

Minutes of BPBCA Zoning Commission Regular Meeting - 03/15/24

Date and time: 03/15/24 6:00 PM to: 03/15/24 7:07 PM

Present: Brooke Stevens, Recording Secretary, Jim Ventres, Zoning Enforcement Official, Jim Fox, Chairman, Joseph Katzbek, Regular Member, Jim Allen, Secretary, Keith Turner, Alternate, Mike Walsh, Alternate, Jason Bookmiller, Alternate, Absent:, Betsy Klemmer, Regular Member, John Horoho, Regular Member

CC: John Cellino, BOG Chair, Absent:, Arlene Garrow, Zoning Liaison

Location: BPBCA Clubhouse, 6 Sunset Avenue, Niantic, CT, 06357

Topics

1. Call to Order

Note Chairman Fox called the Regular Meeting of the Black Point Beach Club Association Zoning Commission to order at 6:01 p.m. and did roll call; a quorum was present. Mr. Walsh and Mr. Bookmiller were seated as Regular Members for the evening.

2. Additions to the Agenda

Note There were none.

Note Mr. Turner arrived at 6:02 p.m.

3. Approval of Zoning Minutes

Note see attached minutes.

 [Minutes of BPBCA Zoning Commission Regular Meeting 10 20 23.pdf](#)

Decision MOTION (1)

Mr. Allen moved to approve the Regular Meeting Minutes of October 20th, 2023, as submitted.
Mr. Walsh seconded the motion.
Motion carried, 5-0-0.

4. 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 Mr. Deknis, Chair of the Zoning Board of Appeals, was in attendance and noted that things have been very quiet, and currently no cases are pending.

5. Reports

5-1. Communications and Correspondence

Note There was none.

5-2. ZEO: Jim Ventres

Note see attached report.

 [20240322_221215.pdf](#)

Note Mr. Ventres highlighted ongoing construction activities, noting a trend of building full-size houses despite high lumber costs, as well as some generator installations. His biggest task has been informing contractors that the zoning regulations have been revised, so he crafted a chart to assist builders with some of the changes.

Mr. Ventres added that the zoning revisions have prompted contractors to have A2 surveys done, since they want to accommodate everything, they possibly can from their plans, and the inclusion of a survey makes it easier to approve the project.

5-3. BPBCA Board of Governors Ex-Officio

Note Ms. Garrow was unable to attend this evening's meeting, so John Cellino, BOG Chair, attended in her stead.

Note Mr. Cellino shared and discussed some of the following:

He did receive a letter from Mr. Fox in regard to the tech equipment in the Clubhouse, and there is now an initiative to update technological equipment to improve zoom and hybrid meetings.

This item will be on the next BOG agenda and he's hopeful that this can be addressed in the next couple of months.

The BOG is beginning their review of hedge heights and one of the Board Members will be contacting the town, so they can compare how the town handles this issue.

This item will also be on the BOG agenda going forward.

There seems to be a general consensus of the Board, that something needs to be done given ongoing concerns about safety and aesthetics in the community.

Ideally any action would need to be achieved by an ordinance so that we can get around the pre-existing condition aspect.

He's concerned about realistic enforcement actions.

Note Mr. Walsh asked about hedge width infringement as opposed to hedge height, and Mr. Ventres replied that issues with hedge width result in more of a property line dispute.

5-4. Chairman: Jim Fox

Note Mr. Fox had some of the following remarks:

It's great to see everybody back.

He wanted to make sure that we had this meeting, because he doesn't believe in the status quo. Our regulations should be more dynamic.

They should be under constant evaluation to ensure that they're optimized and doing what they're supposed to do.

If we're cleaning up or tightening up our regulations, we're always striving to improve our community.

We have a number of items we put aside in 2022.

Things that we were ready to try to move forward to a public hearing, but based on input from our new attorney, we decided to do an overhaul of the regulations first, which we spent 2023 working on.

He's honored to serve as Zoning Chair and is grateful for the support the Commission Members give him.

He's also very proud of the group that we have, and the good, candid, open discussions that take place.

He thanked them for the work that they do.

As well as circling back to what they were discussing in 2022, they also need to flush out any others that we think need to be discussed.

Ultimately, he'd like to target a July public hearing in order to have this review occur when most people are here at the beach.

He doesn't want a segment of the population to be missed.

He noted for Mr. Cellino that in the Zoning Meeting Minutes from August of 2022, there is a lengthy two-page discussion from this Commission, about a hedge height regulation.

At that time, he consulted the town, and they were shocked that our regulations were still at 10 ft and voiced that they thought this was dangerous. (see attached referenced minutes from 2022 below)

 [261704-Minutes-of-Black-Point-Beach-Club-Zoning-Commission-Regular-Meeting-08_19_22-2-3b4ab970ec41119aaa177f87ee9de1771a218e0b.pdf](#)

Note Mr. Fox reminded everyone that at that time, Mr. Ventres also provided them with the formula some other towns use, and after some lengthy discussions the Commission felt that 20 or 25 ft was the more appropriate number purely from a safety standpoint. The Commission understands that such a change will not be a popular one, but this is about safety and not aesthetics.

