailers, or utility trailers shall be licensed and registered as required by Connecticut State law. Any of the above items that are unregistered according to state law shall be considered junk under these regulations and prohibited from storage in any area of the Black Point Beach Club Association.
- b. Camping Trailers shall not be used as living quarters within the confines of the Black Point Beach Club Association and shall not exceeding a gross vehicle weight rating of 5,000 pounds.
- c. Utility Trailer – A trailer, whether uncovered or enclosed, shall not exceed 16 feet in length and it shall not have a gross vehicle weight rating of more than 2,600 pounds.
- d. Any such utility trailer, camping trailer, boat, or other watercraft exceeding sixteen (16) feet shall be located behind the front setback building line. Boats exceeding sixteen (16) feet are allowed forward of the front setback building line between April 15th and June 1st, while boats are being prepared for the boating season.

Boats moved forward shall not extend into a public area or right-of-way, and are not to obscure any view which may cause danger to vehicular or pedestrian traffic on a public street or an Association right-of-way. The Zoning Enforcement Officer has the duty to determine if the placement may cause danger and has the authority to order the object(s) removed.

4. **Pets** - The keeping of pets shall be restricted to caged birds (canaries, parakeets, etc.), cats and dogs. All local and state ordinances, laws and regulations shall be complied with in the keeping of pets.

BLACK POINT BEACH CLUB ASSOCIATION

ZONING REGULATIONS

As amended to November 1, 2019

5. Wall, Fences, & Hedges

a. No wall, fence, or other structure shall be erected, and no hedge, tree or other obstruction shall be maintained on a lot which may cause danger to vehicular or pedestrian traffic on a public street, including an Association right-of-way, by obscuring the view. For the purposes of this section, no wall, fence or other structure and no hedge or other shrubbery shall be permitted to be higher than 42 inches measured from the level of the street pavement with ten feet of an intersection of streets, including intersections of streets and Association rights-of-ways, measured from the beginning of the street pavement at the intersection.

b. Notwithstanding minimum lot dimensions as set forth in these regulations and except as provided in Section 5a of these regulations, walls and fences not exceeding six feet in height may be erected in any district along, or within five feet of, the lot line provided that there is compliance with all other regulations and applicable building codes and that said wall or fence shall be located within the lot line of a lot.

6. Sanitation – No sewage shall be discharged into Long Island Sound. No cess-pool, earth closet or privy may be built, nor can any outside toilets be erected.

7. Farm Animals Prohibited – There shall not be constructed or maintained within the limits of the Association any cow or horse stable, pigsty, slaughter house, chicken coops, or any structure to house prohibited animals.

8. Satellite Dishes and Antennas - There shall not be constructed or maintained within the limits of the Association any microwave or satellite dish type antenna having a diameter or other dimension which exceeds eighteen inches. Standard VHF rooftop television antennas are permitted.

9. Accessory Buildings – No accessory building may be used as a dwelling.

10. Storage or parking of large vehicles – No motor vehicles having a gross vehicle weight rating in excess of 10,000 pounds shall be parked or stored on a public or private property in the residence or business

BLACK POINT BEACH CLUB ASSOCIATION

ZONING REGULATIONS

As amended to November 1, 2019

district except in the case of a commercial vehicle when temporarily engaged in providing a service directly related to the property where it is parked.

