

**Black Point Beach Club Association Zoning Commission
June 19th, 2020 Regular Meeting Minutes**

Present:

Jim Fox, Chairman
Jim Allen, Secretary
Matt Peary
John Horoho
Barbara Koenig, Alternate
Charles Bruce, Alternate
James Katzbek, Alternate

Absent:

John Kycia

Also Present:

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

The Regular Meeting of the Black Point Beach Club Zoning Commission was held on Friday June 19th, 2020 at 6:00 p.m. in the Black Point Beach Clubhouse patio located at 6 Sunset Avenue, Niantic.

I. Call to Order and Establishment of Quorum

Mr. Fox called the Regular Meeting of the Black Point Beach Association Zoning Commission to order at 6:02 p.m.

Mr. Fox introduced the Commission Members and he noted that a quorum was present. He welcomed new alternate members Charles Bruce and John Katzbek.

II. Call For And Additions to the Agenda

There were none.

III. Approval of Minutes

a. October 18th, 2019 Special Meeting Minutes

MOTION (1)

Mr. Allen moved to approve the October 18th, 2019 Special Meeting Minutes as posted.

Mr. Peary seconded the motion.

Motion carried, 4-0-0.

IV. Public Comments

Public Comments is the time when members of the Black Point Beach Club Association are invited to speak to the Commission about certain matters. Items, referrals or applications subject to a decision by the Commission, a public hearing or in litigation may not be discussed.

There were none.

V. Reports

A. Communications and Correspondence

Mr. Fox said he has not received any correspondence.

B. ZEO: Jim Ventres

Mr. Ventres briefly discussed his ZEO Report (attached.) He observed the increase in pools, sheds and garages. He said he's been many and received three new applications this evening and that he anticipates an additional three next week. Mr. Ventres discussed featuring a reminder notice about hedge trimming in a future newsletter. The Commission briefly discussed how the lack of traveling will generally lead to more investment and work done to the family home.

C. Ex-Officio: Steve Beauchene

Mr. Beauchene noted the Board of Governors support of the Zoning Commission's work regarding both nonconforming uses and property maintenance. Mr. Fox said the Commission is appreciative of all the work Mr. Beauchene does.

Mr. Fox said in terms of the property maintenance pamphlet, they need to consider the next step and how/who will enforce it. Mr. Beauchene suggested following the Town's example regarding blight and enforcement. Mr. Fox and Mr. Ventres discussed how it would be appropriate for the pamphlet to serve as a community guideline for a year or two and in the future it can be decided if something more stringent is necessary. Mr. Allen suggested utilizing the Black Pointer as a means of sharing the guidelines.

D. Chairman: Jim Fox

Mr. Fox said he doesn't have a whole lot to talk about and added it's nice to see everyone even if socially distanced. He formally welcomed Mr. Bruce and Mr. Katzbek as alternate members and noted the posting on the website advertising for Zoning Alternate was successful; he knows of two interested parties if any vacancies are available in the near future.

VI. OLD BUSINESS

A. Regulation Review; Discussion and review of current regulations and/or new regulations.

- **Non-Conforming Building Regulation**

Mr. Fox reminded the Commission of their previous discussions regarding nonconforming building and the challenge of promoting continued development and provide an opportunity for everyone within the Association to do so. He discussed how homeowners are limited if they have a lot 40 or 50 feet in width given setbacks and how the creation of a sliding scale would help provide more opportunities for individuals with smaller lots.

Mr. Fox discussed garages and how house growth has led many in the neighborhood to be almost inaccessible. He also discussed how the allowance of golf carts emphasizes the difficulty of storage and how some have sought installing a larger shed to accommodate storage for items unable to be housed in their already full two car garage.

Mr. Ventres detailed how they took East Lyme's nonconforming building regulations from their zoning regulations, and modified them to create the proposed new regulations for preexisting nonconforming structures and lots (attached) and shared some of the following:

- They require the dwellings be used solely as private residencies.
- An A-2 survey is required.
- A sliding scale is used by many beach communities, offers some relief and gives the property owner something to work with.
- The sliding scale is solely for the side yard.
- The dimensions of landings (not to exceed 4 feet by 4 feet) has been changed to 6 feet by 6 feet to better accommodate handicap access.
- Construction activity can now commence at 7:00 am Monday thru Friday between November 1st and April 1st.
- This allows for 5 extra hours per week for construction during the Winter months.

Mr. Horoho asked what happens on Saturday and Sunday and Mr. Ventres said it stays the same as now, 8:00 am- 6:00 pm; he will clarify this regulation.

Mr. Peary asked about a structure that has over 35% lot coverage and Mr. Ventres said such instances will result in a denial and explained how it takes a great amount to reach that number.

Mr. Allen asked if they're are any new FEMA regulations and explained to the new members how the Commission tries to stay ahead and be proactive in regards to regulations.

Mr. Fox said under #9. Nonconforming structures, section C, line item 5- there needs to be a number inserted and Mr. Ventres replied that it's supposed to be "5."

VII. New Business

A. Pre-planning ideas for upcoming meetings

The Commission discussed how currently the regulations essentially allow for a shed and garage or garage and garage; a 8 by 10 by 12 shed is permitted as is a detached garage if the 35% lot coverage is not exceeded.

Mr. Peary said if someone is staying within that 35% lot coverage requirement he doesn't feel this needs to be regulated and Ms. Koenig agreed.

Mr. Horoho asked what they're trying to prevent and Mr. Fox responded the potential for a detached garage to more than a mere garage and he noted it's up for discussion whether anything needs to be done about this.

Mr. Bruce said he thinks they're enough regulations in place and Mr. Katzbek asked about the origin of this regulation.

The Commission discussed the illegal use of garages as an additional bedroom or guesthouse and questioned if it would be prudent to allow a bigger shed in order to accommodate a golf cart and other larger items.

Mr. Fox said the next Zoning meeting is scheduled for July 17th, 2020.

VII. ADJOURNMENT

MOTION (2)

Mr. Allen moved to adjourn the Black Point Beach Club Association Zoning Commission meeting at 7:10 p.m.

Mr. Horoho seconded the motion.

Motion carried, 4-0-0.

Respectfully Submitted,
Brooke Stevens
Recording Secretary

Zoning Projects				11-Jun	2020	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	Scr. Started	Insp 6/11/2020
JV-46	10/19/18	2 Osprey	Bayne	5.19 / 87	New Home	600	A	Renewed app	Insp 6/11/2020
2019									
JV - 1 - 19	1/25/19	20 Seaview Ave	Wunder	5.10 / 39	addition	900	A	Under Constr	Insp 6/11/2020
JV - 2 - 19	3/1/19	12 Indianola	Spalluto	5.11 / 6	addition	300	A	Completed	9/6/2019
JV - 3 - 19	4/4/19	148 Old BP Rd	Danos	5.9 / 35	deck	150	A	Completed	10/23/2019
JV - 4 - 19	4/4/19	18 Sea Breeze	Smith	5.15 / 61	porch addition	300	A	CZC	9/13/2019
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	Needs Screening	Insp 6/11/2020
JV - 7 - 19	4/12/19	53 Sea Breeze	Bogue	5.14 / 59	dormer & show	300	A	Completed	8/2/2019
JV - 8 - 19	4/12/19	57 Sea Spray	Koch	5.18 / 13	shed	75	A	CZC	8/2/2019
JV - 9 - 19	5/2/19	9 Sea Breeze	Flaherty	5.15 / 74	Home Oc	10	A	Approved	5/2/2019
JV - 10 - 19	5/9/19	9 Billow Rd	Katzbek	5.2 / 64	Garage	300	A	CZC	10/10/2019
JV - 11 - 19	5/9/19	66 Nehantic	Martone	5.10 / 82	shed	45	A	CZC	8/2/2019
JV - 12 - 19	5/9/19	53 Sea Spray	Bruce	5.18 / 14	Propane tank	45	A	CZC	8/2/2019
JV - 12 - 19	5/17/19	1 Blue Heron Ct	Weiss	5.19 / 95	Fence	75	A	CZC	8/2/2019
JV - 14 19	5/17/19	56 Sea Spray	Foley / Coffee	5.18 / 23	Deck	150	A	Completed	9/26/2019
JV - 15 - 19	5/17/19	41 Sea Spray	Horoho	5.18 / 18	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	Completed	9/6/2019
JV - 19 - 19	7/12/19	9 Sea Spray	Wachtmeister	5.15 / 15	Fence	150	A	Under Constr	Insp 6/11/2020
JV - 20 - 19	7/24/19	74 East Shore	Sheehan	5.19 / 42	Shed	75	A	Completed	9/6/2019
JV - 21 - 19	7/24/19	10 Nehantic Dr	Dewey	5.11 / 24	Fen/bulk hd//ac	450	A	Under Constr	Insp 6/11/2020
JV - 22 - 19	9/2/19	41 Sea Spray	Horoho	5.18 / 18	Dumpster	NC	A	Removed	10/23/2019

