

Minutes of Black Point Beach Club Zoning Commission - 05/20/22

Date and time: 05/20/22 6:00 PM to: 05/20/22 7:15 PM

Present: Brooke Stevens, Recording Secretary, Jim Fox, Chairman, Jim Allen, Secretary, John Horoho, John Kycia, Matt Peary, Joseph Katzbek, Alternate , Betsy Klemmer, Alternate , Absent:, Charles Bruce, Alternate

CC: Jim Ventres, Zoning Enforcement Official, Steven Beauchene, Board of Governors Liaison , Steve Beauchene, BOG Member

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

Link: <https://app.meetingking.com/meetings/378762>

Topics

1. Call to Order

Note Chairman Fox called the Regular Meeting of the Black Point Beach Association Zoning Commission to order at 6:03 p.m.

1-1. Attendance and Establishment of Quorum

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

2. Additions to the Agenda

Note There were none.

3. Approval of Meeting Minutes

3-1. October 9th, 2021, Public Hearing & Special Meeting Minutes

Decision MOTION (1)

Mr. Allen moved to approve the Zoning Commission October 9th, 2021, Public Hearing and Special Meeting Minutes as posted.

Mr. Horoho seconded the motion.

Motion carried, 5-0-0.

3-2. April 8th, 2022, Special Meeting Minutes

Decision MOTION (2)

Mr. Kycia moved to approve the Zoning Commission April 8th, 2022, Special Meeting Minutes as posted.

Mr. Allen seconded the motion.

Motion carried, 5-0-0.

4. 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.

4-1. Arlene Garrow of 58 Bellaire Road

Note Ms. Garrow said she's not here as a member of the Black Point Beach Club Zoning Board of Appeals, but as a resident. She has questions regarding 6 Woodland Drive and said some of the following: There looks like a deck is going up and a few people have said to her that they think it's in a setback, and too close the property lines.

She's not sure since they haven't come before the ZBA.

There's also some issues in regards to height restrictions since it's more than two inches high, unless it's a type of patio and the landscaping is flush with the ground.

There are 2x4(s) which would indicate a deck so when completed you'd clearly be above the 2 inch mark. She asked if the Commission knows anything about this or if a survey has been completed.

Note Mr. Fox said normally Public Comment isn't responded to but given Ms. Garrow's role as a Zoning Board of Appeals Member, he will acknowledge that the Commission isn't involved in this matter but he is aware that the Zoning Enforcement Officer has addressed the owner.

Note Mr. Fox suggested Ms. Garrow contact the Zoning Enforcement Officer outside of this meeting, for more particulars.

5. Reports

5-1. Communications and Correspondence

Note Mr. Fox said the only communication he received was in email in regards to 6 Woodland Drive.

Note Mr. Ventres said he thinks Mike Zuba is on track to do a zoom meeting with the BOG regarding the Master Plan, and Dr. Beauchene responded that last he heard, he may be attending the Annual Meeting. Mr. Ventres said he will consult with Mr. Zuba.

5-2. ZEO Report: Jim Ventres

Note Attached Report

 [ZEO_Report.pdf](#)

Note Mr. Ventres reported that people are still building despite the rising costs of materials. He noted they received a report from the BOG that permit fees for the past year were exceptionally high and exceeded what they budgeted, due to all activity going on.

5-3. Board of Governors Ex-Officio: Steve Beauchene

Note Dr. Beauchene said that Tom Cherry, fellow BOG Member, has expressed interest in taking over his duties as Ex-Officio, and that this matter will be decided at the May 28th, 2022 Organizational Meeting, which follows the Annual Meeting.

Note Dr. Beauchene's noted this is his last meeting and thanked the Commission for their stellar service to the community. He said he enjoyed how all the zoning meetings were nice and precise.

5-4. Chairman: Jim Fox

Note Mr. Fox thanked Dr. Beauchene for all his work and noted that during his service, the Commission always felt like they were represented; he's leaving behind big shoes to fill.

6. Old Business

6-1. Review & Discussion of current Zoning Regulations

Note Mr. Fox reminded the Commission that he asked Mr. Ventres at the previous meeting to prepare an example of height restrictions at intersections in other communities (see attached visibility pdf.) He said the hedge height is probably the most popular regulation Mr. Ventres handles given that they're trying to enforce a height limit on something that grows like a weed.

 [Visibility.pdf](#)

Note Mr. Ventres said the example he provided is from phoenix and they require a clear view of 80 feet, at 15 mph, which we don't have here. He added this might be a good item to explore via the Master Plan.

Note Mr. Fox discussed how the current rule for hedges is 42 inches from the pavement and 10 ft back from the intersection and how is primary concern is safety.

Note Mr. Ventres explained that the Black Point Subdivision was built with road widths of 40 feet while the majority of East Lyme has road widths of 50 feet. He said the Town stance is they can cut the vegetation at intersections but the appearance won't be as nearly as pleasing.

Note Mr. Ventres acknowledged that requiring everything to be cropped back is a big change and that bushes or hedges are the primary issue.

Note Mr. Peary asked in cases of too tall fencing, if they would they be grandfathered in.

Note Mr. Kycia said he agrees this is an issue and noted that a few houses on East Shore are repeat offenders in regards to hedge/bush height.

Note Mr. Peary said safety should be paramount but he understands the other side in terms of privacy; he errs on the side of caution and 10 ft from the intersection is a joke.

Note Mr. Horoho asked if there is a national standard and Mr. Ventres said there isn't, and many of them are lax.

Note Mr. Fox said from his perspective, this is a safety issue, and he'd rather have something that's more definitive and Mr. Horoho said it also makes it fair to the property owners to know exactly what they can and cannot do.

Note Mr. Allen said another possibility for the community to consider one-way streets; the Master Plan is going to be key for determining this item.

Note Mr. Fox agreed that the Master Plan component allows for the most public input.

Note The Commission further discussed visibility issues due to hedges and vegetation.

6-2. A2 Survey Requirement

Note Mr. Ventres discussed how the Commission could require a site plan review for new homes and major additions. He presented the following possible regulation:

SITE PLAN REVIEW REQUIREMENTS FOR NEW HOUSES AND MAJOR ADDITIONS AND RENOVATIONS

A-2 SURVEY/ PLOT PLAN REQUIREMENTS FOR ZONING PURPOSES

1. Project title, property owner and property address (including map and lot).
2. Date of plans and any revisions
3. North arrow and source of datum
4. Bench mark and vertical datum
5. Scale (horizontal and vertical on profiles).
6. Map references
7. Full boundary (including metes and bounds), lot area, and building setback lines.
8. Wetlands limits and flood zone limit and elevations.
10. Abutting topography, and buildings if needed.
11. Abutting property owners

12. Existing and proposed topography
13. Existing buildings (dimensions/finished floor elevations).
14. Proposed buildings (dimensions/finished floor elevations, top of foundation elevations).
15. Proposed driveway with elevation, grade, apron area, surface treatment, width, and clearance.
17. Existing and proposed utilities (water lines & sewer line including the mains in the street)
18. Existing and proposed easement areas
19. Footing drain inverts, outlet, and separation
20. Erosion and sediment control plan
21. Land surveyor and Professional Engineer with original seal and signature.
22. Plans drawn at 1" = 20';

AS-BUILT REQUIREMENTS FOR NEW HOME CONSTRUCTION AND MAJOR ADDITIONS

** Prior to the issuance of any Certificate of Zoning Compliance, the property owner shall provide a plan accurate to the Standards of A-2 Classification as defined in the Code of Practices for Standards of Accuracy of surveys and maps adopted September 26, 1996 as amended by the Connecticut Association of Land Surveyors, Inc.

Said plan shall show all required setbacks and boundary lines and the locations of all new construction and other important features. including but not limited to, new buildings, structures, parking areas, sewer systems lines, water lines, wetlands, flood plains and other information required to determine compliance with these Regulations. Such plan may not be required for any small addition to an existing single-family residential building or structure, or; for any permitted residential accessory building or structure unless required by submitting an application under Section VI for non-conforming lots.

Note Mr. Ventres said he currently has survey maps for around 30% of Black Point.

Note Mr. Horoho asked what defines a major addition and Mr. Ventres replied there should be some kind of number threshold.

Note Mr. Horoho discussed sheds, accessory buildings, and items of that nature.

Note Mr. Ventres said in terms of the building code, anything 400 sq ft or over requires a permit.

Note The Commission briefly discussed large sheds 20 x 20 or 10 x 20 which would require a survey.

Note Mr. Fox noted that not only the size of the addition needs to be considered, but the lot coverage as well.

Note Mr. Fox said they need to consider this item further and Mr. Ventres said he will check other smaller communities for comparables to consider.

6-3. Accessory Apartments paved driveways

Note Mr. Fox reminded the Commission that with this regulation they adopted language requiring a certain driveway type and he doesn't know if that was really the intention; is it language they should look at again and address now?

Note Mr. Ventres clarified that the language requires a paved or all-weather driveway and not grass. He added that under the statues you can only require one parking spot.

Note Mr. Fox noted they don't require paved or all-weather driveways for the standard home and Mr. Horoho said therein lies the conflict.

Note Ms. Klemmer said she thinks the "paved" portion should be removed; there are plenty of homes that don't have driveways at all.

Note Mr. Fox asked if they want to modify the language to simply say one parking space is to be delineated so that it's obvious that there is one, and not specify the material.

Note Mr. Ventres said you could simply just say "the site plan shall demonstrate off street parking" and end it there.

Note Mr. Allen said he thinks that would be sufficient and Mr. Peary said he's not a big fan of people turning their lawns into parking lots.

Note Mr. Fox discussed how the regulation should be consistent for both types of dwellings, and either they say off street parking shall be demonstrated or require paved/all-weather driveways for both types.

Note Mr. Fox reminded the Commission that they're are limits for qualifying for an accessory use dwelling and suggested they continue to review and discuss this item at the next meeting.

6-4. Terrace/Patio

Note Mr. Ventres said some of the following:

This is an item he hasn't seen anywhere else.

The building code doesn't get involved at all with the concept of patios, terraces, or any ground grade fixture.

Most towns don't get involved unless you have an impervious surface regulation, which you don't.

If somebody's at ground grade, on one side, it's normal for two sides to be elevated.

Essentially this is a landscaping issue and the requirement of two inches in many cases is impossible.

If you tell them it has to be at ground grade, they end up digging and causing erosion.

Note Mr. Fox said this is an existing regulation which predates him, but he can consult with his neighbor, who was the Zoning Chair previous to him.

Note The Commission further discussed the practical matters of the regulation.

Note Mr. Fox said he's not sure if this truly belongs in our regulations; zoning is charged with the the health, safety and welfare of the community.

Note Mr. Peary said he thinks it's important to determine what the original intent was.

6-5. Nonconforming Buildings & Lots

Note Mr. Fox said when they cleaned up this regulation a bit to address a narrow lot size previously overlooked, the change resulted in the potential to add a second story; his focus was entirely on the house itself and he didn't consider that structures other than homes could take advantage of this regulation.

Note The Commission briefly discussed whether this loophole should be permitted since it wasn't the intent of the regulation and Mr. Ventres said if they decide they don't want to promote this, they could insert the language "primary dwelling." Mr. Fox said the language "single family dwellings not including garages and accessory structures," might be more appropriate if they choose to go that route.

Note The Commission decided to continue to discuss this item at future meetings.

6-6. Creation of third BPBCA District "Association Property"

Note Mr. Fox discussed the two zones Black Point has- commercial and residential, and asked if Association property would be better covered under a separate district. He noted that the Clubhouse, the top of Billow, and the Whitecap Lot aren't truly residential or commercial, and that technically the Board of Governors could choose to subdivide the Clubhouse land given the zone classification.

Note The Commission discussed the concept of a third district.

Note Mr. Kycia asked how government properties differentiate themselves and Mr. Ventres said typically other districts end up listing municipal buildings and all the districts so the use doesn't get prohibited.

Note Mr. Horoho said they're thinking about the next generation that is here and trying to put those people in a position to succeed; perhaps a third district is something they should have.

Note The Commission discussed how this is an ideal item for the Master Plan to explore.

7. New Business

7-1. Review & Discuss creation of a ZEO message on the BPBCA website

Note Mr. Fox discussed having more of a zoning presence on the website and Dr. Beauchene shared that the Board of Governors budgeted for renovation of the website and this will be an ideal time to revamp the zoning section.

Note Dr. Beauchene said he will impart the wishes of the Zoning Commission to the other BOG Members.

7-2. Zoning Terms

Note Mr. Fox noted the next Zoning meeting is on June 17th, 2022, and that the terms for himself, Mr. Allen, Mr. Kycia, and Mr. Bruce expire on July 31st, 2022.

Note Mr. Fox and Mr. Allen said they would both like to continue serving while Mr. Kycia said he has other ventures he'd like to pursue.

Note Mr. Allen said he spoke with Mr. Bruce today and he would be happy to continue as well.

Task Mr. Fox asked that an entry seeking parties interested in serving on the Zoning Board in the future be put on the website.

Owned by Brooke Stevens, Recording Secretary due 05/21/22

8. Adjournment

Decision MOTION (3)

Mr. Kycia moved to adjourn the May 20th, 2022, Black Point Beach Club Association Zoning Commission Meeting at 7:14 p.m.

Mr. Allen seconded the motion.

Motion carried, 5-0-0.

Note Respectfully Submitted,
Brooke Stevens, Recording Secretary

Task Summary

New Tasks

Task Mr. Fox asked that an entry seeking parties interested in serving on the Zoning Board in the future be put on the website.

Owned by Brooke Stevens, Recording Secretary due 05/21/22