

# Minutes of BLACK POINT BEACH CLUB ZONING COMMISSION SPECIAL MEETING - 04/08/22

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**Date and time:** 04/08/22 6:00 PM to: 04/08/22 6:45 PM

**Present:** Brooke Stevens, Recording Secretary, Jim Fox, Chairman, Jim Allen, Secretary, John Horoho, John Kycia, Charles Bruce, Alternate, Joseph Katzbek, Alternate

**CC:** Jim Ventres, Zoning Enforcement Official, Steven Beauchene, Board of Governors Liaison , Will Fountain, BOG Member, Absent: Matt Peary, Betsy Klemmer, Alternate

**Location:** Black Point Beach Club Association Clubhouse, 6 Sunset Avenue, Niantic, CT.

**Link:** <https://app.meetingking.com/meetings/376579>

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## Topics

### 1. Call to Order

**Note** Chairman Fox called the Special Meeting of the Black Point Beach Association Zoning Commission to order at 6:02 p.m.

#### 1-1. Attendance and Establishment of Quorum

**Note** Mr. Fox introduced the Commission Members, and noted a quorum was present.

### 2. Approval of Meeting Minutes

#### 2-1. September 17th, 2021 Regular Meeting Minutes

**Note** The Commission discussed how the meeting date is a scrivener's error; the September 17th, 2021 meeting minutes were approved at the October 9th, 2021 Special Zoning meeting, and the meeting minutes that need approval are for the October 9th, 2021 Public Hearing and October 9th, 2021 Special Meeting.

**Note** The Commission briefly discussed how additions cannot be made to a special meeting agenda and that for clarity, it might be best to table the meeting minutes approval.

#### **Decision** MOTION (1)

Mr. Allen moved to table the approval of the October 9th, 2021 Meeting Minutes until the May 20th, 2022 regularly scheduled Zoning Meeting.

Mr. Kycia seconded the motion.

Motion carried, 4-0-0.

### 3. Call for Public Comments

**Note** 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 any matters in litigation may not be discussed.

**Note** There were none.

### 4. Reports

## 4-1. Communications and Correspondence

**Note** There were none.

## 4-2. ZEO: Jim Ventres

**Note** Mr. Ventres reported he's been getting requests about vacant lots within Black Point, and that there is still a lag in obtaining construction materials due to manufacturing shortages.

**Note** ZEO Report

 [ZEO\\_Report.pdf](#)

## 4-3. Board of Governors Ex-Officio: Steve Beauchene

**Note** Dr. Beauchene reported that Mike Zuba is going to attend a future BOG meeting and discuss the Master Plan. He noted there will be a call out for community volunteers to participate.

Mr. Fox asked if the Master Plan will be moving forward this year and Dr. Beauchene confirmed that it will be.

**Note** Mr. Fox noted the Commission has enjoyed Dr. Beauchene's tenure as Ex-Officio, and asked if there is a transition plan for his replacement since his second term is coming to an end. Dr. Beauchene said that Tom Cherry is very interested in taking over the duties and will attend the next Zoning meeting so everyone can meet him. He noted that official assignments aren't made until after the new Board Members are elected.

## 4-4. Chairman: Jim Fox

**Note** Mr. Fox said there is not much to report but there are a number of things that he's interested in bringing forward for discussion this year.

## 5. Old Business

### 5-1. Freedom of Information Regulations (Yearly Review).

**Note** Mr. Allen briefly discussed the Freedom of Information Commission and detailed the three types of meetings as well as the filing time requirements for agendas and meeting minutes.

**Note** Mr. Allen discussed the importance of transparency and noted Tom Hennick is always willing and available to do FOI workshops for them.

**Note** The Commission discussed how public comment isn't a required part of their agendas but plan on continuing to include it as a courtesy, and foster community involvement.

**Note** Mr. Fox noted how valuable he found the FOI workshop when he attended one and he and Mr. Allen discussed how if three members of the Zoning Commission are together outside of a scheduled meeting, no business is to be discussed; when three members are together it's considered an illegal meeting.

**Note** FOI Meeting Cheat Sheet

 [FOI\\_Meeting\\_Summary.pdf](#)

## 6. New Business

### 6-1. Review and discussion of current Zoning Regulations

**Note** Mr. Fox noted the importance of always reviewing and revisiting the zoning regulations.

 [Zoning\\_Regs.pdf](#)

**Note** Mr. Fox called for Member comments and/or concerns, and Mr. Horoho said he'd live to revisit the accessory apartments portion of the regulations. He noted that they had to act quickly due to the State mandate and he would like to review the regulations to eliminate any conflicting information, such as one section stating paved driveways are required, while another section says they're not.

**Note** Mr. Kycia he has no items to bring up at this time and Mr. Allen said he has the same concerns that Mr. Horoho expressed.

**Note** Mr. Ventres said he has a list of items:

We have to clean up where we permitted accessory use over a garage, because there are no toilet facilities permitted over a garage.

We should put things like "unless approved" under Section nine, as an accessory apartment.

There are a few typos that need to be corrected.

Rules regarding placement of a shed need to be clarified so people understand that placement isn't permitted in the front yard.

This should be addressed in both the regulations and definitions.

We should take "non-conforming uses" and switch it with "soil erosion control," so that dimensional requirements and non-conforming uses are right next to each other.

We need to discuss "other structures."

Currently if you have a gazebo, a shed, or anything with a roof on it, per our regulations, that's a building and you need a zoning permit for a building.

**Note** Mr. Fox said there needs to be some type of size limit put in place for other structures that may not fall under the classification of shed.

**Note** Mr. Ventres detailed a request he received regarding mean roof height. The request was for a mean height of 26.7" which complies with the 27" in our regulations but he wanted 3rd floor occupancy which Black Point doesn't permit. He added that the East Lyme building code does allow it.

 [Peak\\_Mean\\_Roof\\_Height.pdf](#)

**Note** Mr. Horoho and Mr. Fox discussed requiring an A2 survey anytime there is a new build or addition. Mr. Fox said he thinks it offers more protection and is a better practice.

**Task**  Mr. Ventres said he will draft some ideas regarding A2 survey requirements.

*Owned by Jim Ventres, Zoning Enforcement Official*

**Note** Mr. Fox said he would also like to bring forward the issue of hedge height. He said he's concerned about visibility issues due to growing hedges and the potential danger it poses for our children and grandchildren. Mr. Fox observed that we don't do enough and our measures are minimal at best. He added that he doesn't have a specific idea of what he would like to see, but he would like to do more.

**Note** Mr. Fox said he believes the current rule for hedges is 42 inches from the pavement and 10 ft back from the intersection.

**Task**  Mr. Ventres said he will consult the national standards regarding hedge height and report back.

*Owned by Jim Ventres, Zoning Enforcement Official*

**Note** Mr. Katzbek said Mr. Fox makes a good point about potential visibility issues which the Commission further discussed.

## 6-2. Association storage area on Billow Road.

**Note** Mr. Fox discussed the need for storage and how this area belongs to the Association. Mr. Ventres said it's zoned residential and since this is by the Clubhouse it's customary to have storage, but it's not customary to have like like an oil drum which has been sitting there for 15 years, not being used. Dr. Beauchene said the Board of Governors set aside some funds to clean this area up but that they have to add to that. Mr. Fountain was also in attendance and noted that area is wetlands and Dr. Beauchene said the Board of Governors will have to discuss this item further.

**Task**  Mr. Fox said the current state of that area is unacceptable if it's wetlands and Mr. Ventres said he will examine the area.

*Owned by Jim Ventres, Zoning Enforcement Official*

**Note** Mr. Kycia asked about water and sewer access for accessory apartments and Mr. Ventres said it's handled on a case by case basis, but so far, he has had zero requests.

## 7. Adjournment

**Decision** Mr. Horoho moved to adjourn the April 8th, 2022 Black Point Beach Club Association Zoning Commission at 6:45 p.m.  
Mr. Allen seconded the motion.  
Motion carried, 4-0-0.

**Note** The next Zoning Commission meeting is scheduled for Friday May 20th, 2022 at 6:00 p.m.

**Note** Respectfully submitted,  
Brooke Stevens, Recording Secretary

## Task Summary

### New Tasks

**Task**  Mr. Ventres said he will draft some ideas regarding A2 survey requirements.

*Owned by Jim Ventres, Zoning Enforcement Official*

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