JV - 23 - 19	9/8/19	14 White Cap	Donnelly	5.15 / 81	Shed	150	A	Completed	10/30/2019
JV - 24 - 19	9/11/19	27 East Shore	Graus	5.11 / 4	addition	450	A	Under Constr	Insp 6/11/2020
JV - 25 - 19	9/18/19	95 East Shore	Fagan	5.19 / 96	Shed	150	A	Completed	11/21/2019
JV - 26 - 19	10/4/19	75 East Shore	Ferreira	5.19 / 42	Shed	150	A	CZC	12/7/2019
JV - 27 - 19	10/5/19	23 Sea Crest	McLaughlin	5.15 / 27	Dumpster	NC	A	Installed	Insp 6/11/2020
JV - 28 - 19	10/5/19	16 Osprey	Villecco	5.19 / 100	Fence	75	A	CZC	12/7/2019
JV - 29 - 19	10/5/19	6 Sea Spray	Maxwell	5.15 / 1	POD	NC	A	Removed	11/21/2019
JV - 30 - 19	10/5/19	5 East Shore	Walsh	5.11 / 52	App Ext Add	250	A	CZC	12/7/2019
JV - 31 - 19	10/11/19	2 Osprey	Bayne	5.19 / 87	App Ext N Hse	250	A	Under Constr	Insp 6/11/2020
JV - 32 - 19	10/11/19	18 Saltaire	Miller	5.19 / 47	Porch Landing	\$150	A	Under Constr	Insp 6/11/2020
JV - 33 - 19	10/11/19	40 Sunrise	Colella	5.14 / 96	Fence	75	A	Installed	10/23/2019
JV - 34 - 19	10/18/19	21 Seaview Ave	Reis	5.15 / 45	Pool	450	A	Under Constr	Insp 6/11/2020
JV - 35 - 19	10/18/19	39 Woodland	Carlson	5.10 / 5	Fence	150	A	Completed	11/21/2019
JV - 36 - 19	10/18/19	27 Woodland	Martin	5.9 / 22	Raise House	450	A	Under Constr	Insp 6/11/2020
JV - 37 - 19	10/18/19	6 Sea Spray	Maxwell	5.15 / 1	New House	900	A	CZC	4/24/2020
JV - 38 - 19	11/14/19	57 Nehantic Road	Zito	5.10 / 86	Deck	150	A	Completed	4/3/2020
JV - 39 - 19	11/14/19	46 Bellaire Rd	Neun	5.10 / 95	Deck	300	A	CZC	5/1/2020
JV - 40 - 19	11/14/19	17 Sea View Ave	Baril	5.15 / 47	New House	1,050	A	Under Constr	Insp 6/11/2020
JV - 41 - 19	11/26/19	9 Ridge Trail	Manwarring	5.9 / 29	HVAC	150	A	Completed	1/17/2019
JV - 42 - 19	12/10/19	23 Bellaire Rd	Bookmillar	5.10 / 44	Propane tank	45	A	Completed	12/27/2019
JV - 43 - 19	12/20/19	53 Sea Breeze	Bogue	5.14 / 59	Dormer	300	A	Completed	5/23/2020
JV - 44 - 19	12/30/19	23 Sea Crest	McLaughlin	5.15 / 27	addition	450	A	Under Constr	Insp 6/11/2020
2020									
JV - 1 - 20	1/15/20	17 Woodland	Guzy	5.9 / 31	Hot tub / fence	75	A	Tub in	Insp 6/11/2020
JV - 2 - 20	2/12/20	18 Sea Breeze	Smith	5.15 / 61	Garage	300	A	Under Constr	Insp 6/11/2020
JV - 3 - 20	2/12/20	47 Indianola	Consedine	5.10 / 67	Dumpster	NC	A	Installed	Insp 6/11/2020
JV - 4 - 20	2/12/20	7 Sea Breeze	Elevado	5.15 / 75	Fence	150	A	Installed	2/14/2020
JV - 5 - 20	2/12/20	20 Seaview Ave	Wunder	5.10 / 39	Addition Ext App	250	A	Under Constr	Insp 6/11/2020