11. **Handicapped Access** – Notwithstanding any other provisions of these regulations which would prohibit such a structure, the Zoning Enforcement Officer may issue a temporary permit for a handicap access ramp to a residential structure under the following conditions:
 - a. Said access shall be of such size and configuration to involve the least amount of conflict with these regulations which would otherwise be applicable. There will be no roof, roofing, or shelter associated with the structure.
 - b. Such size, location, and configuration shall not be a hinderance or danger to the public welfare or safety.
 - c. Request for handicapped access ramps shall include a written statement detailing the reason(s) why such ramp is required.
 - d. Said temporary ramp shall be permitted for a period of two years but can be automatically renewed by the Zoning Enforcement Officer, provided the circumstances initially requiring the handicapped access still exists. When such circumstances cease to exist, the access will be removed by the end of the permit period or within sixty (60) days of notice to remove from the Zoning Enforcement Officer, whichever is sooner.
12. **Construction Activities** – No construction or construction related activities including, but not limited to, land clearing, excavation, the installation of footings or foundations, the erection of structures, and the siding or roofing of such structures, shall commence prior to 8:00 AM nor conclude later than 6:00 PM on any day.
13. **Grading of Property** – Final grading of an entire lot shall not exceed one (1) foot of vertical rise or decline per every ten (10) feet of horizontal distance when measured from the existing street elevation of the front lot line and shall not increase or decrease water runoff to adjacent properties. This measurement does not include approved retaining walls and terraces.

BLACK POINT BEACH CLUB ASSOCIATION

ZONING REGULATIONS

As amended to November 1, 2019

SECTION V – DIMENSIONAL REQUIREMENTS

1. Dwellings – No dwelling shall be constructed within the limits of the Association unless it meets the following requirements:

- a. The lot on which it is constructed must have an area of at least 8,000 square feet.
- b. The lot on which it is constructed must have at least sixty (60) feet of frontage on a street.
- c. It shall have a maximum building height (as defined in these regulations) not to exceed twenty-seven (27) feet.
- d. **BUILDING HIEGHT REGULATION FOR STRUCTURES IN AREAS OF SPECIAL FLOOD HAZARD OR COASTAL HIGH HAZARD AREAS**

When a proposed structure that is in a Special Flood Hazard or Coastal High Hazard Areas is required to have the lowest floor elevated to one (1.0) foot above the base flood elevation as determined by the East Lyme Building Official, the following exceptions apply to the building height:

The maximum height of any building structure shall be twenty-five feet, measured from the base flood elevation to the mean roof height. In no case shall any peak or other building feature exceed thirty-six feet when measured from the base flood elevation to that roof peak or other building feature, except chimneys may be of such height as regulated by the building code as amended time to time.

- e. It shall have no more than two (2) floors of living space (above grade).
- f. It shall have a net floor area of not less than 1,200 square feet.
- g. The dwelling, in combination with all accessory buildings, pool complexes and other structures shall not occupy more than thirty-five (35%) percent of the total area of the lot, provided that steps accessing a dwelling shall not be considered for the purposes of this limitation. Terraces and patios as defined in these regulations shall not be considered as structures for determining lot coverage. The dwelling shall be located on the lot so as to maintain the following setbacks from the street lines:
 - 1. Beach Front Lots - Twenty-five (25) feet from the lot lines on the bank of the beach or the beach wall, Fifteen (15) feet from all other lot lines.

BLACK POINT BEACH CLUB ASSOCIATION

ZONING REGULATIONS

As amended to November 1, 2019

2. All Other Lots -Twenty (20) feet from the front lot line, Fifteen (15) feet from all other lot lines.

Compliance with required setbacks from lot lines shall be determined by measurement from the closest exterior side of the dwelling, including any deck, provided that architectural projections such as roof overhangs, bay windows, chimneys, sills, cornices, etc., which do not constitute living space shall be permitted into the setback areas as herein provided for up to two (2) feet.

2. **Accessory Buildings** – Except as otherwise expressly provided in these regulations, no more than two accessory buildings, of which not more than one may be a garage and not more than one may be a shed, shall be constructed on any buildable lot within the limits of the association, provided that such accessory building must meet the following requirements:

a. Detached Garage

1. It may not be constructed before the principal building has been lawfully constructed on the lot;
2. It shall have a maximum building height of twenty (20) feet;
3. It shall occupy no more than ten (10) percent of the total area of the lot;
4. It shall have only one floor above the garage floor and that floor is to be used for storage only.
5. It shall be located on the lot not less than ten feet from the dwelling or any accessory building at the point at which the two structures are closest.
6. It shall contain no toilets facilities.
7. The conversion of a detached garage to an attached garage shall require a zoning permit.

