

**Black Point Beach Club Association Zoning Board of Appeals  
April 4th, 2020 Public & Regular Meeting Minutes**

Present:

Colleen Chapin, Chairman  
Arlene Garrow  
Paul Pendergrast  
Sally Cini  
Joyce Wojitas  
Marianne Neptin, Alternate  
Kim Craven, Alternate

Also Present:

Jim Ventres, ZEO  
Will Fountain, BPBCA BOG Member  
Mike (Cary) Johnson, BPBCA BOG Member

A Public and Regular Meeting of the Black Point Beach Association Zoning Board of Appeals was held on Saturday April 4th, 2020 at 9:00 a.m. via teleconference.

**I. Call to Order**

Chairman Chapin called the Public Hearing of the BPBCA Zoning Board of Appeals to order at 9:07 a.m. and noted the teleconference is being recorded in its entirety and in accordance with the requirements of executive order 7B, issued by Governor Lamont, which allows for public meetings to held over teleconference.

**II. Attendance and Establishment of Quorum**

Ms. Chapin introduced the Commission members and noted a quorum was present. She thanked the commission members and members of the general public present. Ms. Chapin noted that all the board members and alternates can participate in the discussion but that only the board members will be casting a vote.

**III. Public Hearing**

**a. Black Point Beach Club Zoning Board of Appeals Case 1-2020 Application of Glorena Consedine, request for a variance of setback regulations at 47 Indianola Road, Niantic, CT. Said parcel appears on the East Lyme Assessor's map 05.10, lot 67.**

- Ms. Chapin detailed the public hearing process and explained that alternates not seated will be able to participate during the public hearing but will not be able to participate in deliberations.
- Ms. Chapin noted the legal ad published in the New London Day Newspaper on March 23rd and March 31st, 2020 and read the public notice into the record.

- She noted the notification mailings sent to abutting property owners within 50 feet of Indianola Road, as determined by the East Lyme GIS Map.
- The abutters notified include the following 43, 46, 48, 49, 50 & 54 Indianola Road and 42, 48 & 52 Nehantic.

Steve Consedine, representing Glorena Consedine, shared the following in regards to the application:

- They're looking to extend their front porch area from the existing 5 feet to an additional 3-4 feet.
- They're hoping to relocate the stairs as indicated on the drawing submitted with their application (see attached documentation.)
- The aim is for future/potential ADA access to the front of the house due to Ms. Consedine's mobility issues.
- They're also remodeling the single level house to make it more suited for year round habitation.
- They would like the porch to be larger in order to accomodate a wheelchair if needed.

Ms. Chapin noted she received two letters regarding this application:

1. A letter dated March 31st, 2020 from Brendan Fox Jr. which she read into the record (see attached documentation.)
2. A letter from Barbara Johnston of 35 Seacrest which she read into the record.

Ms. Chapin called for Public Comment:

1. Brendan Fox of 43 Indianola said he wanted to provide some clarity, that Ms. Johnston's letter suggested that he wanted this matter tabled for the future and that is not the case; the Trust has no objection to the request, their concern is with the reference for future development. He feels that the application should be amended to remove any reference to future development.

Ms. Chapin provided some background regarding Ms. Johnston's concern with holding a public hearing via teleconference as well as Executive Order 7B and 7I; the ZBA determined at a special meeting on April 1st, 2020 that the public hearing would go forward as advertised due to the lack of time available to notify the property owners and public. She explained that Ms. Johnston feels that holding the public hearing now is not appropriate since it's not an emergency.

2. Steve Consedine said in regards to future potential projects, he listed those items on the application for full disclosure; items such as the garage and driveway haven't been arranged and are potential projects contingent on money and approval. He explained that this application today is only for the front porch.
3. Brendan Fox thanked Steve and Glorena Consedine for their comments and clarification.

There was no further public comment.

