

**Black Point Beach Club Association Zoning Commission
October 30th, 2020 Special Meeting Minutes**

Call in number: 425-436-6363, access code: 436260

(Dial *6 during Public Comments to speak)

Present:

Jim Fox, Chairman

Jim Allen, Secretary

John Horoho

Charles Bruce, Alternate (Sat as a Regular Member)

Betsy Klemmer, Alternate

Absent:

Matt Peary

John Kycia

Joseph Katzbek, Alternate

Also Present:

Jim Ventres, Zoning Enforcement Official

Steven Beauchene, Board of Governors Liaison

The Special Meeting of the Black Point Beach Club Zoning Commission was held on Friday October 30th , 2020 at 6:00 p.m. at the Black Point Clubhouse located at 6 Sunset Avenue, Niantic, CT; the meeting was teleconferenced from the Clubhouse.

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 6:05 p.m.

Mr. Fox introduced the Commission Members and sat Alternate Charles Bruce as a Regular Member for the evening; he noted that a quorum was present.

II. Call For And Additions to the Agenda

As this is a Special Meeting there were no additions to the agenda.

III. Approval of Minutes

a. September 18th, 2020 Regular Meeting Minutes

MOTION (1)

Mr. Allen moved to approve the September 18th, 2020 Regular Meeting Minutes as posted.

**Mr. Horoho 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.

1. Barbara Johnston of 35 Sea Crest Avenue said some of the following:

- She doesn't understand how minutes dated 9/18/10 can be approved; that's the date listed on the agenda.
- Why are these minutes being addressed at a special meeting?

Ms. Johnston asked if they can see a copy of these 2010 minutes and Mr. Allen and Mr. Fox explained this is merely a typo and clerical error. Ms. Johnston responded that this is a serious error and made the following comments:

- She said they have to have a special agenda for a special meeting and not utilize a regular agenda.
- They didn't hold their regular meeting scheduled for October 16th and seem to be calling the public hearing on October 17th a regular meeting.
- She urges the Commission not to approve the proposed regulations since everything was done in error.

Ms. Stevens reported that if she views the last set of regular meeting minutes (September 18th, 2020) she will see that the regular meeting for October 16th, 2020 was cancelled and the public hearing was scheduled for October 17th, 2020.

There were no further public comments.

V. Reports

A. Communications and Correspondence

Mr. Fox said he has no communication or correspondence to share. Mr. Ventres and Ms. Stevens said they also have not received any correspondence.

B. ZEO: Jim Ventres

Mr. Ventres noted that he submitted his October 2020 ZEO report (see supplemental material attachment link) last week and will be making an update to include this week as well.

C. Ex-Officio: Steve Beauchene

Mr. Beauchene said the Board unanimously approved appointing Matt Peary as a regular member for an additional term and Betsy Klemmer as a new zoning alternate member.

D. Chairman: Jim Fox

Mr. Fox said he has nothing to report.

VI. OLD BUSINESS

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

Mr. Fox said this is a chance for them to meet and discuss their public hearing and the feedback from the community. He asked Mr. Ventres if the Association Legal Counsel had any comments regarding the proposed regulations and he read the email he received from Attorney Zamarka into the record. Mr. Zamarka had the following remarks:

- The definition for sheds should include the square footage limits set forth in the dimensional requirements.
- Under Section IV for accessibility, the accessory building definition should be consistent with the one found in the definition section.
- The dwelling dimensional requirements and the sight from the mean roof height- he has no further comments.
- He has no issues or comments regarding construction activity.
- Nonconformities as discussed, his only recommendation is that #5 reads “the lot shall be combined” instead of “needs to be combined.”
- These amendments bring the Black Point Beach Club Regulations in line with other municipalities and the East Lyme exception helps with the conformity of the rest of the town.

Mr. Ventres said it was brought up at the public hearing whether the zoning board is authorized to make regulations and noted Section 9 of the Black Point Beach Club Charter and the Connecticut General Statutes grant them this authority; a comment was made that they were doing the work of a Planning Commission but all items related to height, side yards, density and lot coverage are the charge of zoning (see supplemental material attachment link.) He added that the meeting was noticed and public comment was sought; they did their due diligence.

- a. **Section VII – Nonconforming Uses, Buildings, and Lots.** Intent is to promote flexibility on lots and structures that were built prior to the creation of zoning regulations, to remove section of the nonconformity regulations that are contrary to Connecticut General Statutes, and address ADA requirements in the building code.

Mr. Ventres reviewed **Section VII** and some of the comments that came up during the public hearing:

1. Page 1- item #5 per Attorney Zamarka should read *“When lots are joined, for the purposes of complying with the Zoning Regulations, the lots shall not be combined into one lot on land records.”*
2. Page 3- item #5 per Public suggestion, the regulation now reads ***“The extension does not exceed 20% of the existing length of the structure.”***
3. Page 4- the Nonconforming sliding scale per Public suggestion, now includes a note for clarification; ***“the side yard is measured at the proposed construction area and not the front property line.”***

MOTION (2)

Mr. Allen moved to approve the proposed Zoning Regulations of Section VII with the modifications as stated by Mr. Ventres.

Mr. Horoho seconded the motion.

Motion carried, 4-0-0.

b. **Section V – Dimensional Requirements** – Intent is to remove minimum square footage requirement for net floor area. Provision was overturned in court.

Mr. Ventres noted no modifications need to be made in regards to this Section.

MOTION (3)

Mr. Allen moved to amend Section V as previously discussed.

Mr. Horoho seconded the motion.

Motion carried, 4-0-0.

c. **Section IV – 12. Expanded Construction time in the winter months.** Intent is to promote activities to be completed in the winter months.

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. He noted his only hesitation after the Public Hearing feedback is that enforcing this presents a challenge especially since Mr. Ventres can't be here 24 hours a day.

Mr. Bruce asked about the potential of fining violators and Mr. Ventres said that would require the Board of Governors along with an appeal process.

Mr. Horoho observed that enforcement is based on notification and asked Mr. Ventres the typical amount of notifications and he replied 15. Mr. Horoho asked what the penalty is and Mr. Ventres said in the case of a continual repetition of violations he can issue a

cease and desist and stop work order and he can cc it to the Building Official. He noted he has yet had to do this.

The Commission further discussed this amendment.

Mr. Horoho asked if the permit application states that failure to follow these guidelines may result in a cease and desist and Mr. Ventres replied no, but the language is easy enough to add.

MOTION (4)

Mr. Allen moved to approve the proposed amendment to Section IV and expand construction time as presented.

Mr. Horoho seconded the motion.

Motion carried, 3-1-0.

Nay: Mr. Fox

d. Section I Definitions and Section IV – General Regulations pertaining to accessory structures, specifically sheds and detached garages. Intent is to allow flexibility in accessory structure sizes and setback ratios.

Mr. Ventres referenced the suggestion made by Attorney Zamarka that they take the same language we have in dimensional requirements and include it in the definition so detached garage will have 160 square feet but maximum height of and do the same for sheds; we put down that 100 square feet is 5 feet from the property line and 12 feet high, and up to 160 square feet is 10 feet from the property line and 14 feet high. He noted this will provide consistency.

Mr. Ventres said one thing that came up at the Public Hearing is that we define what can be a combination of two structures (a garage, a shed, a gazebo or a pool cabana), and it was recommended that something may come up which isn't addressed by this definition; it was suggested that the wording include "or other such accessory building" rather than limiting it to overly specific terms. He noted this is the one comment Mr. Zamarka had as well.

Mr. Ventres reminded the Commission that in regards to dimensional requirements it was suggested at the Public Hearing that they retain the current setback of 50 feet to prevent the allowance of a shed in the front yard of larger lots.

The Commission further discussed these proposed modifications.

Mr. Fox said there is a lot to consider and Mr. Allen suggested continuing the discourse on this and acting only on the definition section. Mr. Ventres said could remove the paragraph beginning “with all other lots” and approve the rest if they’re satisfied with it.

Mr. Allen said he shares Mr. Fox’s hesitation regarding the setbacks and agreed that tabling this portion would be for the best.

MOTION (5)

Mr. Allen moved to accept Section I Definitions, Section IV – General Regulations, and Section V- Dimensional Requirements as was posted and amended with the comment from Attorney Mark Zamarka to retain the current setback of 50 feet and not change it to 25 feet as previously discussed.

Mr. Horoho seconded the motion.

Motion carried, 4-0-0.

Mr. Fox said he would like to formally thank the Commission including those not in attendance for all of their work on these amendments.

VII. New Business

a. Proposed Zoning Commission Calendar for 2021

Mr. Fox reminded the Commission that all Zoning meetings occur on the third Friday of the month and said the meetings will occur as follows:

- March 19, 2021 (If needed)
- April 16, 2021
- May 21, 2021
- June 18, 2021
- July 16, 2021
- August 16, 2021
- September 17, 2021
- October 15, 2021 (If needed)

He asked if there were any conflicts and there were none.

MOTION (6)

Mr. Horoho moved to accept the 2021 Zoning calendar as presented.

Mr. Bruce seconded the motion.

Motion carried, 4-0-0.

Mr. Fox noted this is the last meeting of the season, thanked everyone for their time and participation, and wished everyone good health in these challenging times. He gave a special thank you to Mr. Ventres, Mr. Beauchene and Ms. Stevens.

VIII. ADJOURNMENT

MOTION (7)

Mr. Allen moved to adjourn the Black Point Beach Club Association Zoning Commission meeting at 6:49 p.m.

Mr. Bruce seconded the motion.

Motion carried, 4-0-0.

Respectfully Submitted,
Brooke Stevens
Recording Secretary