

**Black Point Beach Club Association Zoning Commission
June 21st, 2019 Regular Meeting Minutes**

Present:

Jim Fox, Chairman
Jim Allen
Matt Peary
James Mastria
Barbara Koenig, Alternate (Sat as Regular Member)
John Horoho, Alternate (Sat as Regular Member)

Also Present:

Jim Ventres, Zoning Enforcement Officer
Steven Beauchene, Board of Governors Liaison
Jim Moffett, Black Point Beach Club Association Manager
Will Fountain, Board of Governors Member
Cary Michael Johnson, Board of Governors Member

Absent:

Michael Cenci
John Kycia, Alternate

The Regular Meeting of the Black Point Beach Club Zoning Commission was held on Friday June 21st, 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 and Ms. Koenig sat as Regular Members for the meeting.

III. Additions to the Agenda

There were none.

IV. Approval of Meeting Minutes:

A. May 17th, 2019 Regular Meeting Minutes

MOTION (1)

**Mr. Mastria moved to approve the meeting minutes of May 17th, 2019 as presented.
Mr. Perry seconded the motion.**

Motion carried, 6-0-0.

V. Public Comments

- Cynthia Trocki of 22 Blue Heron said she wanted to share a portion of a deed regarding property that J.Jay Smith gave to us, and she read it into the record. She said she is trying to understand #7 of the BPBCA Charter regarding roads and referenced "said association shall have exclusive charge and control of all roads within the limits and shown on the map referred to in Section 2, #462, the special acts of 1931, which are not under State control." Ms. Trocki said she is hoping the Board can help her understand the special act of 1931 and the boundaries of our territory, as well as the jurisdiction that we have.

Mr. Fox said he would respond now since he wants to be sensitive to the discussion because he is assuming this has to do with the subdivision on West Lane. Ms. Trocki responded that she thinks it really has to do with our whole association and is trying to educate herself; she is here because she doesn't understand it all and is seeking help. Mr. Fox said as far as he understands it everything the Zoning Commission is responsible for are lots and not black point beach as a whole; that is a Board of Governors concern and zoning has no purview over this.

Mr. Ventres explained that at the time of the deed the association claimed all rights to the roads and at some point the Town of East Lyme through a Town vote, took over these roads by agreement with the Board of Directors. He suggested consulting the Town Meeting books located in the Town Clerk's office to determine the exact timing of the road(s) acceptance.

- Carol Ward of 23 Blue Heron that regarding West Lane, each individual of the Zoning Board should be concerned; currently there is an application for 5 homes and she has heard that Ms. Perry wants more. She added that in 10-20 years there could be a big development there.
- Will Fountain of 31 Whitecap Road asked about the right-of-way at Osprey. He said he was told it would be cleaned up by Memorial Day and he described how currently there are cars lined up, when no parking is permitted on the right-of-way. Mr. Ventres said he will address this in his report.
- Jim Moffett of 27 Nehantic Drive, and Association Manager said in regards to Osprey he understands there is a gentleman's agreement to replace the sign; he wants to make sure this agreement is fulfilled.
- Cynthia Trocki of 22 Blue Heron cited the closing of Nehantic Beach. She said it probably happened in part, due to runoff and she just wants to voice that people need to be aware of what's coming due to construction.

- Cary Michael Johnson of 45 Bellaire said he went on the Ledge Light Health District website; it looks like they sampled South Beach and the left side of the pier at Nehantic. He clarified that it doesn't look like they check on the beach side. Mr. Fox directed him to speak with the Association Manager.

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 June and shared the following:

- He met with the homeowner on Indianola this afternoon.
- He instructed him to install more erosion controls in the muddy section or gravel it over.
- The machine that is there will remain until the roofing is done; if it stops raining that can be done soon.
- He will revisit this item next week.
- There are a couple of sites such as 20 Seaview that have stopped construction because of moisture; these delays are weather related.
- There is a lot of construction going on when weather permits.
- Two ZBA hearings are coming up.
- He has had many inquiries about remodels.

Mr. Fox asked brought to the Board's attention that erosion controls were added to the regulations last year by Mr. Ventres.

