

**Black Point Beach Club Association Zoning Commission
August 16th, 2019 Public 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 Public Hearing of the Black Point Beach Club Zoning Commission was held on Friday August 16th, 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 Public Hearing 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. Fox cited the public hearing notice dated July 20th, 2019 that was published in the New London Day on August 6th, 2019 and August 13th, 2019 and posted on the Black Point Beach Club Website on July 21st, 2019.

Mr. Fox read the meeting notice into the record and gave the membership a bit of background regarding the proposed amendments.

III. Potential Amendments and Changes to the Zoning Regulations

- a. Proposed Regulation Change for Building Heights for Structures in Areas of Special Flood Hazard or Coastal High Hazard Areas.**

Mr. Fox stated that one of the responsibilities of the Commission is to constantly review the regulations to make sure they meet the needs of the Association and to look to the future at any circumstances that might dictate revisions to the regulations. He explained that this particular change will allow for continuity and addresses the issue at hand; FEMA is going to require anyone who is now in this zone is going to elevate their new construction homes anywhere from 3 to 7 feet from where they currently sit.

Mr. Fox noted this change is proactive and will prevent every single requested change in those designated areas from going before the Zoning Board of Appeals; the lack of a regulation has already been challenged in the State of Connecticut and that party was permitted to build significantly higher than the rest of that community.

Mr. Ventres added the following:

- They sought a variance which their community Board denied.
- It went to Connecticut Court and was against the Town of Milford.
- The FEMA regulations are a hardship and they were allowed to build.
- The intent is to prevent the ZBA from having to hear cases that have already been decided by the Court.
- The regulation can't be carte blanche.
- The requirement is to start at 1 foot above the base flood elevation.
- Instead of going 27 feet to the mean of the roof (which our regulation says,) this regulation says 25 feet; we're taking into consideration what would normally be the foundation elevation of 18 inches to 2 feet.
- This regulation will allow that flexibility and prevent applications from going to ZBA and getting challenged when we would lose every time anyway.
- It still doesn't allow third floor habitation.

Mr. Fox called for Public Comment.

Colleen Chapin of 53 East Shore Drive asked if they could provide a context for the visual impact and what this will look like; currently there are two houses under construction that didn't go before the ZBA and asked if they could give some guidance about where they fit in relative to this proposed amendment.

Mr. Fox responded that those current houses fit into the current height regulations and Mr. Ventres reported that the base level of one of the homes was measured under the old regulations but given the road pitch would actually lie right where it is today (under the new regulations); the other home on Osprey would probably only gain a foot to a foot and a half on the overall roof peak.

Ms. Chapin observed that the homes on South Beach would potentially be a foot to 2 feet higher than the line we're currently reading.

Mr. Fox asked about the overall height gain and Mr. Ventres said 2 to 5 feet depending on the zone and proximity to the water. He said this regulation takes into consideration the base flood elevation.

Mr. Ventres further discussed the regulation with Ms. Chapin and said this puts someone on the same playing field as someone with an interior flat line.

That were no further public comments on this item.

b. Proposed Regulation to Regulate the Storage of Dumpsters and Construction Trailers.

Mr. Fox said this item came about due to comments made last year; there were several suggestions made by the Public when regulations regarding PODS were implemented. He said this regulation is really the same as the one for PODS but addresses dumpsters and construction trailers instead.

Mr. Ventres said is only comment is that most of the time this would come with either reconstruction or construction of an entirely new dwelling; when the builder comes before him he can have him designate a spot on the map for the dumpster, construction trailer, and/or POD to get it out of the roadway. He said the biggest problem he sees here is the access point- the road isn't wide enough for one vehicle nevermind squeezed with these pieces of equipment; this is preventative planning for safety. He said this will also prevent the use of a dumpster year round.

Mr. Fox called for Public Comment.

There was none.

c. Proposed Amendments to Regulations Pertaining to Boats and Trailers.

Mr. Fox said this is an expansion of the work they did last year on these regulations.

Mr. Ventres said they took everything that was a regulation in the definition section and moved it into the regulation section; they did some wordsmithing and there is really nothing that overall changed. He said they provided clarification that boats moved forward shall not extend to the public area or right-of-way, and are not to obscure the view and the danger of vehicles.

Mr. Fox called for Public Comment.

Gail Kelly of 12 Sea Spray asked what the thought process is of deleting "boats not exceeding 16 feet." Mr. Ventres said since there was no prohibition of boat storage it was an unnecessary sentence. Ms. Kelly asked if you could store both a sail boat and jet ski on your property and Mr. Ventres explained it says one boat regardless of kind any other type of watercraft is extra and doesn't limit you.

John Sanders of 60 Bellaire Road asked about section 2a. and registering boats or watercraft. Mr. Ventres explained that if there is no motor it's not required to be registered. Mr. Sanders suggested adding the verbage "under State law" which he and Mr. Ventres discussed.

Mary Cahill of 37 Indianola Road asked for clarification of the new FEMA requirements which she and Mr. Ventres discussed.

Ms. Cahill noted that Mr. Ventres is the best Zoning Enforcement Officer that Black Point Beach Club Association has ever had.

There was no further Public Comment.

MOTION (1)

Mr. Allen moved to close the Public Hearing at 6:30 p.m.

Mr. Kycia seconded the motion.

Motion carried, 4-0-0.

Respectfully Submitted,
Brooke Stevens
Recording Secretary