

**Black Point Beach Club Association Zoning Commission
August 25th, 2018 Special Meeting Minutes**

Present:

Jim Fox, Chairman
James Mastria
Michael Cenci
Jim Allen

Also Present:

Steven Beauchene, Board of Governors Liaison
Jim Ventres, Zoning Enforcement Officer

Absent:

Matt Peary
Barbara Koenig, Alternate

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CONNECTICUT
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B. Ventres ATC
EAST LYME TOWN CLERK

The Special Meeting of the Black Point Beach Club Zoning Commission was held on Saturday August 25th, 2018 at 9:00 a.m. in the Black Point Beach Clubhouse located at 6 Sunset Avenue, Niantic.

I. Call to Order

Mr. Fox called the Special Meeting of the Black Point Beach Association Zoning Commission to order at 9:03 a.m.

II. Attendance and Establishment of Quorum

The Commission Members introduced themselves and Mr. Fox noted that a quorum was present.

Mr. Fox cited the legal ad regarding this public hearing that was published in the New London Day on August 14th, 2018 and August 21st, 2018. He added that notice has also been on the Black Point Beach Club Website since July 26th, 2018.

Mr. Fox read the meeting notice into the record and gave the membership a bit of background regarding the proposed amendments; the regulations had previously been upgraded or amended in 2010. He noted we're a community in transition given that more and more people are living here year round.

Mr. Fox explained that Angela Taylor's term has expired but that he wants to acknowledge her, since she did quite a bit of work on this project.

III. Public Hearing- Potential Amendments to the Zoning Regulations

a. Section 1- Definitions- Building Heights, Building Lines, Front Lot Line, Grade Plane.

Jim Ventres reviewed the definitions and shared the following with the membership:

- Maximum building height is 27 feet.
- Height is measured from the grade plane as opposed to the street line; measurement will be from where the actual building sits.

- The building line definition was cleaned up for clarity purposes.

Colleen Chapin of 53 East Shore Drive thanked the Commission for working on this. She said she is a literal person and as it reads, it ends up being a point in space; perhaps saying "lines" plural, would be a more apt word choice.

Mr. Ventres said the front lot line is really for emergency service vehicles.

Debbie Sinning of 16 Sea View Avenue asked if the front lot line is where her grass meets the road or where the pin is. Mr. Ventres said it's the survey line.

Colleen Chapin of 53 East Shore Drive asked about "the street address shall be the same as the front entrance" and Mr. Ventres explained this will not be retroactive and has been both a Town and State mandate for 20 years.

Kim Craven of 46 East Shore Drive asked about smaller lots noting her front door is on the side. Mr. Ventres said she is still facing the street and Mr. Fox said for multiple streets, it will not always apply.

Mr. Ventres reviewed the grade plane noting this is a new definition.

Daniel Lemieuz of 36 Whitecap Road asked about emergency services reaching his property explaining his property faces Sunrise. Mr. Ventres said on a new house, this will not be an issue.

Kim Craven of 46 East Shore Drive asked what a platform is.

b. General Regulations- revised Setback limits to Boats, Trailers, Camping Trailers, and Utility Trailers.

Mr. Ventres discussed the trailer definition and reviewed the changes. Mr. Fox said this is the definition they spent the most time on; storage in general was the genesis of this definition.

Veronica Phelps of 53 Bellaire Road asked if her son can store a boat on her property or if it has to be registered in her name. Mr. Ventres said other communities do say family in their regulations, so that is a possibility.

Arlene Garrow of 58 Bellaire Road asked if they're talking year round and if we have land why are we being subjected to this. She said it could be a safety issue and aesthetically it could kill the front lawn. She said she is not in favor of this.

Mary Cahill of 37 Indianola Road observed we have a potential boat problem; there are 9 beaches in Town but you don't see front yard boat storage if you ride around Town. She reminded the Commission they're charged with the health and welfare of the Association Members and encouraged them to think about this.

Mr. Mastria said part of the reason this is being proposed is because of a particular incident; this is not self serving and they're not trying to impose on anyone. He added there was no regulation in place to address this issue.

Mr. Fox said the feedback of the membership is critical for this process.

Don Mackenzie of 10 Woodland Drive said many people have postage stamp lots and asked if they really want boats parked in the front yard. He said this will lead to discourse among

neighbors and is a lot of disruption for 5 feet. Mr. Mackenzie submitted his comments in written form for the record (attached.)

Suzanne Smith of 35 Seacrest Avenue read a letter she prepared regarding her opposition to the boat regulations, into the record. She is primarily concerned with being limited and only able to store one.

Edmund Zito of 61 Whitecap Road and 55 Nehantic Drive said he is not a boat owner, but he is against this regulation.

Geoff Maynard of 9 Woodland Drive said he is against this regulation and this should be handled on a case by case basis. He thinks this will be a deterrent to moving here and he doesn't want his boat in his front yard.

Mr. Mastria said the Commission can continue to discuss this item; they're receptive to what people are saying but also need regulations that have some teeth to it.

Kim Craven of 46 East Shore Drive asked how a house being a trust affects this- and with a double lot allow 2 boats or trailers and so forth. She asked why it says residence instead of lot.

Mr. Fox clarified the Commission is looking for input and this is not a final regulation.

John Sanders of 60 Bellaire Road asked about enforceability. He said he should have the right to allow his brother to store his boat if he wants to. He also said he thinks this will negatively impact property values.

Rose Rainville of 12 Sunset Avenue asked how many complaints they've actually received about this issue and if they're dealing with this on a regular basis.

Mary Cahill of 37 Indianola Road said it's integral that every boat be registered.

John Sanders of 60 Bellaire Road asked if this precipitated from some kind of blight issue. He encourages people to talk with their neighbors in the hope of settling such matters and/or give more teeth if needed to blight regulations instead.

Edmund Zito of 61 Whitecap Road and 55 Nehantic Drive asked if anyone in the room is in favor of this regulation. He suggested forming a subcommittee to work a solution.

Mr. Fox explained they had a list of 12 reasons for formulating the regulation and it doesn't begin and end here.

Jim Moffett of 27 Nehantic Drive asked if this includes golf carts and Mr. Ventres said it does not.

Daniel Lemieuz of 36 Whitecap Road asked about storing boats on Bellaire Road and Mr. Fox explained that would be an item handled by the Board of Governors.

Kim Craven of 46 East Shore Drive asked if this includes jet skis and catamarans. She asked if things are not working and/or unsightly what the consequences are and how it's enforced.

Mr. Ventres briefly reviewed the prescribed procedure in the Connecticut General Statutes:

1. Phone Call
2. Notice

3. Cease and Desist

Bill Bayne of 2 Osprey Road asked about the permit process.

Jim Moffett of 27 Nehantic Drive asked about the parking of construction vehicles and Mr. Fox explained that is a police issue; not everyone who does work has to pull a permit.

Paul Vozzella of 49 Seaview Avenue suggested giving priority to people who don't have room and Mr. Fox explained that would have to go before the Board of Governors.

Colleen Chapin of 53 East Shore Drive reminded the Membership that meetings occur every month they could choose to go to, and contribute their input.

Robert Wharton of 82 East Shore Drive said in the winter he stores his boat in his neighbor's driveway and this regulation would prohibit him from continuing to do so in the future.

Mr. Fox stressed that the Commission has heard the concerns the Membership has regarding this regulation.

c. General Regulations- Handicapped Access- correct Typographical Error.

Mr. Ventres explained the word "permitted" was added to correct a simple typographical error.

d. Section V- Dimensional Requirements- added language for clarity.

Mr. Ventres discussed the language added for greater clarity of dwelling dimensional requirements.

Kim Craven of 46 East Shore Drive asked if accessory equipment is staying the same and Mr. Fox said that it is.

e. Section V- 3. Exterior Equipment- Clarify setback line.

Mr. Ventres explained the existing regulation doesn't state if the extension is from the setback line or a pre-existing nonconforming building. The setback will be no closer than 5 feet from the property line.

f. Section V- 4. Grading- Note retaining walls and terraces are not included in final grade: requirements.

Mr. Ventres said the wording was added to include approved retaining walls and terraces and the new detached garage change is for dimensional clarification.

