

**Black Point Beach Club Association Zoning Commission
October 9th, 2021 Special Meeting Minutes**

Present:

Jim Fox, Chairman
Jim Allen, Secretary
John Horoho
John Kycia
Charles Bruce, Alternate (Sat as a Regular Member)
Betsy Klemmer, Alternate
Joseph Katzbek, Alternate

Also Present:

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

Absent:

Matt Peary

A Special Meeting of the Black Point Beach Club Zoning Commission was held on Saturday October 9th, 2021 at 9:46 a.m. immediately following the Zoning Commission Public Hearing, at the Black Point Clubhouse located at 6 Sunset Avenue, Niantic, CT.

I. Call to Order

After a 5 minute comfort break Mr. Fox called the Special Meeting of the Black Point Beach Association Zoning Commission to order at 9:52 a.m.

II. Attendance and Establishment of Quorum

Mr. Fox noted Mr. Bruce would continue to sit as a Regular Member since he sat for the Public Hearing portion as well. Mr. Fox introduced the Commission Members, and noted a quorum was present.

III. Approval of Meeting Minutes

a. September 17th, 2021

MOTION (1)

Mr. Allen moved to approve the Zoning Commission Meeting Minutes of September 17th, 2021 as posted.

Mr. Kycia seconded the motion.

Motion carried, 5-0-0.

IV. Call for Public Comment

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

1. Communications and Correspondence

There was none.

2. ZEO: Jim Ventres

Mr. Ventres offered the following:

- It will start picking up now the lumber prices have dropped.
- Both last week and this morning he's encountered incidents where people have mistakenly believed they didn't need zoning permits since they didn't need building permits, when that is obviously not the case.
- He intends on reminding the Building Department as well as some local shed and fence vendors.

Mr. Fox asked if there is anything they can do to remind people such as putting a reminder on the website and Mr. Ventres said he will write a blurb for the Commission to review.

3. Ex-Officio: Steve Beauchene

Dr. Beauchene said they may have someone from the Board of Governors to take his place as Liaison since his term ends in May. He will continue the dialogue and facilitate the transition however he can. Mr. Fox said he wants to take this opportunity to go on record publicly to express his great appreciation. He noted that Dr. Beauchene has been committed to communicating effectively with the Board of Governors on their behalf, and it has been great having him as part of their little group here. Dr. Beauchene thanked him and said he had enjoyed the short meetings.

4. Chairman: Jim Fox

Mr. Fox said he has nothing else to report.

VI. New Business

1. Regulation Review- Possible Action on new / modified zoning rules and regulations.

a. Accessory apartments

The Commission discussed the comments made during the Public Hearing and whether the "in harmony" portion should be included with the accessory use regulation. Mr. Horoho said he thinks it should be included but acknowledges it's a slippery slope since they don't want to get into a design review situation. He said he does worry about the inconsistencies between some of these policies.

Mr. Allen asked about leaving it out for now and picking up the topic again next year and Mr. Bruce said he thinks it should be included, that they don't want to be harsh but they want some thought to be taken before people add on. Mr. Kycia said he'd like to go back to exactly how many properties they're talking about and added that he's unsure how many people would take advantage of this regulation.

The Commission further discussed accessory apartments.

Mr. Fox said in terms of parking in their other regulations they don't require stone or pavement to designate where parking is and Mr. Kycia asked about striking that portion out. Mr. Fox replied they can just say that they should demonstrate where the parking will be and asked the Commission what controls they think they should have.

Mr. Horoho said this will drive the dialogue for future homes and asked if they should amend their regulations so everything is in agreement. He wondered if "all weather" would be a better term and if they could come back and amend it next year.

Mr. Ventres said they could do either and that he thinks "all weather" is a better term to use. He said this could cover all new construction, single family homes and accessory apartments.

The Commission continued to discuss designating parking and Mr. Bruce said he thinks it's reasonable for an applicant to designate where the parking will be located.

Mr. Allen said he thinks it should be part of the regulation and that he agrees with striking the "gravel" part and stating "all weather surface" instead. Mr. Katzbek agreed and Ms. Klemmer said she doesn't think it makes much sense to include "paved."

Mr. Allen summarized the items they need to be clear on:

- The typo regarding the section number.
- The parking
- The dwelling being in harmony with the existing structure

Mr. Ventres said they can always strike it, revisit it next spring, and see what other communities have in their regulations.

MOTION (2)

Mr. Allen moved to approve the proposal for accessory apartments as a permitted use with the typographical correction of "Section V" instead of "Section VI" and the wording of "all weather materials" instead of "gravel" for the designated parking space.

Mr. Horoho seconded the motion.

Motion carried, 4-1-0.

Yay- Mr. Kycia, Mr. Bruce, Mr. Allen and Mr. Horoho.

Nay- Mr. Fox.

b. Existing non-conforming dwellings on narrow lots, sliding scale and setbacks.

Mr. Fox said there are some comments that came out during their Public Hearing, expressing some concern, while that there was support of the intent, there was some concern that by allowing this that they're potentially headed towards more overcrowding or over development, and some situations where neighbors now have even tighter spaces between each other, and that there should be concern for the overall increase in density. He asked how they promote sensible growth while making sure that it's an opportunity for all within our community.

Mr. Ventres said they discussed Section 12, c, 3- and the situation where you have a conforming lot but the building is not and it alters the single family status of the dwelling; he recommends saying unless an application for an accessory apartment. He pointed out that they're allowed this exception in a nonconformity but this Section says it's only for a single family home.

Mr. Ventres said there is also an opportunity to clean up the language and clarify that increasing the size by 20% is a one time opportunity.

The Commission further discussed having the submittal of an A2 Survey be at the discretion of the ZEO.

Mr. Horoho said he's not insensitive to density issues and that this was one of his concerns with the previous regulation.

The Commission further discussed nonconforming lots.

Dr. Beauchene said he has a note about the language- it says two or more adjoining lots may be resubdivided upon approval by the Board of Governors, so it's referencing the two lots mentioned in the beginning of that sentence, but calling them nonconforming. Mr. Fox said they will have to add this language cleanup to their list for next year.

MOTION (3)

Mr. Allen moved to approve the proposed sliding scale for narrow nonconforming lots with the following corrections:

- a. A minor accessory dwelling 160 square feet or less may not require an A2 Survey if the property lines and corner pins can be identified on the property to verify the proposed location of the structure; the final decision as to whether an A2 Survey is needed is at the discretion of the Zoning Enforcement Officer.**
- b. The 20% is a one time only allowance.**
- c. Section 12, c, 3- unless an application for accessory apartment is approved.**

Mr. Kycia seconded the motion.

Motion carried, 5-0-0.

2. Discussion of Zoning goals and objectives for 2022

Mr. Fox said he thinks next year will be an opportunity for them to continue to work on making the language more clear, further reviewing the language regarding driveways, and the opportunity to potentially fix the action pertaining to people resubdividing their property. He added that he would also like them to look at intersection hedge heights and improve visibility. He asked if the Commission members had any other suggestions and Mr. Allen said he'd like them to expand upon the rules and regulations on the website, in terms of what is and isn't needed.

Mr. Kycia discussed the old adage "see something, say something" and the rest of the Board encouraged sending Mr. Ventres an email if something is seen that shouldn't be occurring. Mr. Allen said the biggest thing he sees is the breaking of the permitted construction hours.

MOTION (4)

Mr. Allen moved to make the regulation changes effective December 1st, 2021.

Mr. Horoho seconded the motion.

Motion carried, 5-0-0.

3. Schedule of 2022 Zoning meetings

Mr. Allen presented the Zoning Commission meeting schedule for 2022:

March 20, 2022 (if needed)

April 15, 2022

May 20, 2022

June 17, 2022

July 15, 2022

August 19, 2022

September 16, 2022

October 21, 2022 (if needed)

Ms. Klemmer said she thinks March 20th should actually be March 18th and the rest of the Board agreed.

MOTION (5)

Mr. Allen moved to accept the posted meeting dates for 2022 with the correction of March 18th, 2022.

Mr. Kycia seconded the motion.

Motion carried, 5-0-0.

Mr. Fox thanked everyone for their work this year.

VI. Adjournment

MOTION (6)

Mr. Allen moved to adjourn the Special Meeting of the Black Point Beach Club Zoning Commission at 10:50 a.m.

Mr. Horoho seconded the motion.

Motion carried, 5-0-0.

Respectfully Submitted,

Brooke Stevens, Recording Secretary