C. Ex-Officio: Steve Beauchene

Mr. Beauchene had no report.

D. Chairman: Jim Fox

Mr. Fox discussed the zoning roster and said he wants to make sure that everyone's term is correct. He said that his 1st term expires July 31st, 2019 as does Mr. Cenci's.. The Board will confirm the expiration dates and term numbers for each member.

VI. Old Business

A. Regulation Review

Mr. Ventres supplied a handout with existing and draft revisions of boat and trailer storage regulations and portable storage containers for review. (attached.)

The Commission discussed the storage of sailboats and watercrafts without motors and whether a 20 foot sailboat would hold the same standards as a motorized boat.

The Commission further discussed boat and trailer storage in relation to the building and street line.

Mr. Fox asked about the location of jet ski storage and Mr. Ventres said the regulations do not address this.

The Commission discussed adding dumpsters and construction trailers to the pod regulation. Mr. Ventres said he can make it part of the checklist and site plan, if it's part of the regulation.

The Commission discussed nonconforming lots and Mr. Ventres reminded the Commission of their discussion whether there 10 or 15 feet between the homes. He noted that East Lyme requires 15 feet.

Mr. Horoho said he started going through the GIS maps and will continue his research. He said he will have it completed when we meet in July.

Mr. Ventres revisited the previous meeting discussion on flood zones and the possibility of amending the regulations to prevent the homeowner from having to go before the ZBA for a variance, which they will get. He previously recommended relying on a survey for establishing the base flood elevation.

Mr. Fox discussed the 3 to 4 feet flood elevation that will be required by FEMA and being proactive by making a change for those building lots only.

Mr. Fox discussed clarifying what is and is not unsightly according to our regulations and discussed the difficulty of enforcing blight. Mr. Ventres supplied the Commission with the East Lyme Blight Ordinance as well as East Haddam's regulation which deals with the storage of junk material, abandoned vehicles and debris; they briefly discussed how they compare.

Mr. Allen and Mr. Fox suggested not acting on blight but keeping the conversation going for continued regulation formulation; the Commission will move forward on the other topics discussed this evening with the exception of the nonconforming lots; that too will require more research.

VII. New Business

There was none.

Mr. Ventres said he called the Building Official regarding the garage on Indianola and he said he will address it this week.

The next meeting is on Friday July 19th, 2019.

VIII. Adjournment

MOTION (2)

Mr. Allen moved to adjourn the Black Point Zoning Association Meeting at 6:59 p.m.

Mr. Mastria seconded the motion.

Vote: 6-0-0, Motion passed.

Respectfully Submitted,

Brooke Stevens,
Recording Secretary

Intent - Add definitions to varying watercraft.

Move regulations in the definition section to the regulation section.

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 15th and June 1st, 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.

Draft Definitions

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

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 15th and June 1st, 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.

No permanent storage between the building and the street.

WHAT ARE WE TRYING TO SAY? “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?

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

2. Portable Storage Containers (PODS) and Dumpster, and Construction Trailer 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, and / or Construction Trailers.*
- 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. *Construction Trailers – Trailers designed to store equipment, materials, and supplies.*
- e. No person shall place a portable storage unit, *dumpster, or construction trailer* 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.*
- f. Only one [unit] *of each - being one portable storage unit, one dumpster, one construction trailer* 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).*
- g. The portable storage container, *dumpster, and / or construction trailer* 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.
- h. The use of the portable storage container, *dumpster, and or construction trailer* 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.
- i. 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.)

Zoning Projects				June	2019	Report			
Application #	Date	Address	Name	Map/Block	Project	Fee	Appr/Denled	Status	NOTES JV
2017									
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	Paternosiro	5.11 / 3	Step replace	45	A	not yet	Insp 6/5/19
JV - 3	10-Dec	6 East Shore Dr	Willard	5.11/64	Propane	150	A	completed	6/5/2019
2018									
JV-11	3/7	6 East Shore	Willard	5.11/64	AC / remodel	150	A	Under Const	6/5/2019
JV-14	4/20	5 East Shore	Walsh	11 52	Addition	450	A	Under Const	Insp 6/5/19
JV-18	4/26	6 East Shore	Willard	5.11 / 64	Addition	75	A	completed	6/13/2019
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	Horocho	5.18 / 18	Fence/Fire Pit	150	A	Completed	5/9/2019
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	Horocho	5,18 / 18	Garage	300	A	CZC	4/4/2019
JV-35	8/29	8 Bellaire	Mastria	5.11 / 42	New Home	600	A	Under Const	Insp 6/13/2019
JV-36	9/5	11 Bond St	Magnuson	2.7 / 10	Propane	150	A	no screening	Insp 6/13/2019
JV-37	9/5	6 Seaview Ave	McAndrew	5.15 / 34	AC Condenser	75	A	no screening	Insp 6/13/2019
JV-38	9/26	46 Indianola	Schapker	5.14 / 20	New Home	600	A	Under Const	Insp 6/13/2019
JV-39	9/26	47 Sea Spray	Wright	5.18 / 18	New Home	600	A	CZC	5/17/2019
JV-40	9/28	46 East Shore	Craven	5.15 / 93	New Home	600	A	Under Const	Insp 6/13/2019
JV-41	10/3/18	8 Saltaire Ave	Terreira	5.19 / 43	Heat/AC	75	A	CZC	5/24/2019
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 6/13/2019
JV-47	10/27/18	19 Ridge Tr	Burke	5.9 / 26	3 Season Porch	300	A	Under Const	Insp 6/13/2019
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	4/26/2019
JV-52	12/6/18	17 Woodland Dr	Guzy	5.9 / 31	addition	45	A	Under Const	Insp 6/13/2019
JV-54	12/24/18	67 Nohantio	Zito	6.10 / 86	addition	600	A	CZC	4/12/2019
2019									
JV- 1 - 19	1/25/19	20 Seaview Ave	Wunder	5.10 / 39	addition	900	A	started	Insp 6/13/2019
JV- 2 - 19	3/1/19	12 Indianola	Spelluto	5.11 / 6	addition	300	A	Not started	Insp 6/13/2019
JV - 3 - 19	4/4/19	148 Old BP Rd	Danos	5.9 / 35	deck	150	A	Not started	Insp 6/13/2019
JV - 4 - 19	4/4/19	18 Sea Breeze	Smith	5.15 / 61	porch addition	300	A	Under Constr	Insp 6/13/2019
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 6/13/2019
JV - 7 - 19	4/12/19	53 Sea Breeze	Bogue	5.14 / 59	dormer & show	300	A	Under Constr	Insp 6/13/2019
JV - 8 - 19	4/12/19	57 Sea Spray	Koch	5.18 / 13	shed	75	A	Not started	Insp 6/13/2019
JV - 9 - 19	5/2/19	9 Sea Breeze	Flaherty	5.15 / 74	Home Oc	10	A		5/2/2019
JV - 10 - 19	5/9/19	9 Billow Rd	Katzbek	5.2 / 64	Garage	300	A	started	Insp 6/13/2019
JV - 11 - 19	5/9/19	66 Nehantic	Martone	5.10 / 82	shed	45	A	Not started	Insp 6/13/2019
JV - 12 - 19	5/9/19	53 Sea Spray	Bruce	5.18 / 14	Propane tank	45	A	Not started	Insp 6/13/2019
JV - 12 - 19	5/17/19	1 Blue Heron Ct	Weiss		Fence	75	A	Not started	Insp 6/13/2019
JV - 14 19	5/17/19	56 Sea Spray	Foley / Coffee		Deck	150	A	Not started	Insp 6/13/2019
JV - 15 - 19	5/17/19	41 Sea Spray	Horocho		Fence / screen	45	A		
JV - 16 - 19	6/5/19	31 Sea Spray	Allen	5.19 / 12	Fence	150	A	Not started	Insp 6/13/2019
JV - 17 - 19	6/14/19	8 Saltaire	Ferreira	5.19 / 43	shower / fire pit	75	A		
JV - 18 - 19	6/14/19	12 Sea Crest	Iffland	5.15 / 11	Propane tank	45	A		