

Minutes of Black Point Beach Club Zoning Commission Special Meeting - 07/20/22

Date and time: 07/20/22 06:00 pm to: 07/20/22 07:00 pm

Present: Brooke Stevens, Rec Secretary (* Ms. Stevens was not in attendance & did min via recording) Present:, Jim Fox, Chairman, Jim Allen, Secretary, John Horoho, John Kycia, Charles Bruce, Alternate, Joseph Katzbek, Alternate , Betsy Klemmer, Alternate , Absent:, Matt Peary

CC: Jim Ventres, Zoning Enforcement Official, Jim Mastria, Ex-Officio

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

Link: <http://app.meetingking.com/meetings/382257>

Topics

1. Call to Order & Establishment of Quorum

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

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

Note See attached meeting minutes.

 [Minutes_of_Black_Point_Beach_Club_Zoning_Commission_06_17_22_\(1\).pdf](#)

3-1. June 17th, 2022, Regular Meeting Minutes

Decision MOTION (1)

Mr. Allen moved to approve the Zoning Commission June 17th, 2022, Regular Meeting Minutes as posted.

Mr. Kycia seconded the motion.

Motion carried, 4-0-0.

4. Call for Public Comments

4-1. Jason Bookmiller of 22 Bellaire

Note Mr. Bookmiller introduced himself and shared how he has lived in Black Point since 2019 and responded to the inquiry for a Zoning Alternate Member. He said he briefly met with Mr. Fox to get a sense of the responsibilities involved, and that he is willing to learn and contribute.

Note There were no further public comments.

5. Reports

5-1. Communications and Correspondence

Note Mr. Fox and Mr. Ventres both reported that they have received no communications or correspondence.

5-2. ZEO Report: Jim Ventres

Note Mr. Ventres supplied his report.

 [ZEO_Report_July_2022-2.xlsx](#)

Note Mr. Ventres said things are slow at the moment, which is common in the summer months. He has spoken to a few contractors and anticipates receiving permit requests in the fall.

5-3. Board of Governors Ex-Officio: Jim Mastria

Note Mr. Mastria said everything is status quo and that he especially liked the items Mr. Fox and Mr. Allen discussed at the last Board of Governors meeting, specifically the idea of an Association District to protect the Clubhouse and grounds, and the parking lot.

5-4. Chairman: Jim Fox

Note Mr. Fox said he would like to publicly thank John Kycia for his service to the Zoning Commission; he is someone who has always come prepared to every meeting, he has a long history with this Association, has been a valuable contributor, and will be missed.

6. Old Business

Note Review and discussion of current Zoning Regulations

6-1. Hedge Heights at Intersections

Note Mr. Fox noted this is an extremely important regulation for their Association and it's imperative they take action due to safety concerns. He reminded the Commission that Mr. Ventres previously shared from other communities what their typical regulations entail. He added that the challenge is that the language used is not very specific.

Note Mr. Fox said the advantage is that we have one speed limit here although few people follow it. He said from his perspective it's much easier to have a predetermined number of what that clearance of the hedge height should be.

Note Mr. Fox said some of the materials they previously looked at suggest that with 20mph speeds, should be somewhere in the neighborhood of 70 feet; our current regulations are at 10 feet so this would clearly be a very significant change.

Note Mr. Fox noted that Mr. Ventres has marked out areas at the intersection of East Shore and Whitecap, to illustrate 10 ft, 20 ft, and 30 ft, to offer a visual aid for their discussion.

Note Mr. Ventres discussed the current safety concerns and limitations.

Mr. Fox said there are two things to consider, what the distance should be, and the optimal hedge height. He reminded everyone that the current regulations are 42 inches in height, 10 feet back from the pavement.

Note Mr. Fox called for Commission comments and thoughts.

Note Mr. Allen said some of the following:

Looking at it in its entirety, he thinks it's one of the biggest safety issues they face here, especially when you consider kids zooming around quickly on bicycle's, razors, scooters and so forth.

He thinks the current regulation is inadequate and it's miraculous that they haven't had anything really awful happen here.

It's a slippery slope, how this is going to be received.

With the information that has gone out in the Black Pointer and by word of mouth, many people have been proactive and have cut their hedges back.

Note Mr. Fox noted that some people are stepping up. while others are flaunting that they haven't.

