

BLACK POINT BEACH CLUB - ZONING COMMISSION
PUBLIC HEARING
Saturday, AUGUST 18th, 2012
MINUTES

A Public Hearing of the Black Point Beach Club Zoning Commission was held on Saturday morning, August 18, 2012 at 9 AM in the Black Point Beach Association Clubhouse located on 6 Sunset Avenue in Niantic, CT.

PRESENT: Ned Cosgrove, Chairman, Steve Reed, Secretary, John Manuck,
Sharon Sklar, Jim Mastria, Alternate, Sebastian Sanzaro

ALSO PRESENT: Robert Dawes, BP ZEO
Mary Cahill, BOG Ex-Officio (arrived 7 PM)

ABSENT: Angela Taylor, Alternate, Richard Diachenko, Alternate,

1. Call to Order

Chairman Cosgrove called this Public Hearing of the BPBC Zoning Commission to order at 9:02 AM. He noted that they had a quorum and said that they were there to present seven (7) items that they had compiled over the past two (2) years that they felt warranted amendment of the regulations. He said that they would present the changes and then receive comment from the public. There would be a Special Meeting after the Public Hearing where they would discuss the comments and determine the changes that would be made to the regulations.

Mr. Reed noted that the Public Hearing notice had been published in the New London Day on August 8, 2012 and August 16, 2012.

- Diagram 1-BH - *Change "Average Finished Grade" to "Highest Point of Road in Front of Lot"*. Mr. Cosgrove explained that this change was a housekeeping item as utilizing the highest point of the road in front of the lot sets a fixed item rather than one that changes depending upon where you measure from. They had noticed that the description under the diagram did not match what they were showing.

- Schedule of Zoning Fees - *All other activities requiring Zoning Enforcement Officers' activities for an individual property not previously specified, e.g. location of (above ground) propane gas tanks.*

Mr. Cosgrove explained that this now differentiates between the above ground propane tanks and the in-ground propane tanks as they are seeing more people wanting the in-ground tanks. Again, this is a housekeeping item.

- Section II – *No Fee Permits: (a) Sidewalks; (b) Driveways; (c) On-grade (less than 2") above grade; (d) flagpoles; (e) one (1) landscaping arbor or trellis of lightweight construction not over nine (9) feet in height; and (f) replacement of existing fencing (or replacement decking)*

Certificate of No Fee

Mr. Cosgrove said that there was some confusion over what to charge fees over so they asked the Attorney about it and he said that they should confine their regulations to structures. Items less than 2" above grade do not require a permit and when they go above 2" other regulations go into effect. The thought here was to require a certificate from the Zoning Officer stating that no fee was required for these items.

George Fries, 26 Nehantic and Frank Christiana, 10 Nehantic asked about the 2” grade and how you would put a patio in and keep it at the 2” when you had a sloping lot.
Mr. Cosgrove and Mr. Dawes, ZEO said that with regard to slopes that the regulation comes into effect that you can raise the slope of the area one foot for every 10 feet.

Todd and Denise Peretz 4 Sunrise Ave. asked about raising the grade by two feet.
Mr. Dawes said that the regulation on one foot for every ten feet would be in effect.
Frank Christiana, 10 Nehantic asked how they know when amendments were made to the Zoning Regulations.

Mr. Reed said that they had discussed this after the last changes were made some two years ago and that they had decided that on future changes they would date them off to the side within the regulations.

Mr. Cosgrove noted that they do not have paid staff as the Towns do to keep track of this – however they are on file with the minutes when those meetings were held, in the Town Clerk’s office.

Ms. Cahill, BOG Ex-Officio said that when she was the ZEO many years ago that the reason why you would not raise the height of a patio more than the two inches is because it then becomes a deck.

Mr. Manuck said that the reason why this change was brought forward was to require a certificate of No Fee for these items and not to argue over the two inches.

Mr. Dawes said that he wanted to say something about requiring No Fee permits – the regulations already say that you do not need a permit for these items and this is saying that you would have to come to him for a Certificate of No Fee for items that already do not require a fee. He said that he did not want to feel like the ‘village idiot’ going around requiring people to get a ‘No Fee’ permit for something that does not require a fee.

Veronica Casey, 19 Seaview Ave. said that fence posts rot out and do not require a fee to replace – if they have to call the ZEO to get a permit for No Fee to replace a rotten fence post – isn’t that a waste of the ZEO’s time?

Gene Sullivan, 10 Saltaire said that it seems that the easiest thing to do is to have the no fee permits remain as they are – and not require a ‘no fee’ certificate.

Ms. Cahill, Ex-Officio said that with regard to a permit or no permit that they have a qualified ZEO and he can see in his usual inspection rounds if something is not right. There is no reason to waste time with this and don’t they think that he deserves to have some family time?

- Section V. Item 1E - Shower enclosures in the setback area:
 - (a) No closer than five (5) feet from lot line.
 - (b) No roof or other structure shall be constructed above the enclosure.
 - (c) Maximum dimensions of 88” long by 72” wide.
 - (d) No enclosure shall be located in the front yard.

Mr. Cosgrove said that this is as stated for shower enclosures in the setback area only.

Ms. Sklar explained the items A through D that they had decided upon to set some parameters to be able to allow those people on the smaller lots the ability to have an outdoor shower as they are a beach community.

Veronica Casey, 19 Seaview Ave. said that with sheds that most people put them in the back yard but a shower enclosure could be on the side of the house and if they have a house that is only 10’ from the line and they are allowing them to have a shower enclosure out to 5’ from the line – if there is another non-conforming house next door that is only 3’ from the property line and that same side as the neighbor’s shower enclosure that would make the shower only 8’ from the neighboring house. The neighbor on the side would be looking at a big box on the side yard. She said that the area is too narrow and with so many small lots and houses non-conforming she suggested that they limit the shower enclosures to the back yard.

- Section V – Dimensional Requirements - 1A Dwelling
(C) *It shall have no more than two (2) floors of living space (above grade)*

Mr. Manuck said that the intent here was to clarify that people could have finished basements and not to prohibit them. Many people already have finished basements and the intent was not to prohibit them.

- New - 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.*

Mr. Cosgrove said that the underground storage tanks are heavily regulated by State Law and that they have to be 10' from a building. This is a method to address the fill caps that protrude above the ground. (Note: 9:52 AM – Mr. Sanzaro joined the meeting and was seated.)

Mr. Mastria noted that these types of installations also need to be done by licensed people so the intent here is to allow for that.

Mr. Dawes said that there was no provision for something that protruded more than 2" above grade and these caps need to be at least 6" above grade – so this allow for them.

- Definitions – Page 2 – Exterior Accessory Equipment
Add the words "above ground" before the words gas storage tanks

Mr. Cosgrove said that this regulation change for gas tanks now address both the above ground and in-ground tanks.

2. ADJOURNMENT

Hearing no further comments,

Mr. Cosgrove called for a motion to close the Public Hearing.

****MOTION (1)**

Mr. Manuck moved that the Public Hearing be closed at 10:00 AM.

Mr. Reed seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary