

# Minutes of BPBCA Zoning July 21st, 2023, Meeting - 07/21/23

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**Date and time:** 07/21/23 6:00 PM to: 07/21/23 6:52 PM

**Present:** Brooke Stevens, Recording Secretary, Jim Fox, Chairman, Jim Allen, Secretary, Matt Peary, John Horoho, Keith Turner, Alternate, Betsy Klemmer, Alternate

**CC:** Jim Ventres, Zoning Enforcement Official, John Cellino, BOG Member, Absent:, Joseph Katzbek, Jason Bookmiller, Alternate

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

**Link:** <https://app.meetingking.com/meetings/402173>

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## Topics

### 1. Call to Order

**Note** Chairman Fox called the Regular Meeting of the Black Point Beach Association Zoning Commission to order at 6:02 p.m.

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

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

### 2. Additions to the Agenda

**Note** There were none.

### 3. Approval of Meeting Minutes

#### 3-1. June 9th, 2023, Regular Meeting Minutes

**Note** see attached meeting minutes.

 [Zoning\\_Min\\_06\\_09\\_2023.pdf](#)

**Decision** MOTION (1)

Mr. Allen moved to approve the meeting minutes of June 9th, 2023, as presented.

Mr. Peary seconded the motion.

Motion carried, 4-0-0.

### 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.

#### 4-1. Mike Walsh of 5 East Shore Drive

**Note** Mr. Walsh who was in attendance to observe introduced himself, and thanked the Commission for allowing him to participate as a future alternate, when his term begins on July 31st, 2023.

### 5. Reports

## 5-1. Communications and Correspondence

**Note** There was none.

## 5-2. ZEO: Jim Ventres

**Note** see attached report.

**Note** Mr. Ventres noted there is not much of a change from last month and construction is ongoing. He added that a construction project on Sea Breeze is at a standstill due to foundation issues, and the property owner needs to revise their plans. Mr. Ventres said he had another property owner who is doing construction put up a fence for safety reasons.

## 5-3. Ex-Officio: John Cellino substituting for Arlene Garrow

**Note** Mr. Cellino said he's in attendance in Ms. Garrow's place since she is out of the country.

**Note** Mr. Cellino said the Board is pleased that the Commission is making great progress revising their regulations, acknowledges it's a huge task, and they commend them for their work.

**Note** Mr. Fox replied that they've been very proactive with trying to keep our regulations updated, and Attorney Branse has shown them the regulations need to be more thorough, and more in line with State standards.

**Note** Mr. Cellino briefly discussed their work and added that the Board will also be looking at hedge and fence height, and hopes to have input from the Zoning Commission in regard to this.

**Note** Mr. Cellino detailed how a pickup truck and bicycle recently collided at the Sea View boat, and how this is a living example of the safety issues tall hedges and fences can present.

## 5-4. Chairman: Jim Fox

**Note** Mr. Fox noted that Ms. Klemmer has been appointed for another term but will now be a full member, Mr. Horoho has been appointed for another term, and Mike Walsh has been appointed as an alternate member.

He added that the Commission is now full, and this shows that there is a number of people in the community who are interested in serving and being a part of what the Zoning Commission does. He thanked everyone for their participation and for donating their time.

**Note** Mr. Fox said this is Mr. Peary's last meeting as a Zoning Commission member, and he wants to publicly thank him for his service, his perspectives, thoroughness, and preparedness.

**Note** Mr. Peary said he has enjoyed his time being part of the Commission, he wishes he could have spent more time serving but being a part-time resident and having two high school kids makes it difficult. Mr. Fox said he hopes he serves again in the future when his circumstances change.

## 6. Old Business

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

**Note** Mr. Fox noted that Mr. Ventres has some new edits and highlights to share with the Commission, and Mr. Ventres reported some of the following:

1. Page 7, they decided awnings are not to extend into the setback, this is a clarification.
2. Under 19, Short term rentals, Attorney Branse added the term "the use of."
3. For camp trailers they've decided not to try to guess trailer weight, instead they will keep it consistent with boats, they're not to exceed 26 feet.
4. Page 25, he will shift "single family dwelling" will be shifted down to the business district.
5. For retail stores they limited it to grocery, deli, real estate office, insurance office, finance office, art/antique shop.
6. Per last month's discussion under grocery, they will include the verbiage "The following is prohibited except for what is allowed for grocery beer permits under Connecticut General Statutes but specifically excluding onsite consumption."