Colleen Chapin of 53 East Shore Drive said the section regarding pools as written prevents someone from putting in a round pool.

g. Proposed New Section- Soil and Erosion Control Regulations.

Mr. Fox pointed out that items g & h are new and gave a bit of background; the erosion regulation ensures protection of water and prevents hardship to neighbors.

Mary Cahill of 37 Indianola Road said she thinks it's good to add this regulation and suggested spreading excess soil into the woods.

Kim Craven of 46 East Shore Drive said she thought this fell under the direction of the Town.

h. Proposed New Section- Portable Storage Container (PODS) Requirements.

Mr. Ventres explained the intent of this new regulation is to give people the ability to use PODS when needed but not end up having them as a permanent fixture.

Mr. Fox observed that it also establishes a setback line.

Beth Brucker of 28 South Trail asked about a time period for dumpsters and if there was any intention to add that to the regulations.

Suzanne Smith of 35 Seacrest Avenue thanked the Commission for adding this item.

Kim Craven of 46 East Shore Drive asked about 5 feet off the property line in the case of smaller lots.

Mr. Fox thanked everyone for attending the meeting and said they heard the Membership loud and clear.

Mr. Cenci said he wants to echo what Mr. Fox said; often Commission Members hear why regulations don't work but they don't always hear why they do work- and sometimes, regulations don't need to be changed.

Kim Craven of 46 East Shore Drive asked if something could be added to the regulations to address compost piles.

Mary Cahill of 37 Indianola Road asked if the Commission plans on voting on anything today.

The Commission briefly discussed voting a la carte.

MOTION (1)

Mr. Cenci moved to close Public Hearing.

Mr. Mastria seconded the motion.

Vote: 5-0-0, Motion passed.

IV. Adjournment

MOTION (2)

Mr. Mastria moved to adjourn the Black Point Zoning Association Special Meeting at 10:55 a.m.

Mr. Allen seconded the motion.

Vote: 5-0-0, Motion passed.

Respectfully Submitted,

Brooke Stevens,
Recording Secretary

Kenzie

**RESPONSE REGARDING DRAFT AMENDMENT
Boat Trailers, Camping Trailers, and/or Utility Trailers**

- So many of these homes (including mine) are on postage stamp sized lots and when purchased, were allowed to have a boat on the side within the property lines as they are NOT permanent fixtures.
- If passed, so many of these properties will have that right they bought and paid a premium for, removed.
- If this passes, the only solutions for many will be to place these items in their front yard? Is that what you really want?
- Forget the aesthetics of what these trailers will look like in everyone's front yard, consider safety. Picture our fire department navigating around a 26' boat on a trailer to fight a fire or get someone out of a building on fire for 5'?
- Many or most driveways in our little beach community border the owner's/neighbor's property. So, correct me if I am wrong, a camper trailer or boat (if passed) will not be able to park in their own driveway?
- The population in this area dramatically increases in the summer months for one reason, access to the water.
- I believe we budgeted \$100,000 to repair the boat ramp for people with homes in BP toaccess the water.
- The home owners bought these homes, pay our fees, and pay our taxes for access to the water. "If" and when they sell, should this pass, the new buyers will be advised, they can't put their boat along side the property line any more due to zoning and it will have to go in the front yard. What will this do to the selling price? What will this do to the tax base?
- "If" we had 2 acre lots, the proposed would not be an issue. But if we consider all the negatives with such a proposal, it all boils down to creating a 5' setback. Not 10' or 15'...we are talking about 5'.
- We are also talking about discord with neighbors. "Hey Your boat is on my property is one thing." "Hey your boat is only 4' 6" away is an entirely different thing.
- In closing, Are we willing to have the aesthetics of these homes change dramatically which will definitely affect desirability and resale, which will effect tax revenue, and more importantly be more unsafe for a total of 5'?
- What positive thing will come out of a 5' setback for a registered boat, RV, or trailer?
- We are talking assuming all this risk, for 5'. It's simply not worth it and I would hope you consider the ALL the negatives associated with this change when making your decision. Again, we are talking about a lot of disruption for 5'. If someone is encroaching on your property, talk to your neighbor we don't need to disrupt the entire association by making this zoning change.

