

**Black Point Beach Club Association Zoning Board of Appeals
July 21st, 2021 Special Meeting Minutes**

Present:

Colleen Chapin, Chairman
Sally Cini
Arlene Garrow
Marianne Neptin
Kim Craven, Alternate (Sat as a Regular Member)
Dan Deknis, Alternate

Also Present:

Steven Beauchene, Board of Governors Liaison

Absent:

Anita Schepker

A Special Meeting of the Black Point Beach Association Zoning Board of Appeals was held on Wednesday July 21st, 2021 at 6:00 p.m. at the Black Point Beach Clubhouse located at 6 Sunset Avenue, Niantic, CT.

I. Call to Order

Chairman Chapin called the Special Meeting of the BPBCA Zoning Board of Appeals to order at 6:04 p.m.

II. Attendance and Establishment of Quorum

Ms. Chapin introduced the Commission members and noted a quorum was present. She sat Ms. Craven as a Regular Member for the evening noting it would normally be Mr. Deknis' turn to sit but since he is brand new she will sit Ms. Craven instead; this should not deter Mr. Deknis from participating and contributing to any discussion they may have.

Ms. Chapin explained that this is a simple business meeting which would be prudent to have every year and she scheduled prior to the Board of Governors meeting the following night due to the current ZBA term expirations. She also noted that Steve Beauchene is the new Board of Governors Liaison to the Zoning Board of Appeals, and that Brooke Stevens will be doing the meeting minutes based on the recording of the meeting.

III. Old Business

a. Training

Ms. Chapin said some of the following:

- The last time they met they discussed how training would be beneficial for the Board.
- We have a challenging role, we have to make hard decisions, and it's always nice to have some backup guidance to confirm that we're doing the right thing.
- She tried to get some training resources together and then the pandemic hit so everything else took a back seat to that.

- New Legislation has passed which requires Zoning Commission and Zoning Board of Appeals members to attend 4 hours of Land Use training per year.
- A curriculum is being developed and more details from the State will be forthcoming when available.
- She doesn't know if the training will be in person or online but when the State is involved in training there is usually a formal educational entity that will certify the training process.
- January 2022 is when the Secretary of the Office of Policy Management will establish these guidelines, whether it's going to be through the Land Use Academy and who's going to actually control what this training is.
- After January, 2023 is when we're going to have this requirement in place.
- That's two years from now, there's still an opportunity for us to kind of get ahead of that ball and just keep ourselves apprised of training opportunities.

Ms. Chapin referenced the document she provided the members with at the onset of tonight's meeting, from the Land Use Academy; the Land Use Academy is run out of UConn and they have a lot of resources on their website.

Ms. Chapin said she will be checking with the Land Use Academy to see what kind of training they offer and if it can be completed online.

IV. New Business

a. Member Term Review

Ms. Chapin reminded everyone that each of us have a three year term, and unlike the Board of Governors who can only do two, three year terms, and then they have to step back for a three year period before they can be on the board again, that rule is not in place for the Zoning Commission or the Zoning Board of Appeals.

Ms. Chapin said that she, Ms. Garrow, and Ms. Craven all have terms that expire in 10 days; she needs to share tomorrow night at the Board of Governors meeting who, if any, would like to continue on the Board.

Ms. Chapin said she is willing to ask that she be renominated for the Zoning Board of Appeals board. Ms. Garrow and Ms. Craven said they're both also interested in continuing and Dr. Beauchene and Ms. Chapin thanked them for their service.

Ms. Chapin noted that if reappointed Ms. Craven would continue as an alternate but would have first priority if a regular member seat becomes available. She said they also have Mr. Deknis as an alternate but that she would ideally like to find a third alternate as well.

Ms. Chapin asked that if anyone knows of someone who may be interested in an alternate position to let her know and she noted that alternates have actually been used for openings quite a bit over the last couple years, and it's really an important position because the hearings

have to have a four to one vote to affirm or approve a variance; It is really important that we always have that maximum number of five members for a hearing.

b. Election of Chair

Ms. Chapin noted she is currenting the ZBA Chair and that an election for this position should occur every year.

MOTION (1)

Ms. Garrow moved to appoint Ms. Chapin as ZBA Chair.

Ms. Cini seconded the motion.

There were no further nominations.

Vote:

Motion carried, 5-0-0.

Ms. Chapin thanked everyone.

c. ZBA Application Review

Ms. Chapin discussed the ZBA Application and said some of the following:

- She spoke with Ms. Schepker a bit about this.
- This discussion is occurring for two reasons- the first being that we no longer have a PO Box, and that's where all the applications were going and she wants it to be quickly known that the address would have to be here, at 6 Sunset.
- This is an important detail given our hearings are timed events.
- Mr. Moffett is here all year round and he's committed to checking the mailbox out here and if he's not available, she's sure that the BOG will have some sort of coverage.
- We could scan things and send them if desired but she thinks it's important to change the application.
- While reviewing she looked at the application and questioned if there is a way to make the application a bit more informative at the same time.
- Most people see the form on the front page, and they ignore the second page which really talks more about what hardship is.
- She has taken all of that language and put it on the first page.
- She feels this is a little bit more upfront and that there will be more opportunity to seriously think about what a variance and a hardship are.
- It talks about the fee, where to submit the application and the mailing address.
- She also provided the timeline and detailed what materials need to be submitted or should be submitted with the application.
- The Current application calls for 10 hard copies of all the materials being mailed which she has changed since we've been headed in a virtual direction, to three hard copies of the application from the applicant.

- One hard copy will be part of the permanent record and she will strongly be encouraging an electronic submission.
- She's in the process of working on a brief SOP to share with the BOG tomorrow night regarding the process if she doesn't receive an electronic copy, which is what her trigger will be to know that something has been submitted.

Dr. Beauchene suggested putting "please read thoroughly before moving onto the application" in bold and Ms. Cini suggested stating instead that "the following information is necessary to help you fill out the application."

Ms. Chapin said for the form itself along with the applicant name and the property address she put the wording asking if there has ever been a previous variance request for the property and noted this is kind of hidden in our current application form; she'd like to add a question asking if they've consulted with the ZEO, which might give them pause to consider what they're requesting.

Ms. Garrow asked if we can simply ask the ZEO when we get the application, if we know of any other avenue, and ask him to look it up and see. Ms. Cini said she doesn't think we've ever discussed doing this and Ms. Garrow asked if that might hinder our decision on the particular request because there's already been something applied for, and maybe approved.

Ms. Chapin said the statute reads if you were denied a variance, you cannot reapply for a period of six months.

Ms. Chapin shared the following:

- There is something in the new zoning regulations that talks about being able to add up to 20% of structure, which is a one time request.
- It's not written in the regulations right now.
- She brought it to Zoning during the last meeting and they explained it's meant for a one time use.
- She's not sure what their ultimate solution is going to be, if it's one time per building, or it's a one time per property.
- She doesn't know how they're going to manage it, or how they're going to track it, but this would be an important question for that.
- The Zoning Commission for the past few years has been cleaning up the loopholes, inconsistencies and improper language in the regulations.
- This is our opportunity to make sure that that's going to be highlighted as well.

Ms. Craven asked if we get notified once a variance is put on the Land Records and Ms. Chapin replied that we don't, but that she checks to make sure it has been recorded.

Ms. Chapin said abutters information is also on the form but she always double checks that with the town records anyway.

The Board had a general discussion regarding where applicants can obtain the required application materials and what to include listed with the instructions.

Ms. Chapin said she also included questions on the form which they ask during their hearings such as what they want to do, how their hardship is unique, and what variances they're requesting.

After further Board discussion Ms. Chapin acknowledged that since she's encouraging electronic submission she should also make the form fillable online.

Ms. Chapin said the other thing that is in our current application that she would like to make separate is the concept of an appeal from a decision of zoning enforcement which is really hidden in our current application. She said once the ZEO gives a permit, there's 30 days to execute on that appeal so to be more concise she thinks a separate form would be more appropriate.

Ms. Cini discussed streamlining the process so that procedure can be easily followed for any future Zoning Board of Appeals incarnation.

The Board further discussed the revised applications and Ms. Chapin said she will make some further tweaks before presenting it to the BOG tomorrow.

MOTION (2)

Ms. Craven moved to allow Ms. Chapin to finish the application, as they discussed, and submit for final approval from the Board of Governors, and ultimate posting.

Ms. Garrow seconded the motion.

Motion carried, 5-0-0.

V. Adjournment

MOTION (3)

Ms. Cini moved to adjourn the Special Meeting of the Zoning Board of Appeals at 7:56 p.m.

Ms. Neptin seconded the motion.

Motion carried, 5-0-0.

Respectfully Submitted,

Brooke Stevens,
Recording Secretary

