

**Black Point Beach Club Association Zoning Board of Appeals  
April 1st, 2020 Special Meeting Minutes**

Present:

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

Also Present:

Mike (Cary) Johnson, BPBCA BOG Member  
Will Fountain, BPBCA BOG Member

A Special Meeting of the Black Point Beach Association Zoning Board of Appeals was held on Wednesday April 1st, 2020 at 6:10 p.m. via teleconference.

**I. Call to Order**

Chairman Chapin called the Special Meeting of the BPBCA Zoning Board of Appeals to order at 6:15 p.m. and noted the teleconference is being recorded in accordance with the requirements of order 7B, issued by Governor Lamont, which allows for public meetings to held over teleconference; this recording will be posted and made available on the Black Point Beach Club website within seven days, along with the meeting minutes.

**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; as this is a special meeting no public comment is allotted.

**III. Review of Connecticut Governor Ned Lamont's Executive Order 7I, dated March 21st, 2020**

Ms. Chapin said this executive order enables an extension of upto 90 days for any public hearing. She asked for Ms. Schepker to speak about this item since she has been involved in some of the crafting of this order.

Ms. Schepker explained that Executive Order 7I has to be read in conjunction with Order 7B; section 1 of Order 7B talks to the suspension of in person open meeting requirements for the State of CT. She said for a period of time, these types of municipal meetings may take place by

video and/or telephone conference. Ms. Schepker said Order 7I includes refinements made to section 1 of Order 7B; A 90 day grace period for meetings is now permitted. She said she would like people to pay attention to section 19i because it talks to any covered law prescribing for the commencement of an appeal of a decision by a zoning enforcement officer or an agent of inland wetlands; the normal procedures can be suspended and permit the appeal which is normally handled by regular mail can now be handled electronically.

Ms. Schepker said she thinks it's important to separate what this Executive Order means for current zba applications from future zba applications. She said for current applications, if property owners have been notified and notice has been made in the newspapers prior to this Executive Order taking effect, then she thinks the process should be completed.

**IV. Application of Executive Order for-**  
**a. Current ZBA Applications**

Ms. Chapin noted that the legal council for the Association feels that this new/temporary timeline should be applied to this current application. The Commission discussed the timeline of the current zba application. Ms. Schepker said the current application commenced prior to Executive Order 7B and 7i; she worries that if the zoning board of appeals doesn't proceed with the scheduled hearing on Saturday, they won't have the opportunity to pull back the already published notice, contact property owners and extend the proceedings for 90 days. She said she would agree with the legal council if the commission had more time to do this, but the hearing is 3 days away.

Ms. Schepker discussed the intent when Attorney General's office and Attorney Bob Clark crafted these orders and encouraged Ms. Wojitas to weigh in on this matter. Ms. Wojitas agreed that she too would normally agree with the legal council but agrees that they're too close to the deadline; leeway is being provided to the Towns for anything new that may come in. Ms. Garrow asked if the main concern is that property owners won't be contacted in time or that they would be in violation if someone was not notified. Ms. Schepker said if this was a week ago there would be time for proper notification.

Ms. Chapin said she would personally like to proceed with holding the hearing given the timing and circumstances.

**MOTION (1)**

**Ms. Chapin moved that the pending public hearing scheduled for Saturday April 4th, 2020 via teleconference, for a variance application at 47 Indianola Road to proceed as scheduled.**

**Ms. Wojitas seconded the motion.**

**Motion passed, 5-0-0.**

**b. Future ZBA Applications**

Ms. Schepker said decisions regarding future zba applications will be much easier to deal with because they can easily extend the proceedings if they wish or if they prefer, hold the hearing via teleconference and in either case there will be ample time for notification.

The Commission discussed the handling of any future applications while the executive order is still in effect. Ms. Wojitas suggested including “unless an emergency situation” in any motion that utilizes the 90 day extension period. Ms. Chapin discussed how normally an applicant has 65 days from receipt of the application to the holding of the public hearing, but will now have 155 days. Ms. Chapin noted that zba applications are not usually an emergency in nature. Ms. Wojitas withdrew her verbiage suggestion for the motion.

**MOTION (2)**

**Ms. Chapin moved that the Black Point Beach Club Zoning Board of Appeals will use the 90 day extension period granted by Executive Order 71, for all zba applications received after April 1st, 2020 until the Executive Order is modified or terminated by the Governor's office.**

**Ms. Wojitas seconded the motion.**

**Motion passed, 5-0-0.**

Ms. Cini suggested asking the Zoning Enforcement Officer to inform applicants of the new timeline. Ms. Chapin said that Jim Ventres will be informed of the outcome of this meeting.

**V. Adjournment**

**MOTION (3)**

**Mr. Pendergrast moved to adjourn the Special Meeting of the Zoning Board of Appeals at 6:42 p.m.**

**Ms. Cini seconded the motion.**

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

Respectfully Submitted,

Brooke Stevens,  
Recording Secretary