Note Mr. Allen said when you look at all these speed limit signs, those speeds are for ideal conditions, so his idea would be to kick it back to 20 ft.

Note Mr. Kycia agreed that it would be best to start at 20 ft and see how that goes, he thinks 30 ft is too extreme and would destroy the frontage of some homes.

Note Mr. Horoho said some of the following:

He has grabbed with this issue since their last discussion.

He is absolutely in favor of achieving a safer environment.

We have problems beyond hedges, which are just one piece of it.

We have excessive speeds and people who don't stop, for stop signs and this goes on year-round.

We're not having a great deal of success making sure people adhere to the current regulations never mind introducing significant new ones.

New regulations like this would need very significant teeth behind them complete with penalties or similar actions.

Just passing this now is going to allow people who are fluffing it, to further fluff it.

He's not sure any change will be effective without strict enforcement.

Note Mr. Katzbek discussed how he has witnessed numerous people who do not adhere to the stop signs. He thinks there should be consequences for not following traffic rules and that these consequences should be put in writing.

Note Mr. Bruce said he's in complete agreement and said his son in one week was almost hit twice, and that he tells his kids they can't back out of his driveway on Sea Spray given the poor conditions. He said this is a litigious world and if they can have something in writing, they should; enforcing it is another matter. Mr. Bruce said he's also in favor of strict rules to enforce this.

Note Ms. Klemmer said she is also in agreement, she's all for educating kids about the litany of safety concerns but these rules need to have teeth to be effective.

Note Mr. Fox said the current setup is not safe and he is in favor of taking some drastic measures to create a safer situation at a hedge intersection. He said he would love to see them go back to 30 ft and he understands that makes a significant impact to someone's existing hedge, but safety is paramount.

Note Mr. Mastria wondered if temporary seasonal speed bumps would be possible, and Mr. Fox said that would be up to the Town.

Note Mr. Fox noted that there are some people who would like to see some of our roads become one way and that this may be an item the Master Plan explores.

Note Mr. Allen wondered if they should also consider fences along with this and Mr. Katzbek said no matter what the object is, be it a hedge, fence, or rock, it should be included and considered.

Note Mr. Ventres offered that whether they change the number from 42 to 30 and 10 to 20, it still addresses fences, hedges, all of it; the beauty of a public hearing involving changing numbers, is that you can amend that number if you so choose to and the whole community can be part of that debate.

Note Mr. Fox said they will continue to discuss this item in the future.

6-2. A2 Survey Requirement

Note Mr. Fox said this is where the commission is reviewing language that would require a site plan or need to survey for all new homes and any major additions 400 sq ft or larger. He verified with the rest of the Commission that they are all in agreement on this matter.

6-3. Accessory Apartments paved driveways

Note Mr. Fox noted that the Commission has already determined that they're all in agreement on this matter as well; the language will be changed to "parking demonstrated."

6-4. Terrace/Patio

Note Mr. Fox said the current Building Code talks about 2 inches and at the previous meeting he shared the recollections of the previous Chair, and that Ms. Stevens was able to locate previous regulations from the 2000s. He noted that previous ZEO's really ran away with this because their compensation was tied to the number of permits pulled.

Note Mr. Fox said they recognize this is a very difficult regulation to enforce, there's a lot of sloped property, and it's almost impossible to place a patio that is just 2 inches off a grade when you have an existing grade that creates a very uneven patio.

Note Mr. Fox said they previously discussed changing this number from 2 to a yet to be determined number.

Note Mr. Horoho detailed what this would look like if someone were building a deck and he came to the conclusion that you wouldn't be able to do anything for less than 18 inches.

Note Mr. Fox asked him to confirm that 18 inches would allow the property owner to create something that would address their specific property issues and Mr. Horoho said a minimum of 18 inches would be necessary.

Note Mr. Kycia said one concern he would have, is if someone put a flag stone patio in on a sloped property that starts to decline, where would we say the patio should stop when you can go right to the property line? He noted that at the end of the property it could be 24 inches.

Note Mr. Fox said under the current regulations you can't go more than 2 inches and asked how they can address this for property owners that don't have flat lots.

Note Mr. Ventres discussed how it's best if people have a number to work with.

Note Mr. Horoho asked if retaining walls are covered by a regulation and Mr. Ventres said once you put in a deck for landscaping verses a retaining wall, you could have someone who's elevated 5 ft overlooking the neighbor's yard, and that's an intrusion.

Note Mr. Horoho said he mentioned a retaining wall in regard to Mr. Kycia's comment that you could run a flag stone patio out to the property line; if you had a fence, you would have a setback, and he wonders if you would have a setback with a retaining wall.

Note Mr. Fox said there are regulations for grade changes and briefly discussed some of the retaining walls on Sea Spay in relation to the grades present.

Note Ms. Klemmer said she thinks they have to put a number on it, she's just not clear on what that number should be.

Note Mr. Bruce said he thinks between 18 and 24 inches is reasonable, that 2 inches won't accomplish much.

Note Mr. Fox said he would like people to look in the future at regulation changes they made and be able to decipher the intent. He's not sure what the intent was here; a regulation should be put in place for the majority and benefit of the community, and he thinks the 2-inch rule is the opposite.

Note Mr. Allen said he thinks 24 inches would be more reasonable and noted that his home is one of the homes on Sea Spray with the terraced like lawn, and rocks built in. It's his understanding that this was done when the homes were built to accommodate farming.

Note Mr. Fox said they would have to consider how close to a property line would be permitted and Mr. Bruce discussed how having a shed at 5 ft works because you're not sitting on everything or looking at your neighbors.

Note Mr. Bruce said 8 to 10 ft might be adequate and Mr. Horoho asked what the setback is for a deck. Mr. Ventres replied that it's 15 ft.

Note Mr. Fox said they need to consider some of these situations because they want to address them but not create additional ones as a result.

Note Mr. Horoho said if they have a deck that is elevated at 15 ft, and now have a patio or terrace at 24 inches, it's elevated, so why not be consistent and say 15 ft? He said you may not be able to have a wide deck, but you could have a long, narrow deck. Mr. Horoho observed you could give someone a realistic chance to have a deck that wouldn't overwhelm their neighbor.

Note Mr. Fox discussed nonconforming properties that have sloped yards and asked how an opportunity could be provided for these properties if they chose to do so.

Note Mr. Horoho said they can probably come up with something that gives most people an opportunity.

Task Mr. Ventres said anything over 18 inches could require a permit but would still have to meet the regulations for the side yard. He said he will write up a mock regulation for the Commission to discuss.

Owned by Jim Ventres, Zoning Enforcement Official due 08/19/22

6-5. Nonconforming Buildings & Lots

Note Mr. Fox said this is fine tuning an existing regulation and by adding the language of "a primary dwelling" it's more specific in terms of what the regulation actually allows. He noted that right now it's not as clear as it needs to be, and the rest of the Commission concurred.

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

Note Mr. Fox said as they heard from Mr. Mastria, their Liaison, this is something the Board of Governors appear to be in favor of. He added that this is something that protects our properties while identifying key things within our community that we own.

6-7. Accessory Screening

Note Mr. Fox said under our current regulation, if you have equipment such as an air conditioning unit or generator, you are required to provide screening from the front of the road, if you can see it; the regulations allow this to either be some kind of structure, such as a fence or some kind of decorative planting. He previously brought this up for discussion since plantings are known to die.

Note Mr. Fox said the idea here is to emphasize year-round screening and the rest of the Commission agreed that no further discussion of this item is needed.

Note Mr. Kycia asked about the right-of-way(s) and the Commission discussed how they're the jurisdiction of the Board of Governors.

7. New Business

Note There was none.

8. Adjournment

Note Mr. Fox said the next meeting is scheduled for August 19th, 2022.

Note Mr. Fox thanked everyone for their flexibility in allowing this meeting to be moved from Friday to Wednesday to accommodate his work schedule.

Decision MOTION (2)

Mr. Allen moved to adjourn the BPBCA Zoning Commission July 20th, 2022, Special Meeting at 6:45 p.m.

Mr. Kycia seconded the motion.

Motion carried, 4-0-0.

Note Respectfully Submitted,
Brooke Stevens, Recording Secretary

Task Summary

New Tasks

Task Mr. Ventres said anything over 18 inches could require a permit but would still have to meet the regulations for the side yard. He said he will write up a mock regulation for the Commission to discuss.

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