

**BLACK POINT BEACH CLUB - ZONING COMMISSION
SPECIAL MEETING
Friday, OCTOBER 29th, 2010
MINUTES**

A Special Meeting of the Black Point Beach Club Zoning Commission was held on Friday evening, October 29, 2010 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, Sharon Sklar, Sebastian Sanzaro, Alternate

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

ABSENT: John Manuck, Brian Ewings, Alternate, Jim Mastria, Alternate

◆ **Call to Order**

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

1. Attendance and Appointment of Alternates if needed

Mr. Cosgrove said that he had seated Mr. Sanzaro, Alternate at the table this evening.

2. Announcements and Public Comments

Mr. Cosgrove called for any comments from the public.

Barbara Johnston, 35 Sea Crest Ave. said that she had emailed the Recording Secretary a reminder about updating the members on the BP website and that she had seen that it had been sent to them and other parties that might be able to do the update. She asked that they please remove the members that are no longer on the Commission from the website listing and place the new members' names there. She requested that they also update the drop down menu so that it states Regulations 2010 rather than Regulations 2007 as they changed the regulations this year. She lastly said that she was in a state of shock when she asked the ZEO about checking out the location of her propane tank that was being relocated – the ZEO said to her that he has nothing to do with it as it is court approved and there is no money involved. Zoning is not supposed to be about money, it is supposed to be about doing your job and checking out the location of the tank.

3. Approval of Minutes – September 24, 2010 Special Meeting

Mr. Cosgrove called for a motion or any discussion on the September 24, 2010 Special Meeting Minutes.

****MOTION (1)**

Mr. Molloy moved to accept the September 24, 2010 Special Meeting Minutes of the Commission as presented.

Mr. Reed seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

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

Mr. Mullin went through his report and repeatedly stated that he took exception with the refunds (2) that were given to people as they had also taken back his compensation and he said that they cannot take back his compensation – they can refund the people but not take back money from him.

Mr. Cosgrove told him that he would need to speak to the Board of Governors about that as it had nothing to do with them.

Mr. Mullin further stated that with respect to 35 Sea Crest Ave. that the court is responsible as they decided that there was no charge to relocate the tank. He said that is also what he told Mrs. Johnston.

Mr. Cosgrove said that they would still have to approve the placement of the tank without charging any fees – he then read directly from the court order stating that the 'ZEO approves placement of the tank but waives the fees.'

Mr. Mullin said that was not in the files and told Mr. Cosgrove to copy it and put it in the files.

Mr. Cosgrove said that he would see that there was a copy.

Mr. Cosgrove then reported that he had spoken with the Attorney on some items: specifically 9 East Shore Drive and the attorney said that they could possibly put a lien on the property so that is the direction that they will look into. With regard to 63 East Shore Drive, he said that he went out and looked at the property and there are no longer any issues there. The former fire pit has a large flower arrangement in it and the shower stall is not there. So this is no longer an issue.

Mr. Mullin said that it is still the fire pit.

Mr. Cosgrove continued, from his conversation with the attorney, that zoning is about structures and not about driveways or sidewalks and that the suggestion of the attorney is that they should not go there. And – with respect to flag poles, the attorney suggested that was not something to be involved with and that he would not go there.

Mr. Malloy asked how they would enforce sidewalks or driveways if they don't get permits for them –

Mr. Mullin agreed and –

Mr. Cosgrove said that as the Chairman of the Zoning Commission that he was directing Mr. Mullin to not expand his authority into driveways or sidewalks and to 'Cease & Desist' from such expansion until such time that the rules and regulations are reviewed (and perhaps modified) and brought to Public Hearing before the membership.

5. Old Business

◆ Subcommittee report on outdoor shower setbacks(Sklar, Sanzaro)

Ms. Sklar said that she and Mr. Sanzaro met and came up with dimensions that they thought were acceptable – 42"W x 42"L x 84"H, no roof and no concrete pad and that they should allow shower enclosures for all residents. The enclosure part should not be more than 6' in height.

Mr. Molloy asked how they arrived at those dimensions.

Ms. Sklar said that she measured her own indoor shower and added a few inches for movement area.

Mr. Reed said that they should think about the concrete pad as many of the shower enclosures that he has seen have concrete pads.

Mr. Sanzaro said that once you put in the concrete pad that the concept changes. Most Nantucket outdoor showers have rocks with a wood platform over them.

Ms. Sklar asked why they could not have a small outdoor shower in the setback.

Mr. Molloy said that he feels that people should go to the ZBA for an outdoor shower.

Mr. Sanzaro said that if they took a poll of 600 residences and asked them if they would like to watch the neighbors shower, he would bet that most would say no. Further it is not appropriate to make people spend \$350 - \$400 to go to the ZBA when the answer would be no. That does not make any sense.

Mr. Cosgrove added that the semantics of going to the ZBA is that you have to prove a hardship. He asked is they would be comfortable with 3'W x 3"L (36") and suggested that they could piggyback this onto the exterior accessory equipment definition (AC units, tanks location) and expand that to include shower enclosures. He suggested that the subcommittee remain intact and that they rework their suggestion and fine tune it so that the public understands it. He thanked them for their work.

◆ Discussion and suggestions for the expansion of structure definition

Ms. Sklar said that they would move to exempt flagpoles, walkways, driveways, patios, landscaping and swing sets from the definition of a structure.

Mr. Cosgrove said that he would delete swing sets and landscaping as they are not a problem and do not constitute structures. He added that he feels that there is enough interest in these items that they should be placed on an agenda for future discussion. He added that he likes where they are in transition now and that this is a reflection of what is going on with the economy at large.

Discussion ensued regarding the finished grade taken from the road grade and an existing diagram that needed to be clarified.

