

# Minutes of BPBCA Zoning May 19th, 2023, Meeting - 05/25/23

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**Date and time:** 05/25/23 2:52 PM to: 05/25/23 3:52 PM

**Present:** Brooke Stevens, Recording Secretary, Jim Allen, Secretary, Joseph Katzbek, John Horoho, Jason Bookmiller, Alternate, Betsy Klemmer, Alternate, Sat as a Regular Member, Absent:, Jim Fox, Chairman, Matt Peary

**CC:** Jim Ventres, Zoning Enforcement Official, John Cellino, Ex-Officio to Zoning & ZBA, Dan Deknis, ZBA Chair

**Location:** Black Point Beach Club Association Clubhouse, 6 Sunset Avenue, Niantic, CT, 06357

**Link:** <https://app.meetingking.com/meetings/399008>

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## Topics

### 1. Call to Order

**Note** Jim Allen, acting Chairman, called the Regular Meeting of the Black Point Beach Association Zoning Commission to order at 6:00 p.m.

#### 1-1. Attendance and Establishment of Quorum

**Note** Mr. Allen introduced the Commission Members, sat Mr. Bookmiller and Ms. Klemmer as Regular Members for the evening, and noted a quorum was present.

**Note** see attached attendance sheet.

 [Zoning Attendance Sheet.pdf](#)

### 2. Additions to the Agenda

**Note** There were none.

### 3. Approval of Meeting Minutes

#### 3-1. April 21st, 2023, Regular Meeting Minutes

**Note** see attached minutes.

 [Minutes-of-BPBCA-Zoning-Commission-Regular-Hybrid-Meeting-04\\_21\\_23.pdf](#)

**Note** Mr. Allen asked about the meeting being called "hybrid," since they were unable to connect successfully to the internet that evening, and the Recording Secretary replied that she called it "hybrid," since it was advertised that way.

**Note** Mr. Allen noted that once the hybrid equipment is fine-tuned, it's going to be a great tool for the community.

**Decision** MOTION (1)

Mr. Horoho moved to approve the Meeting Minutes of April 21st, 2023, as submitted.

Ms. Klemmer seconded the motion.

Motion carried, 5-0-0.

### 4. Call for Public Comments

**Note** 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 any matters in litigation may not be discussed.

**Note** There was none.

## 5. Reports

### 5-1. Communications and Correspondence

**Note** Mr. Allen reported that he received a communication from the Zoning Board of Appeals, informing them that that zoning appeal for 53 Nehantic Drive was approved.

### 5-2. ZEO: Jim Ventres

**Note** see attached report.

 [ZEO May 2023 Report.pdf](#)

**Note** Mr. Ventres said the bigger projects are slowing down a bit, likely due to interest rates, but lots of smaller projects are ongoing.

### 5-3. Ex-Officio: John Cellino

**Note** Mr. Cellino said he received word from Mr. Fox about appointing Keith Turner to the Zoning Commission as an alternate. Mr. Cellino said he was in attendance at the previous meeting and is impressed with Mr. Turner's qualifications; he will have this request added to the next Board of Governor's meeting, for discussion.

**Note** Mr. Cellino said the BOG intends to get to the bottom of the hybrid technology issues and their next meeting will be hybrid. The Recording Secretary said it would be helpful if each Board Member had a microphone and Mr. Cellino said he concurs but is being told that Zoom will not accommodate them but he's not sure if that's accurate or not, so he's asked Mr. Moffett to look into this.

**Note** The Commission briefly discussed the recording of meetings.

**Note** Mr. Cellino and the Commission revisited their previous discussion about increasing the ZBA Permit Fees and Mr. Ventres noted this is a Board of Governors decision.

### 5-4. Chairman: Jim Fox


**Note** Mr. Fox was unable to attend this evening's meeting but imparted to Mr. Allen that they will continue to focus on revising the Regulations, creating a third district for Association property, and Zoning Board members completing the mandatory Land Use Training required by the State of Connecticut.

