

**Black Point Beach Club Association Zoning Commission
August 16th, 2019 Regular Meeting Minutes**

Present:

Jim Fox, Chairman
Jim Allen, Secretary
Matt Peary
John Kycia
Barbara Koenig, Alternate
John Horoho, Alternate

Also Present:

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

Absent:

James Mastria

The Regular Meeting of the Black Point Beach Club Zoning Commission was held on Friday August 16th, 2019 at 6:35 p.m. in the Black Point Beach Clubhouse located at 6 Sunset Avenue, Niantic.

I. Call to Order, Roll Call and Establishment of Quorum

Mr. Fox called the Public Hearing of the Black Point Beach Association Zoning Commission to order at 6:35 p.m. Mr. Fox introduced the Commission Members and he noted that a quorum was present.

II. Additions to the Agenda

There were none.

III. Approval of Meeting Minutes- July 19th, 2019

MOTION (1)

Mr. Allen moved to approve the Zoning Commission meeting minutes of July 19th, 2019 as published.

Mr. Peary seconded the motion.

Motion carried, 4-0-0.

IV. Call for Public Comment

No members of the Public were in attendance.

V. Reports

A. Communications and Correspondence

Mr. Fox reported that at the last Board of Governors meeting John Mastria received another 3 year term and John Kycia was moved from his position as Zoning Commission alternate to regular member of the Zoning Commission.

B. ZEO: Jim Ventres

Mr. Ventres directed the Commission to his August ZEO report (attached) and noted that no new major applications have come in. He stated he will be reaching out again to the Building Official again regarding 22 Sea Breeze and 25 Indianola since he has yet to hear back from him; 25 Indianola has actually caved in more.

Mr. Ventres said he has been communicating with the attorney for the Zito property regarding conforming lots and whether they need to go before the BOG as the defacto Planning Commission and he detailed this item for the Commission.

C. Ex.-Officio: Steve Beauchene

Mr. Beauchene had nothing to report

D. Chairman: Jim Fox

Mr. Fox had nothing further to report.

VI. New Business

A. Regulation Review and Possible Action

The Commission briefly discussed the proposed changes.

Mr. Fox mentioned the public comment that "under State law" be added to the boat regulation.

Mr. Kycia suggested further clarification under definitions for not exceeding 26 feet in length and Mr. Ventres explained the portion in brackets is what is being removed from the definition and "one boat not to exceed 26 feet" is what's being added.

MOTION (2)

Mr. Allen moved to accept the draft for the Proposed Amendments to Regulations Pertaining to Boats and Trailers as presented, with an effective date of November 1st, 2019.

Mr. Kycia seconded the motion.

Motion carried, 4-0-0.

MOTION (3)

Mr. Kycia moved to accept the draft for the Proposed Regulation Change for Building Heights for Structures in Areas of Special Flood Hazard or Coastal High Hazard Areas as presented, with an effective date of November 1st, 2019.

Mr. Allen seconded the motion.

Motion carried, 4-0-0.

MOTION (4)

Mr. Allen moved to accept the draft for Proposed Regulation to Regulate the Storage of Dumpsters and Construction Trailers as presented, with an effective date of November 1st, 2019.

Mr. Kycia seconded the motion.

Motion carried, 4-0-0.

The Commission briefly discussed the regulation review regarding blight and property maintenance. Mr. Fox said he would resend the blight pamphlet for the city of Union, and asked the Commission to review it in anticipation of the next meeting.

Mr. Ventres said there is a ZBA hearing next week which is regarding a nonconforming structure on three sides. Mr. Fox said they will have to review how this case is handled.

VII. New Business

- A. Election of Zoning Commission Officers- Secretary and Chair.

Mr. Fox called for nominations.

MOTION(5)

Mr. Fox moved to appoint Mr. Allen as Zoning Commission Secretary for an additional year.

Mr. Kycia seconded the motion.

Motion carried, 3-0-1.

Mr. Allen abstained from the vote.

MOTION (6)

Mr. Allen moved to appoint Mr. Fox as Zoning Commission Chair.

Mr. Kycia seconded the motion.

Motion carried, 3-0-1.

Mr. Fox abstained from the vote.

Mr. Fox stated that the next Zoning Commission meeting will be on Friday, September 20th, 2019.

VIII. Adjournment

MOTION (7)

Mr. Kycia moved to adjourn the Black Point Zoning Commission Meeting at 6:57 p.m.

Mr. Allen seconded the motion.

Vote: 4-0-0, Motion carried.

Respectfully Submitted,

Brooke Stevens,
Recording Secretary

Zoning Projects		August 2019 Report							
Application #	Date	Address	Name	Map/Block	Project	Fee	Appr/Denied	Status	NOTES JV
2018									
JV-11	3/7	6 East Shore	Willard	5.11/64	AC / remodel	150	A	Under Const	8/2/2019
JV-14	4/20	5 East Shore	Walsh	11 52	Addition	450	A	Under Const	Insp 8/2/19
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	Horoho	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	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	CZC	6/21/2019
JV-36	9/5	11 Bond St	Magnuson	2.7 / 10	Propane	150	A	Completed	7/12/2019
JV-37	9/5	6 Seaview Ave	McAndrew	5.15 / 34	AC Condenser	75	A	completed	8/22/19
JV-38	9/26	46 Indianola	Schepker	5.14 / 20	New Home	600	A	Under Const	Insp 8/2/2019
JV-39	9/26	47 Sea Spray	Wright	5.18 / 16	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 8/2/2019
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	3/29/2019
JV-46	10/19/18	2 Osprey	Bayne	5.19 / 87	New Home	600	A	Under Const	Insp 8/2/2019
JV-47	10/27/18	19 Ridge Tr	Burke	5.9 / 26	3 Season Porch	300	A	completed	Insp 8/2/2019
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 8/2/2019
JV-54	12/24/18	57 Nehantic	Zito	5.10 / 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	Under Constr	Insp 8/2/2019
JV - 2 - 19	3/1/19	12 Indianola	Spalluto	5.11 / 6	addition	300	A	Under Constr	Insp 8/2/2019
JV - 3 - 19	4/4/19	148 Old BP Rd	Danos	5.9 / 35	deck	150	A	Not started	Insp 8/2/2019
JV - 4 - 19	4/4/19	18 Sea Breeze	Smith	5.15 / 61	porch addition	300	A	Under Constr	Insp 8/2/2019
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 8/2/2019
JV - 7 - 19	4/12/19	53 Sea Breeze	Bogue	5.14 / 59	dormer & show	300	A	Completed	Insp 8/2/2019
JV - 8 - 19	4/12/19	57 Sea Spray	Koch	5.18 / 13	shed	75	A	CZC	Insp 8/2/2019
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	Under Constr	Insp 8/2/2019
JV - 11 - 19	5/9/19	66 Nehantic	Martone	5.10 / 82	shed	45	A	CZC	Insp 8/2/2019
JV - 12 - 19	5/9/19	53 Sea Spray	Bruce	5.18 / 14	Propane tank	45	A	CZC	Insp 8/2/2019
JV - 12 - 19	5/17/19	1 Blue Heron Ct	Weiss		Fence	75	A	CZC	Insp 8/2/2019
JV - 14 - 19	5/17/19	56 Sea Spray	Foley / Coffee		Deck	150	A	Not started	Insp 7/12/2019
JV - 15 - 19	5/17/19	41 Sea Spray	Horoho		Fence / screen	45	A	Completed	7/12/2019
JV - 16 - 19	6/5/19	31 Sea Spray	Allen	5.19 / 12	Fence	150	A	Completed	7/26/2019
JV - 17 - 19	6/14/19	8 Saltaire	Ferreira	5.19 / 43	shower / fire pit	75	A	Completed	7/26/2019
JV - 18 - 19	6/14/19	12 Sea Crest	Iffland	5.15 / 11	Propane tank	45	A		
JV - 19 - 19	7/12/19	9 Sea Spray	Wachtmeister		Fence	150	A		

**REQUEST FOR LEGAL NOTICE
BLACK POINT BEACH CLUB ASSOCIATION ZONING COMMISSION
P.O. Box 715, Niantic, Ct 06357**

DATE: August 23, 2019

FROM: James Ventres – bpzoning@gmail.com

DEPARTMENT: BPBCA Zoning Commission

RUN DATE(S): September 10, 2019

AFFIDAVIT OF PUBLICATION: **Yes**

TO READ AS FOLLOWS:

BLACK POINT BEACH CLUB ASSOCIATION
ZONING COMMISSION
LEGAL NOTICE OF PUBLIC HEARING

The Black Point Beach Club Association Zoning Commission, at a regular meeting held on August 16, 2019, approved the following regulations changes with amendments. The effective date of these changes is November 1, 2019.

Proposed Regulation Changes to the following:

Proposed Regulation Change for Building Heights for Structures in Areas of Special Flood Hazard or Coastal High Hazard Areas, Proposed Regulation to Regulate the Storage of Dumpsters and Construction Trailers, and Proposed Amendments to Regulations Pertaining to Boats and Trailers with an amendment.

Copies of the full text of these approved changes are available for inspection during regular hours at the East Lyme Town Clerk's Office, Town Office Building, 108 Pennsylvania Avenue, East Lyme. They also can be found posted on the Black Point Beach Club Association web page under the Zoning section.

At this hearing interested persons shall be heard and correspondence received.

James Fox, Chairman

Dated at Niantic Ct this 22th day of August, 2019

**New London Day: Please print the above legal notice on Tuesday September 10, 2019.
Please send affidavit of publication and billing to: BPBCA Treasurer – Carolyn Boyle, 4
Seaview Ave, Niantic, CT 06357.**

BLACK POINT BEACH CLUB ASSOCIATION ZONING COMMISSION
REGULATIONS APPROVED AMENDMENTS AUGUST 16, 2019

EFFECTIVE DATE NOVEMBER 1, 2019

APPROVED REGULATION CHANGES FOR THE STORAGE OF DUMPSTERS AND CONSTRUCTION

TRAILERS 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 site plan 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.

**BLACK POINT BEACH CLUB ASSOCIATION ZONING COMMISSION
REGULATIONS APPROVED AMENDMENTS AUGUST 16, 2019**

EFFECTIVE DATE NOVEMBER 1, 2019

REGULATIONS PERTAINING TO BOATS AND TRAILERS 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.

Approved 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.]

Approved RegulationS

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*:

- a. 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 *according to state law* shall be considered junk under these regulations and prohibited from storage in any area of the Black Point Beach Club Association.
- b. *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.*
- c. *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.*

- d. [Except that a] Any such utility trailer, camping trailer, boat, *or other watercraft exceeding sixteen (16) feet* shall be located behind the front setback building line. Boats *exceeding sixteen (16) feet* are allowed forward of the front setback building line between April 15th and June 1st, while boats are being prepared for the *boating* season.
- e. *Boats moved forward shall not* 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.
- f. [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.] **Delete**

**BLACK POINT BEACH CLUB ASSOCIATION ZONING COMMISSION
REGULATIONS APPROVED AMENDMENTS AUGUST 16, 2019**

EFFECTIVE DATE NOVEMBER 1, 2019

**REGULATION CHANGE FOR STRUCTURES IN AREAS OF SPECIAL FLOOD
HAZARD OR COASTAL HIGH HAZARD AREAS**

INTENT – To create an exception to the building height regulations were FEMA requirements force construction to be above the base flood elevation.

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.

APPROVED 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.

**APPROVED BUILDING HEIGHT REGULATION FOR STRUCTURES IN AREAS OF
SPECIAL FLOOD HAZARD OR COASTAL HIGH HAZARD AREAS**

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-five feet**, measured from the base flood elevation to the mean roof height. In no case shall any peak or other building feature exceed **thirty-six 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.

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.

Exception regulation puts all structures on a level construction regulation. No Special Exception applications or variances needed.

EAST LYME ORDINANCE - 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.