****MOTION (2)**

Mr. Molloy moved to clarify the Diagram in the zoning regulations entitled IBH and add the verbiage that it is measured from the road grade.

Ms. Sklar seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

◆ **Appointment of a working committee – clarification of when a permit is needed and the establishment of a certification process**

Mr. Cosgrove asked for volunteers for this subcommittee.

Mr. Molloy, Ms. Sklar and Mr. Sanzaro volunteered to be on this subcommittee.

◆ **Report by Chair on 9 East Shore Drive and 63 East Shore Drive**

Mr. Cosgrove said that he had previously given his report on these items.

◆ **Finalizing 2011 Meeting Schedule**

Mr. Molloy submitted the 2011 Meeting Schedule for review noting the evenings that were changed from the usual end of the month Fridays.

****MOTION (3)**

Mr. Molloy moved to accept the BP Zoning Commission 2011 Meeting Schedule as submitted.

Mr. Reed seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Mr. Cosgrove noted that some of the FOI rules on posting minutes on websites had recently changed.

6. New Business

Mr. Molloy said that he had a sample of a complaint form.

Mr. Cosgrove asked if this was something that Mr. Mullin wanted.

Mr. Mullin said yes and that it would be for people who complain – it will go in the files and would be there for everyone to see.

Mr. Cosgrove commented that the form is heavy on names, etc. and that it did not leave space to write in.

Mr. Molloy said that he does not think that they have to be dictating to people how to write complaints and that he had taken that part out. He said that the complaint forms would be submitted to the Zoning Commission at each meeting for review and or action.

****MOTION (4)**

Mr. Molloy moved that they include the complaint form in the process and that the Zoning Commission receives them at each meeting.

Ms. Sklar seconded the motion.

Mr. Reed asked how many they expect to see.

Mr. Mullin said that it could be one per month or more, he was not sure.

Vote: 4 – 1 – 0. Motion passed.

Against: Mr. Sanzaro

Mr. Molloy passed out information from the regulations on non-conforming uses, buildings and lots for the members to read and refresh themselves on. He also passed out for clarification purposes information on administration and enforcement. He lastly noted the issue of 48 Sea Breeze Ave. which has a POD in the backyard of the house.

Mr. Mullin said that he was working on it.

Mr. Molloy asked if a POD could be used for a few weeks to clean out items, etc.

Mr. Mullin said yes.

7. Next Meeting

Mr. Cosgrove said that the next meeting of the Commission would be on Friday, March 18, 2011 at 6 PM here at the BP Clubhouse.

8. Public Comments – limited to agenda items

Mr. Cosgrove called for comments from the public.

Mary Cahill, 37 Indianola Rd. said that she had a few things to discuss – first – the complaint form – she said it will bite you in the foot. This is a family type of area and if there is a real problem then they should call the ZEO and he should try to solve it. She asked Mr. Molloy if they would have to fill out a complaint form for a POD?

Mr. Molloy said no, not necessarily – the form is to make sure that people are heard.

Mr. Cosgrove said that there are people who feel that Mike is not doing his job and this is a method for them as the Zoning Commission to find out about it and for him to go out and do it. He added that he does agree with Ms. Cahill that there may not be many of them.

Ms. Cahill said that if they do not want to come here and say what the problem is then it may not be a serious thing. With this form – they are getting to be a Gestapo set-up. To Mr. Molloy she said – the Board of Governors and Zoning issue that he brought up – she said that she begged to differ with him in that there was nothing said against the Zoning Commission. And – with respect to funding – that goes back a long time ago when the ZEO received money to just do the job – but she said that she does not remember zoning having funding.

Mr. Cosgrove said that it was the Board of Governors who pays the ZEO and sets the fees and that Zoning does not set the fees and it should.

Ms. Cahill said that Andy McKirdy has always stood up for Zoning and said that Zoning is not the culprit – it is him – the ZEO who is and that is another issue.

Barbara Johnston, 35 Sea Crest Ave. said that with respect to the complaint form that she hopes that they ran it by the Attorney first and that they plan on taking it to the membership as it appears that they are only listening to someone who works for them and who should be reporting back to them and doing his job. This is a municipality and there is a proper sequence in doing things just like in any municipality. There is a chain of command of the ZEO to the ZC to the BOG and they are not working in that chain of command as it seems that the ZEO is running the Zoning Commission and is ruining our property values. Next – Elevation was an issue that was changed when Mr. McKirdy was here. Also, people should all be treated equally by the rules and regulations but that is not how it is. And – flag poles, swing sets and landscaping are non-issues – in fact landscaping has never been an issue and should not be now.

9. Chair will Entertain Motion for Executive Session if Needed

There was no Executive Session.

ADJOURNMENT

Ms. Cosgrove called for a motion to adjourn.

****MOTION (5)**

Mr. Molloy moved that the Special Meeting of October 29, 2010 be adjourned at 8:35 PM.

Mr. Reed seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

Black Point Beach Zoning Commission Meeting Schedule for 2011

All meetings are held at the Black Point Beach Club Association Clubhouse
On Friday evenings commencing at 6 PM unless otherwise noted.

March 18, 2011

April 29, 2011

May 20, 2011

June 24, 2011

July 22, 2011

August 26, 2011

September 23, 2011

October 28, 2011 (If required)

***The following are BP Association Annual Meeting dates and are for information only.
They are NOT Zoning Commission meetings.**

Saturday - May 28, 2011, Association Annual Meeting, 9:00 AM at the Clubhouse

Saturday - September 3, 2011, Association Annual Meeting, 9:00 AM at the Clubhouse

*Approved at the BP Zoning Commission meeting held on October 29, 2010