Note Mr. Fox observed that intersections are getting more and more dangerous and there were several accidents last summer. He encouraged the Board of Governors to move quickly and adopt something prior to the summer, so that no further accidents occur as a result of hedge height inaction.

6. Old Business

6-1. Review & Discussion of Current Zoning Regulations

Note Mr. Fox said this is a catch-all because we're going to continue to discuss our zoning regulations.

6-2. Accessory Apartments Paved Driveways & Creation of a Third BPBCA District "Association Property"

Note Mr. Fox summarized some of the items they moved forward or were discussing to move forward in the zoning regulations in the last year:

We now have an Association District.

At the direction of the State, we now have accessory dwellings.

They addressed the issue of paved driveways for the ADU(S).

A2 survey requirements were included in the revisions for last year.

Terraces and patios were addressed.

Despite having an Association District, we don't have any definition it.

It essentially follows the same regulations as our Residential District.

He questions whether this is appropriate since we have two sheds sitting on this association property.

He would argue that this particular piece of the property association issue should probably have more latitude.

Note Mr. Fox asked Mr. Ventres if he has come across any regulations in the other local beach associations that he thinks they should consider, and Mr. Ventres replied that the Giants Neck Beach Zoning Regulations haven't been updated since 2004.

Note Mr. Ventres briefly discussed some differences between the Black Point and Giants Neck Beach Zoning Regulations but emphasized that he hasn't come across anything that he believes Black Point should consider.

Note Mr. Katzbek discussed the limited access ways available to emergency services in the Giants Neck and Crescent Beach communities.

Note Mr. Fox said the Commission Members if they've identified anything they believe the Commission should take a hard look at:

Mr. Allen said the regulations are a living document, we're not locked into anything.

He thinks some of the definitions aren't as good as they could be but that the answer to that, will come along as they go, and they need to keep working at it.

Mr. Katzbek mentioned that B&Bs and short-term rentals are a hot button issue.

Mr. Fox noted the town is doing a thorough review of that right now, and when they finish their review, that potentially could help them move forward, if they need to.

Note The Commission briefly discussed parking issues and the regulation of short-term rentals, and how the goal is to balance residential needs with tourism.

Note Mr. Turner noted the possible implications of the town creating a short-term rental ordinance.

Note Mr. Ventres said their current regulations for short-term rentals say a minimum of 7 days, which led to a general discussion about enforcement and how it's problematic.

Note Mr. Walsh suggested drafting a reminder notice regarding short-term rental regulations in Black Point, which could be included with the Annual Meeting Mailer or with tax bills when they're mailed out.

Note Mr. Bookmiller wondered if they should revisit parking regulations, and Mr. Cellino said if there is an issue with parking in a beach community due to a short-term rental or the like, they can go before the Police Commission, state their case, and ask for a parking regulation to improve safety.

Note The Commission discussed how there is a parking regulation for ADU(S) and debated if a parking regulation needs to be created for the primary residence.

Note The consideration of prohibiting metal buildings as a focus on maintaining certain aesthetic standards was discussed by the Commission.

Task Mr. Fox asked about the distinction between attached and detached garages and if there is the ability to create a definition around this. He added that he thinks of it as sharing a wall, and Mr. Ventres said currently the way it reads, it's anything with a roof, but he will look it over, consider this, and get back to them at the next meeting.

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Note Mr. Turner agreed that it would be a good idea to revisit this topic and Mr. Fox observed that ADU(S) add a complexity to this.

6-3. State of Connecticut Land Use Academy

Note Mr. Allen said he is keeping track of the Commission Members who have completed the State mandated Land Use Academy training. He will send the link to the Members again.

Note Mr. Cellino noted the new draft of the Master Plan and said since the Zoning Board was integral to the creation of a Master Plan happening, it would behoove them to review it. Mr. Deknis explained that the draft can be located on the website along with the meeting video.

7. New Business

Note There was none.

8. Adjournment

Note The next regularly scheduled meeting is scheduled for April 19th, 2024.

Decision MOTION (2)

Mr. Allen moved to adjourn the March 15th, 2024, Regular Meeting of the BPBCA Zoning Commission at 7:07 p.m.

Mr. Turner seconded the motion.

Motion carried, 5-0-0.

Note Respectfully Submitted,
Brooke Stevens, Recording Secretary

Task Summary

New Tasks

Task Mr. Fox asked about the distinction between attached and detached garages and if there is the ability to create a definition around this. He added that he thinks of it as sharing a wall, and Mr. Ventres said currently the way it reads, it's anything with a roof, but he will look it over, consider this, and get back to them at the next meeting.

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