

**Black Point Beach Club Association Zoning Commission  
May 17th, 2019 Regular Meeting Minutes**

**Present:**

Jim Fox, Chairman  
Jim Allen  
John Horoho, Alternate (\*Sat as Regular Member)

**Also Present:**

Jim Ventres, Zoning Enforcement Officer  
  
Jim Moffett, Black Point Beach Club Association Manager

**Absent:**

Matt Peary  
James Mastria  
Michael Cenci  
John Kycia, Alternate  
Barbara Koenig, Alternate  
Steven Beauchene, Board of Governors Liaison

FILED IN EAST LYME  
CONNECTICUT  
May 21, 2019 AT 8:41 AM/PM  
*Brigitte Horoho*  
EAST LYME TOWN CLERK

The Regular Meeting of the Black Point Beach Club Zoning Commission was held on Friday May 17th, 2019 at 6:00 p.m. in the Black Point Beach Clubhouse located at 6 Sunset Avenue, Niantic.

**I. Call to Order**

Mr. Fox called the Regular Meeting of the Black Point Beach Association Zoning Commission to order at 6:00 p.m.

**II. Attendance and Establishment of Quorum**

Mr. Fox introduced the Commission Members and he noted that a quorum was present; Mr. Horoho sat as Regular Member for the meeting.

**III. Additions to the Agenda**

There were none.

**IV. Approval of Meeting Minutes:**

A. April 12th, 2019 Regular Meeting Minutes

**MOTION (1)**

**Mr. Allen moved to approve the meeting minutes of April 12th, 2019 as presented.  
Mr. Horoho seconded the motion.**

**Motion carried, 3-0-0.**

## **V. Public Comments**

Jim Moffett of 27 Nehantic Drive and acting as Association Manager, said he has a couple of items he would like to have the ZEO to look at. The first item he asked about is the garage at 25 Indianola; it appears to be folding inwards and he has received a complaint that debris is falling into the neighbor's yard. Mr. Moffett also asked about the right of way on Osprey and South Beach; materials for the house under construction are on the right of way property and will inhibit the laying of the kayak racks if not removed; he respectfully asked that they be moved by next weekend given the holiday. Mr. Moffett also asked about the two signs that were removed during initial construction; one is missing and the other is broken.

## **VI. Reports**

### **A. Communications and Correspondence**

Mr. Fox said he has received no correspondence.

### **B. ZEO: Jim Ventres**

Mr. Ventres directed the Commission to his ZEO report for May and shared the following:

- He did check on 25 Indianola and it falls under the purview of the Town Building Inspector; he will email him.
- He spoke with the owner of the home under construction on Osprey about the signs and he acknowledges that he is responsible for replacing them.
- He asked Mr. Moffett if he can get an estimate for the signage replacement so that he can pass that on to the homeowner.
- At the previous two Zoning meeting he told the Commission how there are some side hvac units that need to be screened as well as some outstanding violations; he sent out a slew of reminder letters regarding this at that time, and will be sending out final notices.
- There is still a lot of construction going on.

Mr. Fox asked about the Blue Heron right of way. He said he understands that the Board of Governors oversaw it during the construction of the home there, and that there was an agreement that the grass be seeded.

Mr. Ventres said that is correct, it was seeded and unfortunately, it did not take. The homeowner has said he will rectify this.

### **C. Ex-Officio: Steve Beauchene**

Mr. Fox said that Mr. Beauchene was unable to attend this evening, but that he did share with him that the budget has been detailed and will be presented along with the pier project proposal at the Annual Meeting on May 25th, 2019.

#### **D. Chairman: Jim Fox**

Mr. Fox said the item garnering the most attention right now is the West Lane Subdivision and he noted that it falls under the purview of the Board of Governors.

Mr. Fox observed that there are currently several association homes for sale.

He said this time can be considered the 'preseason' so to speak and asked Mr. Ventres to reach out to all relevant parties regarding hedges. Mr. Moffett said he will arrange that a blurb be published on the website as well.

### **VI. Old Business**

#### **A. Regulation Review**

Mr. Ventres supplied a handout regarding the existing boat and trailer storage regulations (attached.)

Mr. Fox said the Commission needs to consider what the intent of the regulation is and if the regulations reflect what the community wants. He said he thinks we need to have a regulation on boats with motors regardless of the size.

The Commission further discussed boat storage.

Mr. Horoho said the phrase permanent storage is key and we need something that addresses permanent storage.

Mr. Fox asked where a personal watercraft would fall and observed that it may fall under permanent storage. He said Mr. Allen was doing some work on the definition of permanent storage and Mr. Allen briefly reviewed the rewriting which he discussed at the previous meeting.

Mr. Horoho asked what the intent of the boat storage regulation is and what we want to accomplish. He proposed inserting that "the boat can't be proud of any corner" into the regulation and asked if the unsightliness of the storage is the issue.

Mr. Allen briefly discussed the problems regarding boat storage that he highlighted at the previous meeting:

1. There are 14 properties that border on two streets; the homes front and sit on two streets and there is a home on Bond Street that actually sits on three streets.
2. There are a couple of properties that are situated in a way that results in boats being stored on corner lots.

Mr. Fox said this is a difficult regulation to tighten and the Commission tabled this conversation for future meetings.

The Commission continued the discussion they began at the last meeting regarding nonconforming lots and Mr. Ventres supplied a handout (attached.) Mr. Allen asked how this lines up with the Town's regulation and Mr. Ventres said it's the same, except for the very bottom of the sheet.

Mr. Fox, Mr. Horoho and Mr. Allen all agreed that they need to find a mechanism which allows people the ability to use their property. Mr. Ventres asked if anyone has a number in mind and Mr. Horoho suggested 10 feet.

The Commission discussed looking at the GIS data; all though not exact it may help illustrate how many homes they might be talking about. Mr. Horoho said he would consult the GIS maps.

Mr. Ventres reminded the Commission about the special flood zone and the current need for the homeowner to go before the ZBA for a variance. He said 15 to 18 properties are affected and Mr. Fox discussed the importance of a regulation that stratifies everything.

Mr. Ventres briefly reviewed the portable storage regulation and asked the Commission if they really want a one year limit, or if they would like to shorten that.

Mr. Fox asked if they should look at the regulation to help with the actual enforcement of it and what their definition of unsightly is; should language be added to give more clarity?

Mr. Fox briefly discussed the rise in Lyme disease and the potential of unmowed lawns possibly contributing to it. He said he's not saying we have to, but merely asking if we should do more. Mr. Horoho asked if this fall under blight and Mr. Ventres suggested they compare the two.

## **VII. New Business**

There was none.

The next meeting is on Friday June 21st, 2019.

## **VIII. Adjournment**

### **MOTION (2)**

**Mr. Horoho moved to adjourn the Black Point Zoning Association Meeting at 7:04 p.m.**

**Mr. Allen seconded the motion.**

**Vote: 3-0-0, Motion passed.**

Respectfully Submitted,

Brooke Stevens,  
Recording Secretary

Zoning Projects				May	2019	Report			
Application #	Date	Address	Name	Map/Block	Project	Fee	Appr/Denied	Status	NOTES JV
<b>2017</b>									
DM - 125	2/13	32 Woodland	Lombardo	5.9 / 15	New home	250	A	CZC	4/12/19
DM - 128	5/8	31 E. Shore	Paternostro	5.11 / 3	Step replace	45	A	not yet	Insp 5/2/19
JV - 3	10-Dec	6 East Shore Dr	Willard	5.11/64	Propane	150	A	Needs Screen	Insp 5/2/19
<b>2018</b>									
JV-11	3/7	6 East Shore	Willard	5.11/64	AC / remodel	150	A	Under Const	Insp 5/2/19
JV-14	4/20	5 East Shore	Walsh	11 52	Addition	450	A	Under Const	Insp 5/2/19
JV-18	4/26	6 East Shore	Willard	5.11 / 64	Addition	75	A	Under Const	Insp 5/2/19
JV-20	5/2	11 Brightwater	Corbett	5.19/62	Propane/gate	150	A	Completed	4/12/19
JV-29	6/6	41 Sea Spray	Horoho	5.18 / 18	Fence/Fire Pit	150	A	fence / no pit	Insp 5/2/19
JV-30	6/16	30 Bellaire	Monroe	5.18 / 50	New Home	600	A	CZC	4/25/2019
JV-32	7/22	41 Sea Spray	Horoho	5.18 / 18	Garage	300	A	CZC	4/4/2019
JV-35	8/29	8 Bellaire	Mastria	5.11 / 42	New Home	600	A	Siding / roof	Insp 5/2/2019
JV-36	9/5	11 Bond St	Magnuson	2.7 / 10	Propane	150	A	no screening	Insp 5/2/2019
JV-37	9/5	6 Seaview Ave	McAndrew	5.15 / 34	AC Condenser	75	A	no screening	Insp 5/2/2019
JV-38	9/26	46 Indianola	Schepker	5.14 / 20	New Home	600	A	Under Const	Insp 5/2/2019
JV-39	9/26	47 Sea Spray	Wright	5.18 / 16	New Home	600	A	Under Const	Insp 5/2/2019
JV-40	9/28	46 East Shore	Craven	5.15 / 93	New Home	600	A	Under Const	Insp 5/2/2019
JV-41	10/3/18	8 Saltaire Ave	Terreira	5.19 / 43	Heat/AC	75	A	Inst. no screen	Insp 5/2/2019
JV-43	10/10/18	52 Indianola Rd	Kolosowski	5.14 / 23	2nd story add.	600	A	CZC	3/28/2019
JV-46	10/19/18	2 Osprey	Bayne	5.19 / 87	New Home	600	A	Under Const	Insp 5/2/2019
JV-47	10/27/18	19 Ridge Tr	Burke	5.9 / 26	3 Season Porch	300	A	Under Const	Insp 5/22/2019
JV-48	11/9/18	9 Park Court	Mikunda	5.9 / 19	Propane bottles	45	A	CZC	4/4/2019
JV-50	11/23/18	47 Sea Crest	Paar	5.14 / 112	HVAC	150	A	CZC	4/25/2019
JV-52	12/6/18	17 Woodland Dr	Guzy	5.9 / 31	addition	45	A	Under Const	Insp 5/2/2019
JV-54	12/24/18	57 Nehantic	Zito	5.10 / 86	addition	600	A	CZC	4/12/2019
<b>2019</b>									
JV - 1 - 19	1/25/19	20 Seaview Ave	Wunder	5.10 / 39	addition	900	A	started	Insp 5/2/2019
JV - 2 - 19	3/1/19	12 Indianola	Spalluto	5.11 / 6	addition	300	A	Not started	Insp 5/2/2019
JV - 3 - 19	4/4/19	148 Old BP Rd	Danos	5.9 / 35	deck	150	A	Not started	Insp 5/2/2019
JV - 4 - 19	4/4/19	18 Sea Breeze	Smith	5.15 / 61	porch addition	300	A	Dump & POD	Insp 5/2/2019
JV - 5 - 19	4/4/19	35 Sunset Ave	Kycia	5.14 / 126	fence	75	A	CZC	4/12/2019
JV - 6 - 19	4/4/19	19 Blue Heron	Hyland	5.19 / 107	stairs & fence	75	A	Under Constr	Insp 5/2/2019
JV - 7 - 19	4/12/19	53 Sea Breeze	Bogue	5.14 / 59	dormer & show	300	A	Under Constr	Insp 5/2/2019
JV - 8 - 19	4/12/19	57 Sea Spray	Koch	5.18 / 13	shed	75	A	Not started	Insp 4/12/2019
JV - 9 - 19	5/2/19	9 Sea Breeze	Flaherty	5.15 / 74	Home Oc	10	A		

### Existing Definitions

Boat. – A watercraft propelled by oars, paddles, sails or engine.

Trailer. A vehicular device designed to be pulled by a motor vehicle as provided below:

- a. Boat Trailer – A trailer designed to store and transport a boat not exceeding 26 feet in length.
- b. Camping Trailer – A vehicle not exceeding a gross vehicle weight rating of 5,000 pounds which is designed to be used primarily as temporary living quarters for recreational, camping, travel, or seasonal use that does not have its own motor power but is mounted on or towed by another vehicle.
- c. Utility Trailer – A trailer, whether uncovered or enclosed, used for hauling materials, good or objects, provided that it shall not exceed 16 feet in length and it shall not have a gross vehicle weight rating of more than 2,600 pounds.

### Existing Regulation

1. **Boats, Boat Trailers, Camping Trailers, or Utility Trailers** - One (1) of the following may be stored on a lot:  
One unoccupied boat not exceeding 26 feet in length and its trailer, OR  
One unoccupied camping trailer, OR One utility trailer  
Except that any such items listed above, shall:
  - a. Except that any such utility trailer, boat or camping trailer shall be located behind the front setback building line. The only exception is the period between April 15<sup>th</sup> and June 1<sup>st</sup>, while boats are being prepared for the season. During this period, boats are allowed forward of the front setback building line.
  - b. All boats, boat trailers, camping trailers, or utility trailers shall be licensed and registered as required by Connecticut State law. Any of the above items that are unregistered shall be considered junk under these regulations and prohibited for storage in any area of the Black Point Beach Club Association.
  - c. Not to extend into a public area or right-of-way, not to obscure any view which may cause danger to vehicular or pedestrian traffic on a public street or an Association right-of-way. The Zoning Enforcement Officer has the duty to determine if the placement may cause danger and has the authority to order the object(s) removed.
  - d. This subsection shall not prohibit the storage of boats not exceeding 16 feet in length nor boats designed to be propelled solely by oar or paddle.

Proposed *New in italics and bold*, Proposed to be deleted in [brackets]

**Draft Definitions** -

Boat. – A watercraft propelled by oars, paddles, sails or engine.

Sailboats and Catamarans – *Boats designed to be propelled primarily by sail.*

Canoes, Kayaks, and Paddle Boards. – *A watercraft designed to be paddled by the operator.*

Personal Water Craft (Jet Ski/Sea-Doo)– *a recreational watercraft propelled by engine that is ridden like a motorcycle by one or more people*

Trailer. A vehicular device designed to be pulled by a motor vehicle as provided below:

- a. Boat Trailer – A trailer designed to store and transport a boat. [not exceeding 26 feet in length.]
- b. Camping Trailer – A vehicle [not exceeding a gross vehicle weight rating of 5,000 pounds] which is designed to be used primarily as temporary living quarters for recreational, camping, travel, or seasonal use that does not have its own motor power but is mounted on or towed by another vehicle.
- c. Utility Trailer – A trailer, whether uncovered or enclosed, used for hauling materials, good or objects [, provided that it shall not exceed 16 feet in length and it shall not have a gross vehicle weight rating of more than 2,600 pounds.]

**DRAFT Regulation**

**2. Boats, Boat Trailers, Camping Trailers, or Utility Trailers –**

One (1) of the following may be stored on a lot *at any one time*:

One [unoccupied] boat not to exceed[ing] 26 feet in length and its trailer, OR

One [unoccupied] camping trailer, OR one utility trailer

[Except that any s] Such items listed above, shall *comply with the regulations below*:

All boats, boat trailers, camping trailers, or utility trailers shall be licensed and registered as required by Connecticut State law. Any of the above items that are unregistered shall be considered junk under these regulations and prohibited for storage in any area of the Black Point Beach Club Association.

*Camping Trailers shall not be used as living quarters within the confines of the Black Point Beach Club Association and shall not exceeding a gross vehicle weight rating of 5,000 pounds.*

*Utility Trailer – A trailer, whether uncovered or enclosed, shall not exceed 16 feet in length and it shall not have a gross vehicle weight rating of more than 2,600 pounds.*

[Except that a] Any such utility trailer, boat or camping trailer shall be located behind the front setback building line. ***No utility trailer, boat or camping shall be stored between any building and any street line.*** Boats are allowed forward of the front setback building line between April 15<sup>th</sup> and June 1<sup>st</sup>, while boats are being prepared for the ***boating*** season.

***Boats moved forward shall not*** to extend into a public area or right-of-way, ***and are*** not to obscure any view which may cause danger to vehicular or pedestrian traffic on a public street or an Association right-of-way. The Zoning Enforcement Officer has the duty to determine if the placement may cause danger and has the authority to order the object(s) removed.

**WHAT ARE WE TRYING TO SAY?** “d. This subsection shall not prohibit the storage of boats not exceeding 16 feet in length nor boats designed to be propelled solely by oar or paddle.”

??? This regulation shall not apply watercraft sixteen feet and under that are designed to be propelled by paddle or sail. (Small canoes, kayaks, paddle boards, dinghies, and row boats)

And where do we leave jet skis?



### **Thought process –**

Mapping and construction diagrams required by the East Lyme Building Department will demonstrate the base flood elevation requirements.

Our existing regulations require the measurement from the grade plan / surrounding ground grade. Typical construction to the first floor elevation is two (2) feet above the grade plane.

Flood proofing requires the first floor elevation to be one (1) foot above the Base Flood Elevation.

If we measure from the Base Flood Elevation, the structure still starts a foot above the grade plan / surrounding ground.

Exception regulation eliminates one foot of the overall height to put all structures on a level construction regulation. No Special Exception applications or variances needed.

**EXISTING BUILDING HEIGHT REGULATION** Building Height – The maximum height of any building structure shall be **twenty-seven feet, measured from the grade plane to the mean roof height. In no case shall any peak or other building feature exceed thirty-eight feet** when measured from the grade plane to that roof peak or other building feature, except chimneys may be of such height as regulated by the building code as amended time to time.

### **CONSTRUCTION IN AREAS OF SPECIAL FLOOD HAZARD OR COASTAL HIGH HAZARD AREAS**

**THE BASE FLOOD ELEVATION OF ELEVATED BUILDINGS** – New construction, substantial improvements, whether residential or non-residential, that include fully enclosed areas formed by a foundation and other exterior walls shall have the lowest floor elevated to one (1.0) foot above the base flood elevation (BFE).

**ESTABLISHMENT OF BUILDING PERMIT IN AREAS OF SPECIAL FLOOD HAZARD OR COASTAL HIGH HAZARD AREAS** - A building permit shall be obtained before construction begins within any area of special flood hazard established in the Flood Insurance Rate Map. Application for a permit shall be made on forms furnished by the East Lyme Building Official and may include, but not be limited to: Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage or materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required: A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; B. Elevation in relation to mean sea level to which any structure has been flood proofed; C. Certification by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice and the flood proofing criteria as require. D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and E. Plans for any walls to be used to enclose space below the base flood level.

**EXCEPTIONS OF THE BUILDING HEIGHT IN AREAS OF SPECIAL FLOOD HAZARD OR COASTAL HIGH HAZARD AREAS:** When a proposed structure that is in a Special Flood Hazard or Coastal High Hazard Areas is required to have the lowest floor elevated to one (1.0) foot above the base flood elevation as determined by the East Lyme Building Official, the following exceptions apply to the building height:

The maximum height of any building structure shall be **twenty-six feet**, measured from the base flood elevation to the mean roof height. In no case shall any peak or other building feature exceed **thirty-seven feet** when measured from the base flood elevation to that roof peak or other building feature, except chimneys may be of such height as regulated by the building code as amended time to time.

#### **NEW DEFINITIONS**

**AREA OF SPECIAL FLOOD HAZARD** means land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

**BASE FLOOD ELEVATION (BFE)** means the elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

**COASTAL HIGH HAZARD AREA** means the area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity waters, including but not limited to, hurricane wave wash or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone VE.

