

**Black Point Beach Club Association Zoning Commission
June 18th, 2021 Regular Meeting Minutes**

Present:

Jim Fox, Chairman
Jim Allen, Secretary
John Horoho
Matt Peary
John Kycia
Charles Bruce, Alternate
Joseph Katzbek, Alternate

Absent:

Betsy Klemmer, Alternate
Steven Beauchene, Board of Governors Liaison

Also Present:

Jim Ventres, Zoning Enforcement Official

The Regular Meeting of the Black Point Beach Club Zoning Commission was held on Friday June 18th , 2021 at 6:00 p.m. at the Black Point Clubhouse located at 6 Sunset Avenue, Niantic, CT.

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 6:02 p.m.

Mr. Fox introduced the Commission Members and noted that a quorum was present.

II. Call For And Additions to the Agenda

There were no additions to the agenda.

III. Approval of Minutes

a. May 21st, 2021 Regular Meeting Minutes

MOTION (1)

Mr. Allen moved to approve the May 21st, 2021 Regular Meeting Minutes as posted.

Mr. Kycia seconded the motion.

Motion carried, 5-0-0.

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.

There were no public comments.

V. Reports

A. Communications and Correspondence

Mr. Fox said he received a communication from Colleen Chapin of 53 East Shore Drive, dated June 14th, 2021, in which she referenced her previous letter regarding proposed zoning regulation changes, and her concern that “*dwellings*” being used interchangeably with “*houses*,” “*structures*” and the like; essentially she would like the Commission to review the regulation language to ensure it’s in line with their intent.

Mr. Fox said it's evident that a great deal of thought went into this correspondence and thanked Ms. Chapin for submitting it.

B. ZEO: Jim Ventres

Mr. Ventres noted that he submitted his updated ZEO report (attached), and discussed how there’s a great deal of dumpsters present and explained how one homeowner was told it would take 4 weeks to receive a roof permit. He observed that many of these dumpsters may be here for some time and people are desirous of doing home improvements but many are waiting and hoping the cost of lumber will decrease from its current high price.

Mr. Ventres briefly reviewed the zoning related determinations made by the House and Senate:

- The Commission is still required to put all their publications in the newspaper.
- They did not address anything regarding nonconformities despite it previously being discussed- so, if we have a nonconformity, the Commission shall not prohibit the continuance of any non conforming use, building or structure.
- When it becomes effective January 1st, 2022 accessory apartments as a right, if you have a conforming lot.
- That means if you have 8,000 square feet, which 40% of lots approximately are conforming, and after January 1st, -as of right as long as you need side yard coverage and everything else, you can have an accessory apartment.
- An accessory apartment has to have a bedroom, bathroom, and kitchen essentially the minimum criteria of a separate living unit attached or detached.
- Approval requires two thirds vote of the Commission.
- After you hold a public hearing and discuss it, you can choose to opt out of accessory apartments but it would then have to go before the Board of Governors, and the same two thirds vote is necessary.
- Since it doesn’t become effective until January the Commission has time to consider this.
- Commission members will also be required to have four hours of land use training.

Mr. Fox asked Mr. Ventres if he has already sent out letters regarding trimming hedges by intersections and Mr. Ventres replied that he has, but that not many letters were necessary.

C. Ex-Officio: Steve Beauchene

Mr. Beauchene was not in attendance.

D. Chairman: Jim Fox

Mr. Fox said he has nothing to report.

VI. Old Business

- a. Existing structures on non-conforming lots.
- b. Existing non-conforming structures on conforming lots.

Mr. Ventres discussed how Legislation reemphasized the nonconformity protection previously offered to existing non-conforming lots and structures.

VII. New Business

- 1. Regulation review- non conforming uses
- 2. Discussion and review of current regulations

Mr. Fox said this provides us with an opportunity to continue the regulation review conversation if we need to. He noted that the nonconforming use item is now a bit of a moot issue. He asked if anyone has an item they would like to discuss and asked Mr. Ventres for his guidance regarding concrete dust control, from a health and safety perspective. Mr. Ventres briefly discussed how he doesn't think this falls under the purview of zoning, but that he can consult with the Building Official on this matter.

Mr. Horoho discussed requirements for notifying neighbors of upcoming work when health concerns such as lead paint are present. Ms. Chapin explained this applies only to a project, and not the abutters. She added the only recourse you have is to call EPA OSHA, if the people who are doing the job, which disrupts at least six feet of potential lead paint, are on that project, no matter how close you are to somebody else.

Mr. Fox said to follow up on the letter that was submitted, it helps provide us with some clarity; we've talked a lot as a Commission, especially as we've gone through the regulations, how we're striving to accept or understand the intent, and some things are more obvious than others. He said part of his responsibilities as Chair is to make sure that whatever regulations that we modify, change, or introduce are as clear as possible regarding the intention.

Mr. Ventres noted the intent for the last part of it was structured flexibility. He said in the prior meeting they discussed how the nonconforming 20% extension is a one time allowance from the start of the creation of this regulation, and how he can clean up that language so someone can't lengthen it out to where they want.

Mr. Ventres noted how we previously explored having a sliding scale for non-conforming lots and how this time he drew up a kind of anybody's yard diagram in this batch (attached), and discussed the potential of creating a sliding scale for these cases.

Mr. Fox said under the current regulation if your house fronts the street that your address is on and you have a 40 foot lot, then you have 18 feet from the site boundary.

Mr. Ventres said once they tell him the parameters he can create a sliding scale and bring it back to them; If someone came back to rebuild they would probably be able to keep some of the nonconformity and move back or forward, to make a larger footprint.