Mr. Fox wondered if the onsite consumption portion is necessary given that it's not permitted under the grocery beer permit. Mr. Ventres explained it's best to be explicit about it. The Board discussed the grocery permit and Mr. Allen added that the liquor commission is responsive to any complaints that may arise.

**Note** The Commission discussed any enforcement issues that could arise because of the grocery permit and Mr. Ventres added that anything granted can later be taken away, if it proves to be too problematic.

**Note** Mr. Ventres further detailed the following items that he and Attorney Branse reviewed:

7. Page 26, they talked about storage buildings but excluding access ways to shoreline property.
8. Page 29, they included motor homes along with camp trailers, and they cannot exceed 26 feet.
9. 200 square feet triggers the survey requirement.

**Note** The Commission discussed permanent fixtures such as a bar patio and whether it should be treated like a shed. Mr. Fox said the setback is 15 ft and in terms of a buffer 10 ft will allow a planting, but 5 ft won't.

**Note** Mr. Peary observed that a 10 ft buffer sounds reasonable, and Mr. Horoho suggested a privacy screen.

**Note** Mr. Fox said the intent of the setback is to determine the location of where a structure may be on the property, and 10 ft is a night compromise. He added that he doesn't know if they can mandate a privacy screen, but they can certainly encourage it.

**Note** Mr. Ventres suggested they leave it at 10 ft and see what the feedback is at the public hearing.

**Note** Mr. Cellino briefly discussed short term rentals or air bnbs, and Mr. Ventres discussed the practicality of waiting to hear how the courts rule and seeing the regulations fashioned by towns as a result. He noted that one important item he stressed for his own community is the creation of a property registry so that you obtain the property owners names, who can be contacted if problems arise.

**Note** The Commission discussed how their current short term rental regulation can be challenging and difficult to enforce.

**Note** Mr. Ventres noted that Connecticut General Statutes do not regulate Airbnbs like they do hotels, but they will tax them.

**Note** Mr. Ventres reviewed the process if there is a short-term rental issue or the like:

1. Notice of violation
2. Cease and Desist
3. Court action

**Note** Ma. Allen suggested specificizing under definitions that a week for a short-term rental period is 7 days.

**Note** Mr. Fox noted that Mr. Ventres already highlighted the accessory residential use on the second floor, under the permitted uses of the business district.

**Note** Mr. Horoho asked what the intent is and Mr. Fox explained that encouraging mixed use preserves some commercial space.

**Note** The Commission discussed permanent fixtures such as a bar patio and whether it should be treated like a shed. Mr. Fox said the setback is 15 ft and in terms of a buffer 10 ft will allow a planting but 5 ft won't.

**Note** The Commission discussed how an electronic, video, or coin operated business as well as the sale of cannabis products will be prohibited.

## **6-2. Review and discussion of the creation of a new third District within the BPBCA.**

**Note** Mr. Fox said within the Association District they're permitted to have community buildings, the Clubhouse, storage buildings, recreational facilities, parking lots, gazebo, pergolas, temporary tents, and residential will not be permitted.

## **7. New Business**

### **7-1. Set Public Hearing date for proposed updating of BPBCA Zoning Regulations.**

**Note** The Commission briefly discussed bringing the regulation revisions to public hearing.

**Note** The Commission debated dates for the public hearing and ultimately decided to cancel the regular Zoning Commission meeting scheduled for August 19th, and to schedule the public hearing for August 25th, 2023, at 6:00 p.m. which will be followed by a special Zoning Commission meeting.

## **8. Adjournment**

**Note** The next Zoning Commission meeting is scheduled for August 25th, 2023, and will follow the Zoning Commission Public Hearing to consider revisions to the Zoning Regulations, which will begin at 6:00 p.m.