

**Black Point Beach Club Association Zoning Commission
August 20th, 2021 Regular Meeting Minutes**

Present:

Jim Fox, Chairman

Jim Allen, Secretary

John Horoho

John Kycia

Matt Peary

Charles Bruce, Alternate

Betsy Klemmer, Alternate

Joseph Katzbek, 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 July 23rd, 2021 at 6:00 p.m. at the Black Point Clubhouse located at 6 Sunset Avenue, Niantic, CT.

I. Call to Order and Establishment of Quorum

Mr. Fox called the Special Meeting of the Black Point Beach Association Zoning Commission to order at 6:00 p.m.

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

II. Call For And Additions to the Agenda

There were no additions to the agenda.

III. Approval of Minutes

a. July 23rd, 2021 Special Meeting Minutes

MOTION (1)

Mr. Allen moved to approve the July 23rd, 2021 Special Meeting Minutes as posted.

Mr. Horoho seconded the motion.

Motion carried, 5-0-0.

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, Colleen Chapin of 53 East Shore Drive said some of the following:

- She wants to bring up the accessory dwelling unit provision in the new zoning legislation.
- It was mentioned that it might increase density.

- She'd like to remind everybody that this is a community that prides itself on multi generational living.
- A lot more aging has taken place over the recent years.
- If this accessory dwelling unit is really limited to fully conforming lots, and the size can be only less than 30%, or 1000, square feet of the existing dwelling then this might be an opportunity that would really really benefit the community.
- A lot of this could come out in a planning exercise, which unfortunately is not happening now, or at least it's not happening this year.
- Sometimes changes like this can be a good thing for the community.
- There's some questions that she would have but she hasn't been able to find out further information.
- It has to be fully conforming lots and wonders if they could be in a position where we would have non conforming lots come and try to seek a variance, specifically for the purpose of adding an accessory dwelling unit.
- She was really hoping the planning exercise would start now so that could help inform how some of these changes might happen.
- She appreciates that Mr. Ventres has created a handout with different block sizes and some variances, we can do here.
- It might also be worthwhile to kind of look over all in the community at each non conforming lot; this kind of analysis can help us understand what the community is looking at so that we don't get into any sort of unintended consequences as a result of varying a lot.
- If allowing a 5 foot setback at the rear, and when the adjacent lot has an 8 foot setback, you would have 13 feet between the buildings, which you can't do under our zoning regulations.
- As you keep making changes there might be some unintended consequences so looking again at the whole community, and the impacts might help inform some of the decisions that get made on some of these lines.

V. Reports

A. Communications and Correspondence

Mr. Fox said he hasn't received any communications.

B. ZEO: Jim Ventres

Mr. Ventres noted that he submitted his ZEO report (attached), and pointed out everything in yellow has been completed; we're now dealing with only a handful of open projects and he thinks that some of the material costs are still causing people to hold back on doing work. He noted that he's fielding a lot of phone calls about projects and additions as they relate to the new regulations from last year. Mr. Ventres suspects that when the cost of materials does drop we're going to see an increase in work.

C. Ex-Officio: Steve Beauchene

Dr. Beauchene said the Board of Governors Meeting is on Thursday so he will likely have things to report at the next zoning meeting.

D. Chairman: Jim Fox

Mr. Fox said he has nothing to report.

VI. Old Business

1. Regulation Review

a. Discussion regarding accessory apartments and timeline of necessary activities prior to the scheduled 01/01/2022 implementation.

Mr. Ventres handed out some relevant information regarding the new legislation about accessory dwellings and how the town of Madison has chosen to approach this (attached.) He said some of the following:

- The Zoning Commission shall either accept the accessory apartments, as part of their regulation or vote to opt out by holding a public hearing and having a two thirds vote of the commission, followed by a two thirds vote by the Board of Governors.
- The regulation only mentions conforming lots and he asked an attorney about it and nonconforming lots.
- He can never tell somebody, if there's a regulation, that they can't request a variance.
- If the community decides to do nothing after January 1st it becomes a regulation and permitted use.
- The way this is written it's a proposal for conforming lots, with one or two bedrooms, which is part of the statute.
- The net floor area is not less than 30% of the principal dwelling or 1,000 square feet, whichever is less.
- The lot must have a minimum of 8,000 square feet and 60 feet of frontage.
- Drawings are required for ones using an existing structure, as with all submissions, and an addition will require an A2 survey.
- They requested that it match what's on the site not be a metal shed.
- The State has said you can't ask for more than one additional parking spot, two for the single family, one for the accessory.
- The intent of the Statute is to provide housing, not to provide rentals and B&B's.
- Either the single family dwelling or the apartment must be permanently occupied by the owner, and this controls the use.
- If he finds out that someone has rented out the two dwellings to separate parties he would send a cease and desist; he can so if each applicant fills out an application and an affidavit which says they're going to comply with the new regulations as written which they must file on the Land Records.

Mr. Horoho asked about people who might winter in Florida and Mr. Ventres explained if you have an accessory apartment you can't take your primary home and rent it out while you're gone all winter.

Mr. Peary asked if this is this seen as a way that people can start converting the garages into separate living units and Mr. Ventres discussed how many family members need some sort of care, which can be accomplished with minimal visits and by living nearby; family living nearby can also assist in the watching young children, or young adults may not be financially stable enough to live on their own.

The Commission further discussed the implications associated with this new legislation.

Mr. Ventres said if they choose not to opt out he would recommend following Madison's example of requiring applicants to submit a sketch and affidavit which they're required to file on the Land Records.

The Commission discussed the timeline for this item and scheduling a public hearing.

b. Discussion regarding existing non-conforming dwelling on narrow lots – sliding scale set backs.

Mr. Ventres provided a schematic for the Commission's review (attached.) He explained how none of these examples, despite being close, don't exceed the coverage limitation of the regulation; he has 90 feet because some of the lots seem to be very long in the front.

Mr. Horoho said he thinks this really clarifies the different size lots and his one recommendation would be that they include that the dimension from the street front yard to the edge of the 6x6 landing that is required, so that it's understood that it's not 15 feet but 9 feet from the edge of that landing. He added that he thinks it's consistent with what we've done in the past, and it's a job well done by Mr. Ventres.

Mr. Kycia observed that most of the examples have a 90 feet street front yard and said he thought most of the nonconforming lots were 40 feet and Mr. Ventres discussed the size variations of the nonconforming lots. He explained how the front to back is too narrow which is what they're trying to address and that this applies to the lots not deep enough.

The Commission further discussed the sliding scale and Mr. Ventres observed that this is not perfect but that it will at least provide a bit of relief for some.

Mr. Peary asked about the coverage and Mr. Fox explained how you're still not permitted to exceed 35%, and Mr. Ventres noted it's a high percentage for a community.

c. Zoning Commission Training

Mr. Ventres explained this is on hold until the State comes up with a curriculum.

d. Zoning Schedule

Mr. Fox noted this is on the agenda per Mr. Peary's request and that historically the Zoning Commission meetings have been held on Fridays at 6:00 p.m. He added that early in his tenure this was brought up but were unable to come up with another day and time that worked.

The Commission discussed how some people only come down on the weekends anyway and Clubhouse availability otherwise might be an issue.

The Commission decided to leave the schedule as is.

The Commission discussed scheduling a public hearing date in October.

MOTION (2)

Mr. Allen moved to hold a Public Hearing on October 9th at 9:00 a.m. to review the regulations for accessory apartments, and the nonconforming narrow lots sliding scale.

Mr. Horoho seconded the motion.

Motion carried, 5-0-0.

VII. New Business

1. Election of Zoning Commission Officers for 2022

Mr. Fox nominated Jim Allen as Zoning Commission Secretary for 2022 and Mr. Horoho seconded the nomination.

There were no further nominations.

MOTION (3)

Mr. Fox moved to accept the nomination of Jim Allen as Zoning Commission Secretary for 2022.

Mr. Kycia seconded the motion.

Motion carried, 5-0-0.

Mr. Allen nominated Jim Fox as Zoning Commission Chair for 2022 and Mr. Peary seconded the nomination.

There were no further nominations.

MOTION (4)

Mr. Allen moved to accept the nomination of Jim Fox as Zoning Commission Chair for 2022.

Mr. Horoho seconded the motion.

Motion carried, 5-0-0.

VIII. ADJOURNMENT

MOTION (5)

Mr. Kycia moved to adjourn the Black Point Beach Club Association Zoning Commission meeting at 6:47 p.m.

Mr. Allen seconded the motion.

Motion carried, 5-0-0.

Respectfully Submitted,
Brooke Stevens
Recording Secretary