**PROPOSED NEW REGULATIONS FOR PREEXISTING NONCONFORMING
STRUCTURES AND LOTS DRAFT**

9. Nonconforming structures.

a. No nonconforming dwelling shall be enlarged or extended unless the enlargement or extension conforms to the requirements of the district in which it is situated.

b. EXCLUDED FROM THIS PROHIBITION ARE:

1. Additions of a second story to one-story single family dwellings.
2. Conversions of single-family one-and-one-half story dwellings to two-story dwellings, either by means of dormers or upward extensions of existing sidewalls.
3. Conversions to two stories of one-story appendages to two-story single-family dwellings.
4. Construction of an addition that fills in a section of the house when two adjacent exterior walls are already non-conforming.
5. Construction of an addition that extends the nonconformity as long as the extension does not exceed twenty percent of the existing structure and does not extend into the front or rear yard setback.

c. NONE OF THE FOREGOING ADDITIONS, EXTENSIONS, OR CONVERSIONS SHALL:

1. Extend beyond the perimeters of the existing buildings except as noted in #4 or #5 above..
2. Exceed the vertical projection limits specified elsewhere in these regulations.
3. Alter the single-family status of the dwellings, and
4. Result in a separation of less than 15 feet from the sidewalls of any other dwelling.
5. Result in the nonconformity being constructed no closer than feet feet from the property line.
6. Result in construction that exceeds the coverage limit thirty-five (35) percent of all structures on the property.

d. Nothing shall prevent the construction of additions to single family detached residential dwellings provided that the following conditions are met:

1. No lot within the scope of these provisions may contain more than one dwelling.
2. The dwellings are used solely as private residences, except for approved "Home Occupations" and the proposed additions shall likewise be designed for such use. (For purposes of this regulation, single-story, accessory attached and detached garages shall be considered residential additions.)

e. All application for construction under this section will require an A-2 survey to demonstrate the exact location of the existing structure, the proposed addition(s), and the location of the closest neighboring structure(s).

**PROPOSED NEW REGULATIONS FOR PREEXISTING NONCONFORMING
STRUCTURES AND LOTS DRAFT**

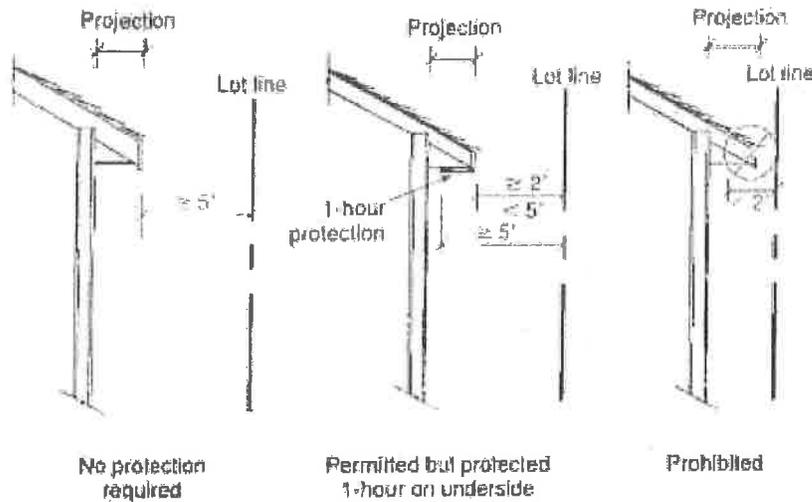


FIGURE 3-4 Roof projections at property line

NONCONFORMING BUILDING REGULATIONS ARE FROM THE EAST LYME ZONING REGULATIONS WITH MODIFICATIONS

NONCONFORMING LOTS (NOTE – EXISTING SIDE YARD IS 15 FEET)

Lots 79 feet or less in width: In the case of any lot 79 feet or less in width, the minimum combined width of both side yards and the minimum width of the narrowest side yard shall be respectively as follows;

LOT WIDTH	COMBINED WIDTH OF SIDE YARDS	MINIMUM WIDTH OF NARROWEST SIDE YARD
UNDER 40 feet	16 feet	8 feet
40 feet to 49 feet	18 feet	8 feet
50 feet to 59 feet	20 feet	10 feet
60 feet to 69 feet	24 feet	12 feet
70 feet to 79 feet	28 feet	14 feet

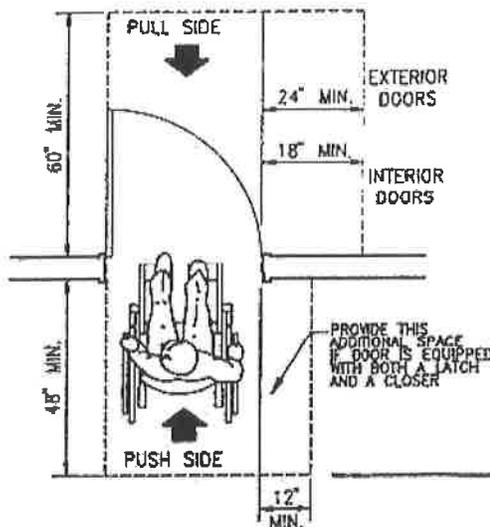
PROPOSED NEW REGULATIONS FOR PREEXISTING NONCONFORMING
STRUCTURES AND LOTS DRAFT

2. Landings and Stairs Within the Setback Areas

Exterior landings and stairways to exterior doors which are constructed within the setback areas as defined in this section shall be consistent with the following requirements, and no further deviation from such setback areas shall be permitted unless expressly authorized by a variance granted by the Zoning Board of Appeals:

- a. Landings shall not exceed the dimensions of four [(4) feet by four (4) feet] **six (6) feet by six (6) feet.**
- b. Stairways **and landings** shall not extend into a side or rear setback area more than [three (3) feet] **five (5) feet** from the property line, nor into a front setback area more than [six (6) feet] **five (5) feet from the property line.**
- c. The coverage of any roof constructed above a landing shall not exceed the dimensions of the landing, and the landing beneath a roof shall not subsequently be enclosed.
- d. No roof or other overhead structure shall be constructed above the stairway.

MINIMUM REQUIREMENTS – BUILDING CODE Top landings at minimum should be at least 60" X 60" if there is an outswinging door, with at least a 12" to 24" of "elbow room" space provided off the door's handle side, particularly for a person using mobility equipment. These dimensions give enough room for a person to move off to the side while opening the door without having to back up to get out of the way of its swing.



PROPOSED NEW REGULATIONS FOR PREEXISTING NONCONFORMING
STRUCTURES AND LOTS DRAFT

Existing regulation pertaining to construction activities

Construction Activities – No construction or construction related activities including, but not limited to, land clearing, excavation, the installation of footings or foundations, the erection of structures, and the siding or roofing of such structures, shall commence prior to 8:00 AM nor conclude later than 6:00 PM on any day.

For consideration

Construction Activities – No construction or construction related activities including, but not limited to, land clearing, excavation, the installation of footings or foundations, the erection of structures, and the siding or roofing of such structures, shall commence prior to 8:00 AM nor conclude later than 6:00 PM on any day. During the period between November 1st and April 1st construction may commence at 7:00 am Monday through Friday.

Intent – To promote more of the construction activities to be completed in the winter months. Five extra hours a week per employee can add up fast.

With daylight time changes, you gain an hour in the morning but lose the time in the afternoon.

BLACK POINT BEACH CLUB
GUIDE TO PROPERTY MAINTENANCE

This Guide to Property Maintenance sets forth suggested minimum standards so that property and homeowners belonging to the Black Point Beach Club Association (BPBCA) clearly know what basic maintenance is expected of them as good neighbors. The Guide additionally attempts to provide assurance to all residents that their neighbors will adhere to these same suggested minimum standards. In general, the exteriors of all properties in the BPBCA should be structurally sound, and free of nuisances, unsanitary conditions, and hazards, to ensure the safety of occupants, pedestrians, and others, and to help protect property values in our community. It is the property owner's duty and responsibility to comply with these suggested standard property maintenance measures. For additional information please consult the Black Point Beach Club Associations Zoning Regulations (amended to November 1, 2019) and/or contact the BPBCA Zoning Enforcement Officer.

PROPERTY MAINTENANCE CHECKLIST:

Refuse.

Properties should be free of broken glass, stumps, garbage, and other debris.

Natural Growth and Weeds.

Dead trees and limbs or other natural growth that is rotting should be removed. Vines, grasses, rank vegetation, and noxious weeds, any of which are 6 inches or more in height, should be cut down.

Landscaping. Properties should be maintained, with lawns, hedges, and bushes kept from becoming overgrown or decayed. Grass should not exceed a height of 6 inches. All trees and bushes along property exteriors and streets should be trimmed back to provide a clear height of 10 feet above the ground surface and 12 feet above the surface of the street.

Yard Waste. Yard waste should be disposed of properly. If yard waste is composted, it must be maintained properly, and kept in the rear yard; so as to not create a nuisance for adjacent properties. Dumping of grass and weed clippings, tree limbs, or other debris on any private property or BPBCA property is strictly prohibited.

Foundation Walls and Basements. They should be structurally sound, free from defects and damage, and capable of bearing loads safely. Basements should be sound and maintained to prevent the entrance of rodents, wood-boring insects, rain, or water runoff.

Chimney and Flue-Vent Attachments. These features must be maintained to be structurally sound, free from defects, and capable of performing the functions for which they were originally designed.

General Maintenance. The exterior walls, trim, doors, and window casings of every structure and accessory building should be structurally sound and kept painted and/or coated to prevent decay. Paint should be lead-free. Exteriors should be free of broken or unusable windows, crumbling stone or brick, peeling paint, or other conditions that reflect deterioration. Vacant building lots should be kept free of dead trees and limbs with grasses, rank vegetation, and noxious weeds, any of which are 6 inches or more in height, cut and removed.

Roofs, Gutters, and Downspouts. Roofs should be maintained to be free of leaks and rot. Drainage should be collected in suitable downspouts, which may discharge into splash blocks or other devices, provided that no excess waterflows into adjoining properties or over sidewalks. Downspouts should be free of clogs and rust. Connecting any pipe carrying roof water or yard drainage to a sanitary sewer is prohibited.

Junk, Inoperable, or Unlicensed Vehicles. Properties must be free of junk, inoperable, or unlicensed vehicles. Repairing any such vehicle or trailer is prohibited anywhere on the exterior property, including on the front driveway.

Porches. Foundations should be sound; the porch, guardrails, handrails, and porch stairs should be safe and without rot.

Additions or Separate Structures. They should be sound and capable of serving their original purpose. Applicable permits must be obtained for their construction.

Fences, Walls, and Other Non-Residential Exterior Structures. Accessories such as fences, walls, etc., should be maintained and firmly anchored, with painted and/or protected surfaces to prevent decay and hazard. The addition or modification of any fences may require a permit, residents check with the Zoning Enforcement Officer prior to the start of the fence project.

Free from Infestation. All areas of properties should be maintained to prevent infestation from rodents, insects, and other animals.

Storage Sheds. Storage sheds require a building permit and must be located in the rear yard. Check with the Association Zoning Enforcement Officer for regulations regarding the size, foundation, and placement on the property.

Temporary Storage Containers. Containers such as PODs (Portable on Demand) are permitted but require a permit. Check with the BPBCA Zoning Enforcement Officer for regulations regarding time allowed and appropriate placement location.

Pets. Dogs must be secured on the property of the owner, either by way of leash, fence, or contained inside the home. Dogs are not allowed on the BPBCA beaches at any time. Dogs are also not allowed to run loose while on walks; they should be tethered on a leash no longer than 6 feet. Pet owners must immediately pick up after their pets on walks and in BPBCA areas and also routinely take care to keep their property clean of pet waste.