## 6. Old Business

### 6-1. Review and discussion regarding status of updating all current Zoning Regulations.

**Note** Mr. Ventres reviewed the changes he's been working on with Attorney Branse, and offered some of the following:

**Note** Page 3 needs to be put into italics.

 [page\\_3.pdf](#)

**Note** Page 4, Section 2, the portion at the end isn't relevant; we don't have a zoning permit we waive for modifications of the interior, replacement of windows and doors, reshingling.

 [page\\_4.pdf](#)

**Note** Page 6, "Association Right-of-Way," instead of "other property," it should say "other Association properties."

 [page\\_6.pdf](#)

**Note** Mr. Ventres said he thinks by next month they may be able to craft together a version to present to the Membership and schedule a public hearing. He noted that two public hearing meetings may be necessary to discuss all the revisions.

**Note** Attorney Branse suggested they include a definition for awnings, which states that it's a roof like cover that is temporary and collapsible in nature that projects from the wall of a building for the purpose of shielding a doorway or window from the elements..."

He added in parentheses, that this is a case where they want to allow awnings to extend to the middle yard, but that's a Commission decision, which they don't have to make today.

**Note** Page 7, "Building Height," they're going to keep our own building height regulation as it is, and not use the one previously suggested by Mr. Branse. He noted that as it pertains to decks, in most communities, if they don't have a roof, they're not part of the coverage, and he wants to be clear that this will also be reflected in their regulation.

 [page\\_7.pdf](#)

**Note** For "Building Height," it should also say "lowest natural or existing ground surface," instead of "grade plane."

**Note** For Page 8, "Club," Mr. Ventres asked about guests of members renting the Clubhouse, and Mr. Horoho clarified that this section would be more apt if it read "members or sponsored guests."

 [page\\_8.pdf](#)

**Note** For Page 9, Mr. Ventres said where it should say "New London County," at the end of "County Soil and Water Conservation District."

 [page\\_9.pdf](#)

**Note** For Page 10, they're suggesting keeping "dwelling, one family, detached building to be occupied by one family," and eliminating the rest, since it becomes too complicated. At the bottom of the page, he's going to delete seasonal expansions since they're not relevant to Black Point, since they don't differentiate seasonal expansions in their regulations.

 [page\\_10.pdf](#)

**Note** Page 11, where it says "family," they're going to keep Attorney Branse's version, which is the top one, and eliminate the East Haddam version.

 [page\\_11.pdf](#)

**Note** Page 12, "Floor Area Gross," Mr. Branse had 7 1/2 feet and the International Building Code is 7 feet, so they're going to use that figure as well.

 [page\\_12.pdf](#)

**Note** Page 15, Mr. Ventres is going to plug in the actual section for home occupations, and for "inland wetlands," they inserted East Lyme's definition.

 [page\\_15.pdf](#)

**Note** Page 19, they're going to add a definition for "pergola."

 [page\\_19.pdf](#)

**Note** Page 21, they're going to add the definition of "one story" and eliminate the "Street Center Line" portion since the center of some roads may be on someone's property; a survey is necessary.

 [page\\_21.pdf](#)

**Note** Page 22, they're keeping the bolded section, and deleting the "Structure Height" section.

 [page\\_22.pdf](#)

**Task**  Mr. Bookmiller asked if there was a conflict in regard to structure height, and Mr. Ventres said he will double check this item.

*Owned by Jim Ventres, Zoning Enforcement Official*

**Note** Page 23, Mr. Ventres said they're inserting "East Lyme" as the Inland Wetlands Agency.

 [page\\_23.pdf](#)

**Note** Page 26, In regard to "Retail store," the Commission has to decide if they want it to say "limited to grocery deli, art studio, antique store, office/realtor"? He added that it's already classified as retail, and they have to determine the kind of retail permitted.

Mr. Bookmiller said isn't this something they would want to have some public comment on, and Mr. Ventres replied that's why they hold the public hearings.

 [page\\_26.pdf](#)

**Note** Mr. Ventres discussed how the selling of alcoholic beverages- in this case beer would be listed as it could be sold at a grocery, and if it's not written here, a participant on the floor during the public hearing could bring it up, and it could be amended. He added that they may want to consider including the sale of cannabis products as permitted or prohibited.

**Note** Mr. Bookmiller said the community has rules prohibiting those products on the beach, so the Zoning Regulations should align with those rules.

**Note** Mr. Ventres said under the forming of the "Association District," they have "community buildings, storage buildings, recreational facilities and parking lots owned by Black Point," but they don't have "gazebos, pergolas, temporary tents, and other outdoor accessory structures," so he's added that. Ms. Klemmer said it could be argued that these items are recreational in nature.

**Note** Page 29, Mr. Ventres said they have some limited architectural review on the accessory apartments, so the yellow portion of this section has been crossed out.

 [page\\_29.pdf](#)

**Note** Page 30, Currently our camping trailers "shall not exceed a gross weight of 5,000 pounds," and it's troublesome to determine the weight, so is there a length limit that would make sense for this section?

Mr. Bookmiller discussed the 26-foot rule in regard to boats and suggested they model appropriate camper lengths on this and insert "Class B Campers" for now.

 [page\\_30.pdf](#)

**Note** Mr. Ventres also made the following remarks in regard to changes:  
Page 32, under "Pets," number 7, he's suggesting they add that "pets are exclusively housed inside."  
Page 34, he has to change the font.  
Page 35, Mr. Branse said if they change the regulations on hedges and fences to something lower everyone right now will be preexisting, nonconforming, and there has to be an ordinance to require them to be lower.

**Task**  Mr. Cellino discussed hedge height and asked Mr. Ventres to craft language for a potential regulation.

*Owned by Jim Ventres, Zoning Enforcement Official due 06/16/23*

**Note** Mr. Ventres further highlighted the following edits:  
Page 36, we have "a maximum height of 27 feet at the mean roof," which is the average and Mr. Branse suggested striking this and adding "a maximum height of 38 feet from the lowest existing grade."  
At that next meeting he (Mr. Ventres) will attach a diagram so they can plug in numbers and average it out.  
Page 39, number 3 seems to give flexibility for a ground pool, but does it give flexibility for a Jacuzzi, which is a Commission question.  
Page 41, he's still working on this section with Mr. Branse.  
Black Point never developed subdivision regulations.  
The Town of East Lyme Subdivision Regulations say that they control the subdivision of all lands in East Lyme and shall follow the Zoning Regulations pertaining to the property.  
He and Mr. Branse plan to have something in regard to this by next month.  
He'd like to at least have something in place that says the mapping criteria of the East Lyme Subdivision Regulations must be followed for subdivisions and lot line revisions.  
The Charter says the joining of lots requires BOG approval, but it doesn't speak to how it's accomplished.  
Page 43, regarding minor accessory structures, do you want to require a survey for everything over 170 square feet given that the cost of a full survey is \$3,500?  
This is a Commission decision, and something to think about.  
He will plug in the fixes and edits he detailed for next month and they can revisit the items still under discussion.

**Note** Mr. Allen asked about the timing for a Public Hearing, and Mr. Ventres replied that if they have something worthy of sending out as a draft, they can set the date next month, potentially for some time in July.

## **6-2. Creation of new third District within the BPBCA**

**Note** Mr. Fox noted they briefly discussed this item already, as it relates to Attorney's Branse's review of the regulations, and determinations about preventative objectives.

**Note** Mr. Allen noted they have to specifically name what these properties are, and Mr. Ventres briefly discussed what the Public Hearing notice might entail.

## **7. New Business**

**Note** There was none.

## **8. Adjournment**

**Note** The next Zoning Commission meeting is scheduled for June 9th, 2023.

**Decision** MOTION (2)

Mr. Horoho moved to adjourn the May 19th, 2023, Regular Meeting of the BPBCA Zoning Commission at 6:46 p.m.

Mr. Katzbek seconded the motion.

Motion carried, 5-0-0.

**Note** Respectfully Submitted,  
Brooke Stevens, Recording Secretary

## Task Summary

### New Tasks

**Task**  Mr. Bookmiller asked if there was a conflict in regard to structure height, and Mr. Ventres said he will double check this item.

*Owned by Jim Ventres, Zoning Enforcement Official*

**Task**  Mr. Cellino discussed hedge height and asked Mr. Ventres to craft language for a potential regulation.

*Owned by Jim Ventres, Zoning Enforcement Official due 06/16/23*