BLACK POINT BEACH CLUB ASSOCIATION
ZONING REGULATIONS

As amended to November 1, 2019

8. It shall be located on the lot so as to maintain the following setbacks from the lot lines:

On A Beachfront Lot - Twenty-five (25) feet from the lot line on the bank of the beach or the beach wall; Fifteen (15) feet from the rear lot line along the street; Fifteen (15) feet from the side lot lines.

On All Other Lots - Twenty (20) feet from the front lot lines; Fifteen (15) feet from the side lot lines.

b. Shed

1. It may not be constructed or erected before the principal building has been lawfully constructed on the lot.
2. It shall not exceed the dimensions of 8 feet x 10 feet x 12 feet.
3. It shall be located on the lot so as to maintain the following setbacks from the lot lines.

On a Beachfront Lot - Fifty (50) feet from the lot line on the bank of the beach or beach wall. Twenty (20) feet from the street line, Fifteen (15) feet from the lot line fronting any Association right-of-way, Five (5) feet from all other lines

On All Other Lots Fifty (50) feet from the front lot line, Twenty (20) feet from any side street lot lines, Five (5) feet from all other lot lines.

3. Landings and Stairs Within the Setback Areas

Exterior landings and stairways to exterior doors which are constructed within the setback areas as defined in this section shall be consistent with the following requirements, and no further deviation from such setback areas shall be permitted unless expressly authorized by a variance granted by the Zoning Board of Appeals:

- a. Landings shall not exceed the dimensions of four (4) feet by four (4) feet.
- b. Stairways shall not extend into a side or rear setback area more than three (3) feet, nor into a front setback area more than six (6) feet.

BLACK POINT BEACH CLUB ASSOCIATION

ZONING REGULATIONS

As amended to November 1, 2019

- c. The coverage of any roof constructed above a landing shall not exceed the dimensions of the landing, and the landing beneath a roof shall not subsequently be enclosed.
- d. No roof or other overhead structure shall be constructed above the stairway.
- 4. **Pools, Pool Cabanas and Pool Complexes** – No pool, pool cabana or pool complex, shall be constructed or erected upon any lot within the limits of the Association unless it meets the following requirements:
 - a. It may not be constructed or erected before the principal building has been lawfully constructed upon such lot.
 - b. A pool cabana shall not exceed the dimension of eight (8) feet by ten (10) feet by twelve (12) feet.
 - c. For the purposes of this subsection, any above ground, movable pool exceeding the dimension of eight (8) feet by eight (8) feet or eight feet in diameter shall be required to meet the setback requirements for the sheds.
 - d. It shall be located on the lot so as to maintain the following setbacks from the lot lines:
 - On a Beachfront Lots** - Twenty-five (25) feet from the lot line on the bank of the beach or beach wall; Fifteen (15) feet from all other lot lines.
 - On All Other Lots** - Twenty (20) feet from the front lot line; Fifteen (15) feet from all other lines.
- 5. **Other Structures** – Except as otherwise provided herein, no structure shall be constructed or erected upon any lot within the limits of the Association unless it meets the setback requirements for dwellings.
- 6. **Exterior Accessory Equipment** - All Exterior Accessory Equipment shall meet the following requirements:
 - a. No accessory equipment shall be located in the front yard.