**FLOOD INSURANCE RATE MAP (FIRM)** means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**For discussion purposes – construction upward on a nonconforming structure.**

**NONCONFORMING BUILDING REGULATIONS FROM THE EAST LYME ZONING REGS**

No nonconforming dwelling shall be enlarged or extended unless the enlargement or extension conforms to the requirements of the district in which it is situated.

EXCLUDED FROM THIS PROHIBITION ARE:

- A. Additions of a second story to one-story single family dwellings.
- B. Conversions of single-family one-and-one-half story dwellings to two-story dwellings, either by means of dormers or upward extensions of existing sidewalls.
- C. Conversions to two stories of one-story appendages to two-story single-family dwellings.

NONE OF THE FOREGOING ADDITIONS, EXTENSIONS, OR CONVERSIONS SHALL:

- D. Extend beyond the perimeters of the existing buildings.
- E. Exceed the vertical projection limits specified elsewhere in these regulations.
- F. Alter the single-family status of the dwellings, and
- G. Result in a separation of less than 15 feet from the sidewalls of any other dwelling.

Nothing shall prevent the construction of additions to single family detached residential dwellings provided that the following conditions are met:

- A. No lot within the scope of these provisions may contain more than one dwelling.
- B. The dwellings are used solely as private residences, except for approved "Home Occupations" and the proposed additions shall likewise be designed for such use. (For purposes of this regulation, single-story, accessory attached and detached garages shall be considered residential additions.)
- C. The gross increase in living area to be provided by any additions shall not exceed twenty-five percent of that now contained in the dwelling or 300 square feet, whichever is greater. **?????? Limiting**
- D. Single-car accessory garages shall be limited to an inside floor area of 300 square feet; two-car garages shall be limited to an inside floor area of 500 square feet. **?????? Limiting**
- E. All additions shall be subject to the following special requirements: Lot Coverage - No dwelling, including all additions, shall occupy an overall area which is greater than 40 percent of that contained in the building lot. **Exclude – already have lot coverage**

**Previously discussed – Considering language that allows construction upward but in no case closer than five (5) feet ??? from the property line.**

Additions *Italics and Bold*, deletions in brackets [ ]

## 2. Portable Storage Containers (PODS) and Dumpster Requirements

- a. In the event of a fire, storm, major reconstruction of a home, or moving a temporary permit may be issued for the placement of a “Portable Storage Container” *and / or Dumpster*.
- b. “Portable Storage Container” means any container designed for the temporary storage of personal property, which is typically rented to owners or occupants of property for their storage use and which is delivered and/or removed by truck or trailer.
- c. *Dumpster - a large trash receptacle designed to be hoisted and emptied into or towed away with a truck.*
- d. No person shall place a portable storage unit *or dumpster* on private property without first obtaining a zoning permit from the Black Point Beach Club Association Zoning Enforcement Officer. There is no fee for the permit. *Application can be combined with the application of any zoning permit.*
- e. Only one [unit] *portable storage unit and / or one dumpster* is permitted on the property at one time. *The maximum [ and the] size of any portable storage container shall not exceed sixteen (16) feet in length by eight (8) feet in width by eight (8) feet in height. The maximum size of any dumpster shall not exceed 30 yards ( twenty-two (22) feet in length by eight (8) feet wide by six (6) feet in height).*
- f. The portable storage *and / or dumpster* container has to be located at least five (5) feet from any property line. *Location(s) is to be designated on a map by the applicant.* Location shall not obscure any view which may cause danger to vehicular or pedestrian traffic on a public street or an Association right-of-way. The Zoning Enforcement Officer has the duty to determine if the placement may cause danger and has the authority to order the Portable Storage Container relocated.
- g. The use of the portable storage container *and / or dumpster* is temporary and a permit shall be issued for a period of one (1) year *or until the project is complete if shorter than one year*. The owner may apply for an extension if an unusual hardship can be demonstrated.
- h. Any portable storage container shall be free of dents, rust and/or graffiti and shall be maintained in good condition. (Can’t say that for any dumpster unless it is brand new.)