

**Black Point Beach Club Association Zoning Commission
September 18th, 2020 Regular Meeting Minutes**

Present:

Jim Fox, Chairman
Jim Allen, Secretary
John Horoho
John Kycia
Joseph Katzbek, Alternate

Absent:

Matt Peary
Barbara Koenig, Alternate
Charles Bruce, Alternate

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 September 18th , 2020 at 6:00 p.m. in the Black Point Beach Clubhouse 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 6:00 p.m.

Mr. Fox introduced the Commission Members and he noted that a quorum was present.

II. Call For And Additions to the Agenda

There were none.

III. Approval of Minutes

a. August 21st, 2020 Regular Meeting Minutes

MOTION (1)

Mr. Allen moved to approve the August 21st, 2020 Regular Meeting Minutes as posted.

Mr. Kycia 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.

Colleen Chapin of 53 East Shore Drive said she had some comments and concerns regarding the the proposed zoning changes and said some of the following:

- The setbacks seem weird; it calls for the combined width of side yard and a minimum width of the narrowest yard.
- It feels like there might be a typo here and should be 40 to 49 feet, a 9 feet minimum or you're trying to accommodate certain people; it seems awkward- if 8 is half of 16 why not just say the setback is 8 feet or 10 or 12 feet, except for that one area? It seems convoluted.
- She'd like to get on the record the need for an overall plan as a community which determines desired open spaces and circulation spaces.
- Such a plan helps the zoning commission establish changes and helps the zba to actually understand whether a variance application is conforming to the plan or not.
- Real or not, without a plan the perception is that changes are accommodating certain people that might be waiting in the wings.
- We started as a beachfront community and have evolved over the last 90+ years and a plan is needed.
- With respect to the minutes there are many instances which say "this is the way the town does it," and it should be clarified whether that town is East Lyme or Haddam.

V. Reports

A. Communications and Correspondence

Mr. Fox said he has no communication or correspondence to share.

B. ZEO: Jim Ventres

Mr. Ventres noted that projects are still ongoing but it has slowed down a bit; there are some people who have been issued permits who's projects have not started yet.

C. Ex-Officio: Steve Beauchene

Mr. Beauchene said the Board is interested in the correspondence sent in regards to the handful of vehicles parked on Sea Crest and Mr. Ventres said he has not yet received a reply.

D. Chairman: Jim Fox

Mr. Fox said he continues his walks as usual, during which he engages with people

about whatever concerns they may have. He said he would like to echo what was said during public comment and thinks it's a great idea to have the Board of Governors or the Board of Governors and Zoning Commission work on a POCD (Plan of Conservation and Development); this would provide a more solid blueprint from which to work from and give everyone in the community a reference point. He said he has some experience with a plan of development given the 15 years he spent on the Marlborough Planning Commission.

VI. OLD BUSINESS

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

Mr. Fox said Mr. Ventres has supplied us with some updates which are highlighted (attached.)

- **Non-Conforming Building Regulation**

Mr. Ventres said there are some items that can be removed from our current regulations: under Section VII., item #3 and #4-

3. If any nonconforming building or structure is destroyed by fire, flood or other casualty, or is intentionally razed or demolished, it may be restored or replaced by a building or structure having the same nonconforming features as the building or structure destroyed or razed provided such restoration or replacement is started within one year of such razing, demolition or destruction and diligently pursued to completion.

4. A nonconforming use which ceases for any reason for a continuous period of more than one (1) year, or is changed to a conforming use, shall not thereafter resume.

He noted these are illegal provisions according to Connecticut General Statutes (CGS) and should be removed.

5. Any permitted use may be made of, and any permitted building may be constructed on, a nonconforming lot provided that as of August 2, 1980 and

continuously thereafter the legal owners of record of the nonconforming lot did not, at any time during the ownership of the nonconforming lot, own any adjoining or contiguous lot. When lots are joined, for the purposes of complying with the Zoning Regulations, the lots need not be combined into one lot on the land records. The interior lot lines, where the lots abut, have no zoning significance relative to setback requirements for any building located on the so joined property.

Mr. Ventres said as he reread the regulations he realized this might be a typo from way back-

When lots are joined, for the purposes of complying with the Zoning Regulations, the lots need not be combined into one lot on the land records.

He said this is not accurate, that they do have to be combined if you're going to build over the line. Mr. Ventres said this is just a housekeeping item that should be cleaned up and Mr. Fox observed that this was missed during the regulation review and cleanup a few years ago.

8. Such extension or enlargement complies with the set back requirements of these regulations regardless of the existing setback lines of the nonconforming building;

Mr. Ventres said he injected "except as noted below" since we're combining this section. He said he did this again in # 11 concerning nonconforming uses.

11. The roofline immediately over actual occupied area above grade, not including accessory unoccupied areas, in a nonconforming dwelling may be changed, providing the overall height of the structure is not increased.

He added that this is the section where they used East Lyme's regulations as a template and added the following:

1. *Additions of a second story to a one-story single family home.*
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 into the front or rear yard setback.*

Mr. Ventres further discussed this section, the importance of requiring an A2 survey, and noted under item #13 where it says 10 feet it should say 9 feet and that Ms. Chapin is correct. He said the ADA requirements outlined on page 6 are pretty straight forward.

Mr. Fox said during regulation review they spent a great deal of time discussing instituting a sliding scale which he and Mr. Ventres discussed the bit of relief this will provide. Mr. Horoho asked if this type of sliding scale has ever been litigated and Mr. Ventres said never.

- **Change to existing regulation pertaining to construction activities.**

Mr. Fox reminded the Commission this change allows construction activity to 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.

- **Dimensional Requirements**

Mr. Ventres said they have elsewhere about the mean roof height and he therefore felt we should add that to item c as well. He said item f (“*it shall have a net floor area of not less than 1,200 square feet*”) should be removed since it’s illegal and there are no minimums. He said this is not something we can debate, argue or fight. Mr. Kycia asked if there is a reason why we are different from East Lyme in terms of the height and Mr. Fox said he was told that the concept was to eliminate excess floors of living and eliminate excess height.

- **Sheds/Garages**

Mr. Fox detailed the previous discussions regarding garages and sheds; 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. The Commission had an in-depth conversation regarding sheds, shed size and accessory buildings. Mr. Ventres said they spoke previously about not exceeding 200 feet and directed the Commission to the new section regarding cupolas (see attachment.) Mr. Katzbek provided visual reference through the use of string, of what a 10x10 and 10x20 structure look like. The Commission discussed having a maximum roof height and Mr. Fox said the overall purpose is to provide more adequate storage but we need to consider any adverse impact a bigger shed may have on neighbors. After further discussion the Commission agreed that 10x20 is too large and 10x16 would be more appropriate for the beach community setting.

Mr. Fox stressed the importance of receiving public feedback for all we have discussed.

The Commission discussed canceling the regular zoning commission meeting of October 16th, 2020 and scheduling a public hearing followed by a regular meeting on October 17th instead.

MOTION (2)

**Mr. Allen moved to go to public hearing on Saturday October 17th, 2020 at 10:00 a.m. for the purpose of discussing regulation modifications.
Mr. Horoho seconded the motion.
Motion carried, 4-0-0.**

VII. ADJOURNMENT

MOTION (3)

**Mr. Horoho moved to adjourn the Black Point Beach Club Association Zoning Commission meeting at 7:05 p.m.
Mr. Allen seconded the motion.
Motion carried, 4-0-0.**

Respectfully Submitted,
Brooke Stevens
Recording Secretary