

**Black Point Beach Club Association  
Board of Governors  
Zoning Workshop  
Minutes  
Saturday, June 10, 2017  
9:00Am**

**Present:**       **Board of Governors:** Kevin Callahan, Chair; Cheryl Colangelo, Vice Chair; Jim Pillion, Will Fountain, Steve Beauchene, Bill McDowell, Mary Cahill, Ex-Officio  
**Zoning Commission:** Jim Fox, Chair; Angela Taylor, Secretary, Jim Allen  
**Zoning Board of Appeal:** Colleen Chapin, Chair; Paul Pendergast, Joyce Wojtas, Sally Cini, Arlene Garrow, Anita Schepker, Marianne Neptune

**Also Present:** Attorney Mark Zamarka, from the law firm of Waller, Smith & Palmer

Kevin Callahan, Chair of the Board of Governors called this Special Zoning Workshop to order at 9:02am. Mr. Callahan asked that everyone introduce themselves and then asked Attorney Zamarka to lead the workshop.

Attorney Zamarka remarked that the law firm has represented Black Point Beach Club Association for many years, and that he would give an overview of the roles and functions of the Zoning Commission, Zoning Board of Appeals and The Zoning Enforcement Officer. The Board of Governors per the BPBCA charter, section 9, appoints the members to the Zoning Commission. The Zoning Commission functions in both administrative and legislative capacity. They act on zoning changes. The Zoning Commission has the authority to amend zoning regulations. There are steps they must follow if they want to amend the regulations. They must have a public hearing, and a vote by the majority of the board members.

The Zoning Enforcement Officer is in charge of receiving zoning permit applications. He checks the permit against the zoning regulations and if it complies with the regulations he approves the permit and if it does not comply with the regulations he denies the permit.

Attorney Zamarka said the Zoning Enforcement Officer decides whether to enforce a regulation. He stated that it is very important that the Zoning Enforcement Officer be aware and understand the regulations of the Association.

The Board members asked Attorney Zamarka many questions, most were about the ZEO position and the ZBA and variances.

Attorney Zamarka stated that when a house is being built the ZEO's official functions come in at the beginning of the building process, making sure the plans comply with height, setback, side yards, things of that nature, then the homeowner gets a building permit from the town, and then when the house is finished he checks to make sure everything is still in compliance and nothing changed during construction he then issues a certificate of occupancy. The ZEO does not have to issue a certificate of occupancy if the house is not built as planned. If there is a violation of

the regulations the ZEO can issue a Cease and Desist letter. The Zoning Commission does not have oversight of the ZEO. The ZEO has autonomy. He stated that disputes over permits are handled by the Zoning Board of Appeal.

Attorney Zamarka noted that per our regulations Section VII no permits are needed for

- 1) Any modification, allowed under these regulations, which is made entirely within the enclosed interior of an existing building in the residential district,
- 2) replacement of windows and doors.
- 3) re-shingling of roofs
- 4) re-siding

Attorney Zamarka noted that enforcement of rules and regulations for association owned property including right-of-ways and parking lots are under the Board of Governors and not the Zoning Commission.

He also mentioned that a member can only go to the ZBA for a variance if it is a hardship. A hardship has to flow with the property. It means you must have something unique to your property. A lot close to the line is not a hardship. It also can not be economic.

Mr. Callahan thanked Attorney Zamarka for the informative workshop, and thanked everyone for coming and adjourned the Zoning workshop at 10:34am.

**Respectfully submitted,**

**Maureen Lowney  
Secretary**