BLACK POINT BEACH CLUB ASSOCIATION

ZONING REGULATIONS

As amended to November 1, 2019

- b. No accessory equipment shall extend into the setback line more than three (3) feet but in no case shall the extension into the setback be closer than five (5) feet from the property line.
- c. Accessory equipment shall be screened by evergreen plantings or other materials acceptable to the Commission or its designee and shall be of sufficient height to obscure the equipment from view of the street.
- 7. **Underground LPG Tanks** - LPG tanks are regulated by the State, as such the placement shall be approved by the ZEO and the covers (of the underground LPG tanks) may not be more than one (1) foot above grade and must be screened from the street.
- 8. **Portable Storage Containers (PODS) and Dumpster, and Construction Trailer Requirements**
 - a. In the event of a fire, storm, major reconstruction of a home, or moving a temporary permit may be issued for the placement of a "Portable Storage Container" and / or Dumpster, and / or Construction Trailers.
 - b. "Portable Storage Container" means any container designed for the temporary storage of personal property, which is typically rented to owners or occupants of property for their storage use and which is delivered and/or removed by truck or trailer.
 - c. Dumpster - a large trash receptacle designed to be hoisted and emptied into or towed away with a truck.
 - d. Construction Trailers – Trailers designed to store equipment, materials, and supplies.
 - e. No person shall place a portable storage unit, dumpster, or construction trailer on private property without first obtaining a zoning permit from the Black Point Beach Club Association Zoning Enforcement Officer. There is no fee for the permit. Application can be combined with the application of any zoning permit.
 - f. Only one of each - being one portable storage unit, one dumpster, one construction trailer is permitted on the property at one time. The maximum size of any portable storage container shall not exceed sixteen (16) feet in length by eight (8) feet in width by eight (8) feet in height. The

BLACK POINT BEACH CLUB ASSOCIATION

ZONING REGULATIONS

As amended to November 1, 2019

maximum size of any dumpster shall not exceed 30 yards (twenty-two (22) feet in length by eight (8) feet wide by six (6) feet in height).

- g. The portable storage container, dumpster, and / or construction trailer has to be located at least five (5) feet from any property line. Location(s) is to be designated on a site plan by the applicant. Location shall not obscure any view which may cause danger to vehicular or pedestrian traffic on a public street or an Association right-of-way. The Zoning Enforcement Officer has the duty to determine if the placement may cause danger and has the authority to order the Portable Storage Container relocated.
- h. The use of the portable storage container, dumpster, and or construction trailer is temporary and a permit shall be issued for a period of one (1) year or until the project is complete if shorter than one year. The owner may apply for an extension if an unusual hardship can be demonstrated.
- i. Any portable storage container shall be free of dents, rust and/or graffiti and shall be maintained in good condition.

SECTION VI - SOIL AND EROSION CONTROL REGULATIONS

- 1. INTENT – To minimize polluted stormwater runoff from construction sites and prevent it from carrying sediment into the streets, drainage systems, and eventually to Long Island Sound.
- 2. STANDARDS - Erosion, Sediment, and Runoff Control Standards.
 - a. No site plan shall be approved which will cause erosion, flooding, or sedimentation to run off the property. Stormwater runoff control shall be accomplished in accordance with proper civil engineering practice. Developers, construction site operators, and contractors shall maintain erosion and sediment control measures that are consistent with the 2002 Guidelines for Soil Erosion Sediment Control, as amended, the Connecticut Stormwater Quality Manual, and all stormwater discharge permits issued by the Connecticut DEEP.
 - b. Site plans submitted shall include soil erosion and sediment control plans depicted on the plans and shall include a narrative explaining the sequence of construction, measures to be implemented, and person(s)

BLACK POINT BEACH CLUB ASSOCIATION

ZONING REGULATIONS

As amended to November 1, 2019

responsible for the control measures. Contact number(s) of the individual(s) responsible for the control measures shall be included on the plans. Consideration shall be given runoff reaching adjoining properties, streets, and catch basins.

- c. Enforcement – The individual(s) responsible shall be required to inspect the site weekly and after each storm occurrence of one (1) inch or more of rain within a twenty-four (24) hour period. The Zoning Enforcement Officer may require additional measures if the installed measures have the potential to fail. The individuals will install these measures within forty-eight (48) hours of notice from the Zoning Enforcement Officer. In the case that the measures installed have failed, it will be the responsibility of the individual(s) responsible to remove sediment from the adjoining properties, streets, and catch basins within forty-eight (48) hours of the failure.

SECTION VII – NONCONFORMING USES, BUILDINGS AND LOTS

Any lawful use of a building lot existing as of September 1, 2010 may be continued subject to the following conditions:

1. Except as hereinafter provided in this Section, a nonconforming use shall not be enlarged or extended.
2. A nonconforming use may not be changed to another nonconforming use.
3. If any nonconforming building or structure is destroyed by fire, flood or other casualty, or is intentionally razed or demolished, it may be restored or replaced by a building or structure having the same nonconforming features as the building or structure destroyed or razed provided such restoration or replacement is started within one year of such razing, demolition or destruction and diligently pursued to completion.
4. A nonconforming use which ceases for any reason for a continuous period of more than one (1) year, or is changed to a conforming use, shall not thereafter resume.
5. Any permitted use may be made of, and any permitted building may be constructed on, a nonconforming lot provided that as of August 2, 1980 and continuously thereafter the legal owners of record of the nonconforming lot did not, at any time during the ownership of the

BLACK POINT BEACH CLUB ASSOCIATION

ZONING REGULATIONS

As amended to November 1, 2019

nonconforming lot, own any adjoining or contiguous lot. When lots are joined, for the purposes of complying with the Zoning Regulations, the lots need not be combined into one lot on the land records. The interior lot lines, where the lots abut, have no zoning significance relative to setback requirements for any building located on the so joined property.

6. The owner of two (2) or more adjoining or contiguous lots may, upon approval by the Board of Governors of the Association, re-subdivide those nonconforming lots to create one (1) or more conforming lots.
7. Except as set forth in paragraph 8, a nonconforming building shall not be enlarged or extended, vertically or horizontally, unless:
8. Such extension or enlargement complies with the set back requirements of these regulations regardless of the existing setback lines of the nonconforming building; and
9. Such extension or enlargement complies with all other provisions of these regulations pertaining to the type of building being extended or enlarged as relates to height, dimensions and number of floors.
10. Any open portion of a nonconforming dwelling having a roof and existing as of February 5, 1991 may be enclosed so to form a portion of the interior of the dwelling.
11. The roofline immediately over actual occupied area above grade, not including accessory unoccupied areas, in a nonconforming dwelling may be changed, providing the overall height of the structure is not increased.

SECTION VIII – ADMINISTRATION AND ENFORCEMENT

The provisions of these regulations shall be enforced by the Agent of the Zoning Commission of the Black Point Beach Club Association, who shall be known as the Zoning Enforcement Officer.

1. It shall be the duty of said Zoning Enforcement Officer to receive applications for zoning permits and said Officer is hereby given the power and authority to approve those applications found to be in conformity with the provisions of these regulations, to reject those found not to be in

BLACK POINT BEACH CLUB ASSOCIATION

ZONING REGULATIONS

As amended to November 1, 2019

compliance with these regulations, and to otherwise enforce the provisions of these regulations.

2. No use of a lot may be made and no building or structure shall be constructed, erected or modified within the limits of the Association unless and until the owner of the lot in question obtains a permit signed by the Zoning Enforcement Officer of the Black Point Beach Club Association evidencing that such use, building, structure or modification complies with these regulations or is a valid nonconforming use, building or structure under these regulations. The following modifications shall be deemed to be in compliance with the BPBC Zoning Regulations for which the requirement for a zoning permit is waived: (1) Any modification, allowed under these Zoning Regulations, which is made entirely within the enclosed interior of an existing building in the residence district, (2) replacement of windows and doors, (3) re-shingling of roofs and (4) residing of a structure.
3. Violation of the zoning regulations of the Black Point Beach Club Association shall be penalized in accordance with the provisions of Section 8-12, Chapter 124 of the Connecticut General Statutes as amended.
4. The Zoning Enforcement Officer has no obligation to issue any permit or certification under these regulations unless the application therefore is accompanied by the application fee as such is determined by the Board of Governors of the Black Point Beach Club Association.
5. A zoning permit issued hereunder shall be valid for a period of twelve (12) month from the day that it is issued, except that the Zoning Enforcement Officer, in his/her discretion, shall have the authority to extend this period for not more than forty-five (45) days without any additional fee. In the event that the construction which is the subject of the zoning permit is not completed within said twelve (12) month period as so extended by the Zoning Enforcement Officer, the permittee may extend the zoning permit for one additional period of six (6) month upon the submission an application therefor accompanied by the applicable fee as provided in Subsection 4 of this section. Failure to complete the construction which is the subject of the extended zoning permit within the period so extended will require a new application for a new zoning permit which will be

BLACK POINT BEACH CLUB ASSOCIATION

ZONING REGULATIONS

As amended to November 1, 2019

subject to all zoning regulations then in effect at the time the new permit is granted.

SECTION IX – ZONING BOARD OF APPEALS

1. There shall be a Zoning Board of Appeals which shall be appointed by the Board of Governors of the Black Point Beach Club Association which shall have the following powers and duties:
 - a. To hear and decide on all matters, including an application for a variance, upon which is required to pass by the specific terms of these regulations or of any statute. The Zoning Board of Appeals may vary the application of the Zoning Regulations when it determines that such action is in harmony with their general purpose and intent, with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel, but not affecting generally the district in which it is situated, a literal enforcement of such regulation would result in an exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured by granting the variance. In making a determination on a variance, the Zoning Board of Appeals shall include consideration of the following issues:
 1. The extent to which the applicant has demonstrated that exceptional shape, size, topography or other unique characteristic of the site requires a variance from a literal enforcement of the Zoning regulations.
 2. Whether the exceptional difficulty or unusual hardship claimed has been created by the owner or the person or persons requesting the variance.
 3. Whether the variance requested will adversely affect the neighborhood and whether they will be in harmony with the purpose and intent of the Zoning Regulation.
 4. Whether the applicant has shown that there is no reasonable alternative other than to grant the requested variance(s).

BLACK POINT BEACH CLUB ASSOCIATION
ZONING REGULATIONS

As amended to November 1, 2019

5. Whether economic hardship is the only basis for requesting the variance.
- b. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the agent of the Black Point Zoning Commission or any official in charge with the enforcement of the regulations.
- c. To adopt such rules and procedures as may be necessary to carry out these regulations.
- d. Notwithstanding the foregoing powers, no variance shall be granted which will permit in any district a use which is not permitted in that district.
- e. The Zoning Board of Appeals shall not be required to hear any application for the same variance for a period of six (6) months after a decision by the Board or by a court of competent jurisdiction on an earlier application for said variance.
- f. Subject to the requirements of the Connecticut General Statutes pertaining to zoning appeals, an appeal to the Zoning Board of Appeals must be filed with the Zoning Enforcement Officer and the Chairperson or Secretary of the Zoning Board of Appeals within thirty (30) days after the date of the action being appealed together with the applicable fee which will be determined from time to time by the Zoning Commission of the Association, provided that an application for a variance to construct a ramp to permit wheelchair or other handicapped access to a dwelling or accessory building shall not be subject to a fee.
- g. The Zoning Board of Appeals will send a notice of the requested variance of the property and the time and date of the hearing at which it will be heard to all owners whose property is within fifty (50) feet of any lot line from the property being considered for a variance. Notice to the landowners will be sent to the address used for tax collection as well as the Black Point address.

BLACK POINT BEACH CLUB ASSOCIATION

ZONING REGULATIONS

As amended to November 1, 2019

SECTION X – AMENDMENTS

The Zoning Commission may from time to time, after public notice of a hearing, amend, change or repeal these regulations or districts as provided by statute.

SECTION XI – VALIDITY

Should any section or provision of these regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these regulations as a whole, or any part thereof.

SECTION XII – EFFECTIVE DATE

The most recent amendments to these regulations have been adopted on August 16, 2019 by the Zoning Commission of the Black Point Beach Club Association as authorized by law after a public hearing held on August 16, 2019 and becoming effective on November 1, 2019.

Previous amendments to these regulations have been adopted on September 21, 2018 by the Zoning Commission of the Black Point Beach Club Association as authorized by law after a public hearing held on August 25, 2018 and becoming effective on November 1, 2018.

Previous amendments to these regulations were adopted on August 18, 2012 by the Zoning Commission of the Black Point Beach Club Association as authorized by law after a public hearing held on August 18, 2012 and becoming effective on September 12, 2012.

BLACK POINT BEACH CLUB ASSOCIATION
ZONING REGULATIONS

As amended to November 1, 2019

SCHEDULE OF ZONING FEES

Zoning Permit Application for use, construction or alteration valued at \$1,000 or less	\$45
Zoning Permit Application for use, construction or alteration valued at more than \$1,000 but less than \$2,500	\$75
Zoning Permit Application for use, construction or alteration valued at \$2,500 or more but less than \$10,000	\$150
Zoning Permit Application for use, construction or alteration valued at \$10,000 or more but less than \$50,000	\$300
Zoning Permit Application for use, construction or alteration valued at \$50,000 or more but less than \$100,000	\$450
Zoning Permit Application for use, construction or alteration valued at \$100,000 or more but less than \$150,000	\$600
Zoning Permit Application for use, construction or alteration valued at \$150,000 or more but less than \$200,000	\$750
Zoning Permit Application for use, construction or alteration valued at \$200,000 or more. Add \$150 for every \$100,000 or portion of value (\$200K + = \$900, \$300K + = \$1050, \$400K + = \$1200, etc.)	
Home Occupation Application	\$10
Zoning Permit Extension Application	\$250
Appeal to Zoning Board of Appeals – Alleging Error	\$450
Application to Zoning Board of Appeals for a Variance	\$450
All other activities requiring Zoning Enforcement Officer activity for an individual property not previously specified, e.g. location of above ground propane tanks	\$45

When any use, construction, erection or modification requiring a zoning permit is commenced Prior to obtaining a zoning permit approved by the Zoning Enforcement Officer, the fee for making application for a zoning permit shall be three (3) times the amount otherwise applicable this section.

Please mail your completed application and permit fee to the Zoning Enforcement Officer at the following address: Zoning Official, Black Point Beach Club Association, P.O. Box 715, Niantic, CT 06357

BPBCA Zoning Regulations amended to November 1, 2019 (page 10) current language

3. Boats, Boat Trailers, Camping Trailers, or Utility Trailers -

One (1) of the following may be stored on a lot at any one time:
One boat not to exceed 26 feet in length, OR
One camping trailer, OR one utility trailer

Such items listed above, shall comply with the regulations below:

- a. All boats, boat trailers, camping trailers, or utility trailers shall be licensed and registered as required by Connecticut State law. Any of the above items that are unregistered according to state law shall be considered junk under these regulations and prohibited from storage in any area of the Black Point Beach Club Association.
- b. Camping Trailers shall not be used as living quarters within the confines of the Black Point Beach Club Association and shall not exceeding a gross vehicle weight rating of 5,000 pounds.
- c. Utility Trailer - A trailer, whether uncovered or enclosed, shall not exceed 16 feet in length and it shall not have a gross vehicle weight rating of more than 2,600 pounds.
- d. Any such utility trailer, camping trailer, boat, or other watercraft exceeding sixteen (16) feet shall be located behind the front setback building line. Boats exceeding sixteen (16) feet are allowed forward of the front setback building line between April 15th and June 1st, while boats are being prepared for the boating season.