Ms. Chapin called for Board questions:

- Ms. Garrow asked if the application needs to be amended and Ms. Chapin replied that if approved, the scope of work can be limited by the motion.
- Ms. Garrow asked about the existing carport and if they're enclosing it and Mr. Consedine replied that the carport was never large enough to fit a vehicle so instead that area will provide further living space.
- Ms. Garrow asked if he's actually looking for a variance to enclose that area as there is only 13 feet between the property line and this enclosure.
- Ms. Chapin commented that the zoning regulations allow a pre-existing structure to be enclosed if it has a roof on it and cited section 7, item 10 of the Black Point Zoning Regulations.
- Ms. Wojitas asked why this would be considered a nonconforming dwelling.
- Jim Ventres, ZEO, said the foundation of the house was originally built 22 feet from the road and the roofline for the house was at 20 feet; the portion of the existing porch that extends out towards the street is what is nonconforming. He added that the area of the carport would still be conforming even if filled in; the applicant is requesting that the front of the porch be 13 feet from the front line where 20 feet is required.
- Ms. Wojitas asked if a variance was previously granted for the existing  $\frac{3}{4}$  bath and Ms. Chapin said it's preexisting from the 1976 construction of the home.
- Ms. Cini asked if the steps will remain where they are and Mr. Consedine said they will be shifted to the right.
- Ms. Chapin inquired about the ownership of the house and Glorena Consedine confirmed that she closed on the house on October 30th, 2019.
- Ms. Chapin asked about accessibility and the continued use of stairs as opposed to a ramp.
- Ms. Garrow said the application says 3 or 4 feet, she asked if this is so they have leeway and asked what the hardship is.

The Board discussed the porch with Mr. Consedine.

- Ms. Neptin asked if it's a deck or porch and asked for clarification.
- Mr. Pendergrast said he's fine with the discussion as he's heard it and has no questions.
- Ms. Craven asked if a "porch" means it has a roof and is enclosed.
- Ms. Craven asked where they will be parking and Ms. Consedine said that they can only park where they do now, which is in their yard.
- Ms. Craven asked about the location of the washer and dryer.

There were no further questions or comments.

#### **MOTION (1)**

**Ms. Chapin moved to close the public hearing at 10:03 a.m.**

**Mr. Pendergrast seconded the motion.**

**Motion carried, 5-0-0.**

#### **IV. Regular Meeting**

Ms. Chapin called the Regular Meeting to order at 10:03 a.m.

Ms. Cini said she still questions what the hardship is and wondered if the stairs could go sideways.

Ms. Garrow said she agrees that the hardship question was not answered.

Ms. Chapin said her understanding is that the hardship is related to accessibility and by reconfiguring the interior of the house to increase accessibility concerns has required shifting of the structure.

Ms. Garrow said they would still need to seek another permit for a ramp in the future and Ms. Chapin said the ZEO has the authority to issue a temporary permit provided there is no roof over it.

Mr. Pendergrast asked if “temporary” implies that the ramp too will be temporary and Mr. Ventres replied that a handicapped ramp is permissible, he can sign off on it and it’s indefinite. He added that they don’t need to concern themselves with the stairs because there is a separate regulation which allows the stairs to extend out in the front of the yard, as long as it’s not within 5 feet of the propertyline; the site plan permitted says the front of the new deck will be 13 feet from the front lot line.

Mr. Pendergrast asked what constitutes the end of temporary and Mr. Ventres replied 2 years but term can automatically be renewed by the ZEO if the handicap still exists.

Ms. Cini asked Mr. Ventres to review what is being asked for which the Board discussed with Mr. Ventres.

The Board further discussed the application and the appropriate wording for a motion.

#### **MOTION (1)**

**Ms. Chapin moved to approve the application of Glorena Consedine, request for a variance of setback regulations at 47 Indianola Road, Niantic, CT, to create a new deck 13’ from the front property line where 20’ is required; the deck is to have no walls and no extension of existing roof and conform to the plan submitted with the application of April 4th, 2020.**

**Mr. Pendergrast seconded the motion.**

**Motion carried, 5-0-0.**

**V. Adjournment**

**MOTION (4)**

**Ms. Chapin moved to adjourn the Regular Meeting of the Zoning Board of Appeals at 10:35 a.m.**

**Mr. Pendergrast seconded the motion.**

**Motion carried, 5-0-0.**

Respectfully Submitted,

Brooke Stevens,  
Recording Secretary