

BLACK POINT BEACH CLUB - ZONING COMMISSION
REGULAR MEETING
Friday, MAY 20th, 2011
MINUTES

A Regular Meeting of the Black Point Beach Club Zoning Commission was held on Friday evening, May 20, 2011 at 6 PM in the Black Point Beach Association Clubhouse located on 6 Sunset Avenue in Niantic, CT.

PRESENT: Ned Cosgrove, Chairman, Randy Molloy, Secretary, Steven Reed,
John Manuck, Sharon Sklar

ALSO PRESENT: Jim Mastria, Alternate
Mary Cahill, Board of Governors, Ex-Officio
Mike Mullin, ZEO

ABSENT: Sebastian Sanzaro, Alternate, Brian Ewings, Alternate,

◆ **Call to Order**

Chairman Cosgrove called this Regular Meeting of the BPBC Zoning Commission to order at 6:00 PM.

1. Attendance and Appointment of Alternates if needed

Mr. Cosgrove said that they had five members, having seated Jim Mastria, Alternate and established a quorum present.

2. Announcements and Public Comments

Mr. Cosgrove said that in speaking with the Attorney that the seating of alternates which he had mentioned at the previous meeting is for seating at Public Hearings and they only have one Public Hearing per year. He said that with respect to their meetings that he felt that an alternate could participate up until the time that a motion is made on a topic or item.

(Note: 6:05 PM – Ms. Sklar arrived and was seated. Mr. Mastria, Alternate was unseated.)

Mr. Cosgrove called for any comments from the public.

Mary Cahill, 37 Indianola Rd., said that as they know, she is the Board of Governors Ex-Officio to Zoning. In the Zoning Regulations there is a Certificate of Zoning Compliance with conditions that while it is not used very often, is good to have. She explained that people could start building in the fall and if they finish during the winter, they obviously cannot put bushes or grass in – so this certificate would be given with conditions as the house proper is complete. The conditions would have dates by which to complete certain items such as the bushes and if they are not completed then liens could be filed.

She also noted that there is a lot on the corner of Nehantic and Sunrise that has been cleared in order to rebuild. The owner is renting locally. The vacant lot has pieces of the cement foundation on it and other debris and could present a hazard to people cutting across it. She suggested that they put No Trespassing signs up so that it is posted.

Barbara Johnston, 35 Sea Crest Ave. said that over the past years that they have had lawsuits and paid out thousands of dollars where they lost on a motor home stored on a property. Now, there is a trailer on Sea Spray that has been there for weeks and it is not being taken care of. She said that she was told to check with Town Hall for the ZEO report for April 2011 and that she did and they do not have it.

Mr. Molloy said that was his fault and that he would get it.

Ms. Johnston said that the porta-potty is still down on East Shore and is an eyesore as you come into the community and that her daughter has seen trucks delivering items and the drivers go and use the porta-potty as it is sitting there.

3. Approval of Minutes – April 29, 2011 Regular Meeting

Mr. Cosgrove called for a motion or any discussion on the April 29, 2011 Regular Meeting Minutes.

****MOTION (1)**

Mr. Molloy moved to accept the April 29, 2011 Regular Meeting Minutes of the Commission as presented.

Mr. Manuck seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

4. Report of the Zoning Enforcement Officer including Commission action as required

Mr. Cosgrove asked for a copy of the report.

Mr. Mullin said that it was not the end of the month yet.

Mr. Cosgrove said that he needs a copy to be able to see what it being discussed.

Mr. Mullin said that he did not have copies.

Mr. Cosgrove questioned a report where no one could look at it and question it.

Mr. Mullin reported that 12 Sea Spray is an issue like what Ms. Cahill has spoken about. 18 East Shore he is hoping will be complete by the end of the summer. 21 Sea Spray is slow going. 20 Billow appears to be done. 56 Indianola the contractor is doing the landscaping in early June. 22 Sea Crest the demo and rebuild is moving along. 11 Seaview is moving along, the foundation is going in. 58 Whitecap had a dormer added and 35 Bellaire is slow going.

Mr. Manuck said that 59 Whitecap is going to be a modular home and that on June 13 and 14 they will be bringing in the pieces and he is concerned about kids playing in the area.

Mr. Mullin suggested that he get hold of Mike Manifold regarding that.

Mr. Cosgrove noted that they would have to follow typical road rules (ours are Town roads) and that he does not think that it is anything for Mr. Mullin to be involved in.

Mr. Reed asked if the propane tanks are replacements or new.

Mr. Mullin said that most are new but some have been changed when companies changed hands. He added that he has some trouble with people with respect to the concept of shading from view from the road, the propane tanks.

5. Old Business

▪ Sklar Committee Report (Sklar, Sanzaro, Molloy)

Ms. Sklar reported that in conversation that Mr. Molloy has changed his mind on some items and that this would be shelved for now as she will be doing more research.

6. New Business

Mr. Cosgrove asked if there were any items to discuss.