Boats moved forward shall not extend into a public area or right-of-way, and are not to obscure any view which may cause danger to vehicular or pedestrian traffic on a public street or an Association right-of-way. The Zoning Enforcement Officer has the duty to determine if the placement may cause danger and has the authority to order the object(s) removed.

Make the second paragraph of section d. - a separate section e. - and modify to say:

e. Any such utility trailer, camping trailer, boat, or other watercraft exceeding sixteen (16) feet as well as Boats moved forward shall not extend into any public area or right-of-way, and are not to obscure any view which may cause danger to vehicular or pedestrian traffic on a public street or any right-of-way. The Zoning Enforcement Officer has the duty to determine if the placement may cause danger and has the authority to order the object(s) removed.

As this section reads now it could easily be misinterpreted to mean that that second paragraph of section d. only applies to Boats moved forward and not all boats and trailers.

This change makes it clear what is included in this regulation and gives the ZEO the authority and power to enforce these regulations.

PROPOSED NEW REGULATIONS FOR PREEXISTING NONCONFORMING
STRUCTURES AND LOTS

Attachment
#5

9. Nonconforming structures.

- a. No nonconforming dwelling shall be enlarged or extended unless the enlargement or extension conforms to the requirements of the district in which it is situated.

b. EXCLUDED FROM THIS PROHIBITION ARE:

1. Additions of a second story to one-story single family dwellings.
2. Conversions of single-family one-and-one-half story dwellings to two-story dwellings, either by means of dormers or upward extensions of existing sidewalls.
3. Conversions to two stories of one-story appendages to two-story single-family dwellings.
4. **Construction of an addition that fills in a section of the house when two adjacent exterior walls are already non-conforming.**
5. **Construction of an addition that extends the nonconformity as long as the extension does not exceed twenty percent of the existing structure and does not extend into the front or rear yard setback.**

c. NONE OF THE FOREGOING ADDITIONS, EXTENSIONS, OR CONVERSIONS SHALL:

1. Extend beyond the perimeters of the existing buildings **except as noted in #4 or #5 above..**
2. Exceed the vertical projection limits specified elsewhere in these regulations.
3. Alter the single-family status of the dwellings, and
4. Result in a separation of less than 15 feet from the sidewalls of any other dwelling.
5. **Result in the nonconformity being constructed no closer than ??? feet from the property line.**
6. **Result in construction that exceeds the coverage limit thirty-five (35) percent of all structures on the property.**

d. Nothing shall prevent the construction of additions to single family detached residential dwellings provided that the following conditions are met:

1. No lot within the scope of these provisions may contain more than one dwelling.
2. The dwellings are used solely as private residences, except for approved "Home Occupations" and the proposed additions shall likewise be designed for such use. (For purposes of this regulation, single-story, accessory attached and detached garages shall be considered residential additions.)

e. **All application for construction under this section will require an A-2 survey to demonstrate the exact location of the existing structure, the proposed addition(s), and the location of the closest neighboring structure(s).**

**PROPOSED NEW REGULATIONS FOR PREEXISTING NONCONFORMING
STRUCTURES AND LOTS**

**NONCONFORMING BUILDING REGULATIONS ARE FROM THE EAST LYME ZONING
REGULATIONS WITH MODIFICATIONS**

NONCONFORMING LOTS (NOTE – EXISTING SIDE YARD IS 15 FEET)

Lots 79 feet or less in width: In the case of any lot 79 feet or less in width, the minimum combined width of both side yards and the minimum width of the narrowest side yard shall be respectively as follows;

LOT WIDTH	COMBINED WIDTH OF SIDE YARDS	MINIMUM WIDTH OF NARROWEST SIDE YARD
UNDER 40 feet	16 feet	8 feet
40 feet to 49 feet	18 feet	8 feet
50 feet to 59 feet	20 feet	10 feet
60 feet to 69 feet	24 feet	12 feet
70 feet to 79 feet	28 feet	14 feet