Mr. Peary asked for clarification and Mr. Fox explained that under the current regulations if you have an existing non-conforming house with a tight line, you could add, knock it down, rebuild in the same exact spot, and add a second story; this would allow you in a sense to move it back and forth to try to optimize the layout. He said the question is, if you have a 40 foot lot, and the front can be no closer than 11 feet, you're left with 29 feet and how much is the backyard and how much is the house?

The Commission further discussed 40 foot lots and Mr. Fox asked if we give such a property owner optimum flexibility, and then become more specific to avoid allowing a massive house. Mr. Horoho said if we can create something that works for the 20 odd lots that are 40 feet, he thinks that makes the most sense.

Mr. Fox said he thinks they have a decent idea for them to continue the discussion regarding the 40 foot lot, and asked if with 50 feet, they start thinking about that 11 foot, front, and 8 feet or 10 feet back?

The Commission continued to discuss smaller lots and Mr. Fox noted this is all about trying to help the community, especially those in this situation who have really small lots and are stuck.

Mr. Ventres said he will see how many lots actually exist with this problem and Mr. Fox said it's important that they consider this from every angle.

3. Zoning Commission Roster and Term Review

Mr. Fox said the only term that ends this year is Mr. Katzbek's and that he has until July to let them know if he wishes to continue, and if he does they will ask the Board of Governors to renew his term.

Mr. Fox said the next Zoning Commission meeting is scheduled for July 16th, 2021 at 6:00 p.m.

Mr. Peary asked if the Commission might consider moving the meetings to a weeknight rather than holding them on Fridays. Mr. Fox said they can put this on the agenda for discussion at the next meeting.

VIII. ADJOURNMENT

MOTION (2)

Mr. Horoho moved to adjourn the Black Point Beach Club Association Zoning Commission meeting at 6:58 p.m.

Mr. Allen seconded the motion.

Motion carried, 5-0-0.

Respectfully Submitted,

Brooke Stevens
Recording Secretary

Zoning Projects				11-Jun	2021	Report			
Application #	Date	Address	Name	Map/Block	Project	Fee	Appr/Denied	Status	NOTES JV
2019									
JV - 21 - 19	7/24/19	10 Nehantic Dr	Dewey	5.11 / 24	Fen/bulk hd//ac	450	A	Under Constr	Insp 6/11 /2021
2020									
JV - 18 - 20	5/23/20	3 Palette Ave	Koeing	5.15 / 66	Dumpster	0	A	Removed	5/14/2021
JV - 22 - 20	5/23/20	32 Woodland	Lombardo	5.9 / 15	Det. Garage	150	A	Completed	5/8/2021
JV - 29 - 20	7/6/20	3 Palette Ave	Koeing	5.15 / 66	Additions / renov	750	A	Under Constr	Insp 6/11/2021
JV - 30 - 20	7/19/20	10 Sea Breeze	Giamalis	5.15 / 57	Addition / renov	900	A	Completed	3/11/2021
JV - 38 - 20	Sept 4	9 Ridge Trail	Manwarring	5.9 / 29	Replace shed	NC	A	Completed	3/26/2021
JV - 46 - 20	Oct 17	11 Ridge Trail	Gaska	5.9 / 28	New House	1075	A	Under Constr	Insp 6/11/2021
JV - 53 - 20	Dec 2	20 Bellaire	Fecteau	5.11 / 46	Remodel	1050	A	Under Constr	Insp 6/11/2021
JV - 56 - 20	Dec 9	47 Bellaire	Meggers	5.10 / 17	Replace deck	NC	A	Completed	5/27/2021
JV - 57 - 20	Dec 10	18 Saltaire Ave	Miller	5.19 / 47	Fence & Front P	150	A	Not started	Insp 5/27/2021
JV - 58 - 20	Dec 10	48 Nehantic Dr	Etienne	5.10 / 76	Covered walkway	45	A	Not started	Insp 6/11/2021
JV - 59 - 20	Dec 23	53 Bellaire Rd	Phelps	5.10 / 15	New House	1050	A	Under Constr	Insp 6/11/2021
2021									
JV - 1 - 21	Jan 16	5 East Shore	Walsh	5.11 / 52	Addition	300	A	Under Constr	Insp 6/11/2021
JV - 2 - 21	Jan 16	39 Nehantic	Reardan	5.10 / 91	Garage	300	A	Under Constr	Insp 6/11/2021
JV - 3 - 21	Jan 20	3 Sea Breeze	Resnisky	5.15 / 77	Addition	450	A	Not Started	Insp 6/11/2021
JV - 4 - 21	Feb 12	76 East Shore	Brewer	5.19 / 37	Dumpster	NC	A	Removed	5/14/2021
JV - 5 - 21	Feb 25	5 Billow Rd	Strouch	5.2 / 65	Dumpster	NC	A	Removed	5/14/2021
JV - 6 - 21	March 12	46 Indianola	Schepker	5.14 / 20	Bilco Door	75	A	Installed	4/9/2021
JV - 7 - 21	March 12	26 Nehantic	Szupiany	5.10 / 54	Shed	150	A	Completed	5/27/2021
JV - 8 - 21	March 12	36 Sea Crest	Smith	5.15 / 21	Dumpster	NC	A	Removed	5/14/2021
JV - 9 - 21	March 20	55 Bellaire	Delaney	5.10 / 14	AC Unit	75	A	Needs Screen	Insp 6/11/21
JV - 10 - 21	March 28	74 East Shore	Sheehan	5.19 / 26	Dumpster	NC	A	Completed	5/27/2021