Mr. Molloy said that he forwarded the names of Jim Fox and Pat Kulilowski to Tom Kelly and the Board of Governors as people interested in serving on the Zoning Commission. He said that Pat lives in Maine but would try to coordinate her time here with the meetings or might be re-locating here and Mr. Fox has just bought a home here.

Mr. Cosgrove noted that Mr. Kelly had indicated that there are two openings on the Zoning Commission and that he and Mr. Molloy's terms were up.

Mr. Molloy said that there was a complaint about association items stored at the top of Billow Road and that they should clean the area up. He also suggested that they should hold as soon as possible an informal Zoning workshop for the public with Mr. Mullin on a Saturday morning so that they could explain Zoning to the members and answer any questions that they might have. He said that he would contact Mr. Manifold and Mr. Kelly/BOG for a date to do this as soon as possible.

Mr. Cosgrove said that they should move quickly on this and that he would also contact Mr. Manifold and Mr. Kelly.

Mr. Mullin said that he wants to strictly read the regulations and explain them.

Mr. Molloy said that he and Mr. Mullin have spoken about this.

Mr. Cosgrove said that Zoning regulations are written permissively – if it is not there – it is not allowed.

Mr. Molloy said that he sent out a paper from Mr. Mullin on Burden of Proof and asked that they read it. He said that he had also passed out a paper this evening on posting bonds and that he would like a builder to post a bond for those homes that are being done during the winter and that he would like to see this be an addendum to the Zoning regulations. It is similar to what Ms. Cahill presented but another method of getting the same result – we would hold a bond and return the money with interest when the work is done.

Mr. Cosgrove said that he does not like the ZEO involved with any non-structure items.

Ms. Cahill asked to be recognized.

Mr. Cosgrove recognized Ms. Cahill to speak to the Commission.

Ms. Cahill said that she agrees whole-heartedly with Mr. Cosgrove and noted the completed house at Whitecap and Sunrise as an example – it is done except for the grass and the driveway and they should be living in it as with the amount of money that goes into building these homes, you could be certain that they would complete those items once the weather cooperates. She added that the ZEO and the Zoning Commission have become a dirty word here as they are no longer member friendly – you should not be shoving things down peoples' throat. Zoning does not have to do with driveways, trees, or grass, etc. It has to do with structures. She said that she was a ZEO for five years and if people could not do exactly what they wanted, perhaps they could do something else that would be equitable. That was the job.

Mr. Mullin said that when he came here that he was asked if he could strictly enforce the regulations and that he said yes, he could and would. To Ms. Cahill he said that there is a difference between a subdivision and that he researched the old information (1931) and things changed throughout the years and Mr. McKirdy was part of a lot of those changes and that he had provided Mr. Cosgrove with some of those old minutes.

Mr. Cosgrove said that he has a different view of what the regulations are saying when reading them than what Mr. Mullin comes up with. He suggested that they stick to structures and not expand to other items. He asked if there were any other items to discuss.

Mr. Molloy said that the other item he had was 17 Osprey Road and the fence on association property.

Mr. Mullin said that they cut down all the trees and that they were not their trees to cut down. They do have a permit for the fence.

Mr. Molloy said that he would check with Mike Manifold on this item.

Mr. Cosgrove said that during a conversation with Attorney O'Connell that it was pointed out to him that they have a fee structure that is entrepreneurial in nature. It was suggested that they look at another way of doing payment for the ZEO as now it could be construed as wanting permits for everything to get more money. He suggested that they discuss it.

Ms. Cahill said that years ago there were no fees and the developers paid just \$10.

Mr. Cosgrove suggested that they could do a flat monthly fee with no change in the two times per week visits or regular inspections. Another method they could do is a fee per inspection – for example a gas tank gets one visit and once the visit is done, the fee is paid and if other items are ready, payment would be made for those as well. He lastly suggested a fee per visit and/or partial completion per inspection.

Mr. Mullin said that he has been doing a lot of research on these issues and that Mr. McKirdy said that the fees belong to the Commission. He does not want a fixed fee to be anything different than what he gets now.

Ms. Cahill said that she is thinking about one salary based upon the fees that have been taken in. She noted that the Board of Governors controls the salary as stated in the Charter and that they are the ones who pay the people.

7. Next Meeting

Mr. Cosgrove said that the next meeting of the Commission would be on Friday, June 24, 2011 at 6 PM here at the BP Clubhouse.

8. Executive Session if Necessary

****MOTION (2)**

Mr. Molloy moved that they enter into Executive Session at 7:47 PM to discuss personnel issues, inviting Mr. Mastria, Alternate and Ms. Cahill, Board of Governors Ex-Officio to join them.

Mr. Reed seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

****MOTION (3)**

Mr. Manuck moved that they return to Regular Session at 8:41 PM with no action taken in Executive Session.

Ms. Sklar seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

9. ADJOURNMENT

Ms. Cosgrove called for a motion to adjourn.

****MOTION (4)**

Mr. Manuck moved that the Regular Meeting of May 20, 2011 be adjourned at 8:42 PM.

Ms. Sklar seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary