

# Minutes of BPBCA Zoning Commission Regular Meeting - 06/21/24

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**Date and time:** 06/21/24 06:00 pm to: 06/21/24 06:40 pm

**Present:** Brooke Stevens, Recording Secretary, Jim Ventres, Zoning Enforcement Official, Jim Fox, Chairman, Jim Allen, Secretary, John Horoho, Regular Member, Betsy Klemmer, Regular Member, Jason Bookmiller, Alternate, Joseph Katzbek, Regular Member, Keith Turner, Alternate, Mike Walsh, Alternate

**CC:** Absent:, Arlene Garrow, Zoning Liaison, Jim Schepker, BOG Chair

**Location:** BPBCA Clubhouse, 6 Sunset Avenue, Niantic, CT, 06357

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## Topics

### 1. Call to Order

**Note** Acting Chairman Allen called the Regular Meeting of the Black Point Beach Club Association Zoning Commission to order at 6:00 p.m. and did roll call; a quorum was present.

**Note** Mr. Allen noted that Chairman Fox is on his way from the airport and due to arrive around 6:20 p.m.

### 2. Additions to the Agenda

**Note** There were none.

### 3. Approval of Zoning Minutes

#### 3-1. May 17th, 2024, Regular Meeting Minutes

**Note** see attached.

 [Minutes-of-BPBCA-Zoning-Commission-Regular-Meeting-05\\_17\\_24.pdf](#)

**Note** Mr. Horoho said it says that he suggested that we consider revising regulations to include control over interior work, and that if he did say that, he misspoke, he has no intention of wanting this Commission to have control over it, and whatever was said, was in the wrong context.

**Note** Mr. Walsh concurred, and Mr. Allen asked Ms. Stevens to strike the line "Mr. Horoho suggested they consider revising regulations to include control over interior work," from the Meeting Minutes.

**Decision** MOTION (1)

Mr. Horoho moved to approve the Meeting Minutes of May 17th, 2024, as amended.

Ms. Klemmer seconded the motion.

Motion carried, 4-0-0.

### 4. 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** Mr. Deknis, Chair of the Zoning Board of Appeals, was in attendance and noted they're still very slow, but they have gotten interest in the ZBA opening. He has talked to the two interested parties and hopefully one out of the two will work out.

## 5. Reports

### 5-1. Communications and Correspondence

**Note** There was none.

### 5-2. ZEO: Jim Ventres

**Note** see attached report.

 [ZEO\\_Report\\_June\\_2024.xlsx](#)

**Note** Mr. Ventres discussed his report and junk removal notice, and shared some of the following: Construction continues, and friendly reminders were sent to people with boats, junk vehicles and the like. Reasons for removing junk vehicles include unsightliness, property value reduction, environmental hazards, and safety risks. Unregistered vehicles that haven't moved in years should be removed. Financial incentives for removing junk vehicles include \$450 for vehicles with catalytic converters. He suggests this information be included in the Black Point Beach Club newsletter.

### 5-3. BPBCA Board of Governors Ex-Officio

**Note** Ms. Garrow was not in attendance but Jim Schepker, newly elected BOG Chair, was in attendance, in her stead. He said he has no report but appreciates being here, is taking notes, and is going to pass them along to Ms. Garrow.

**Note** Mr. Allen thanked Mr. Schepker for serving on the Board of Governors and Mr. Schepker replied that it's a privilege, he is honored by the request, and will work hard; this is an engaging community, and it deserves all the respect and treatment it can get.

### 5-4. Chairman: Jim Fox

**Decision** MOTION (2)

Mr. Horoho moved to table the Chairman's Report until Mr. Fox's arrival.


Ms. Klemmer seconded the motion.

Motion carried, 4-0-0.


## 6. Old Business- Review & Discussion of Current Zoning Regulations

**Note** New regulations were reviewed and updated with input from Attorney Branse. Mr. Ventres noted the comments in red (see attachment #2), are from Attorney Branse.

**Note** see attachment #1.

 [0300\\_001.pdf](#)

**Note** see attachment #2.

 [0297\\_001.pdf](#)

## 6-1. Discussion of different regulations for the third BPBCA District - "Association Property".

**Note** Mr. Ventres observed that Attorney Branse fine-tuned the language regarding Association property.

## 6-2. Discussion regarding prohibiting Metal Buildings.

**Note** Mr. Ventres said that Attorney Branse also fine-tuned the language regarding metal buildings (see attachment #2.)

## 6-3. Discussion regarding definition of Detached Garages.

**Note** Mr. Ventres said Attorney Branse again didn't change the intent, just the language.

## 6-4. Permit Expiration

**Note** Mr. Ventres briefly discussed how permits are a lengthy process, and existing permits are being grandfathered in due to COVID-related delays; permits from the Town and FEMA can take up to four and a half months before construction starts.

**Note** Mr. Ventres noted that he finds 18 months acceptable due to the current lengthy permit process.

## 6-5. Review of Wall, Fences & Hedges.

**Note** Mr. Ventres said fence and wall regulations are being updated to include specific materials and safety requirements, and the word 'adjoining' for walls and fences has been added.

Mr. Ventres discussed how Attorney Branse didn't like the term "beyond the front plane of the building," so he replaced it with "in the front plane of the primary building."

**Note** Mr. Ventres and the Board discussed concerns about fence height and safety, examples of pool fences, and the need for pool fence alarms, issues with chain link and corrugated metal fences, the possibility of prohibiting these materials, and regulations for walls and materials used, such as dry-laid stone, concrete, and engineered block.

**Note** Mr. Fox arrived at 6:19 p.m.

**Note** Mr. Fox and Mr. Ventres discussed how hedges grow back quickly after being cut, thereby making enforcement challenging.

**Note** Mr. Ventres also discussed some examples of hedges growing quickly and becoming a problem in the community rights-of-ways.

**Note** Mr. Walsh asked about the hedge height regulation and Mr. Fox discussed how hedge growth presents a problem, which is why Attorney Branse initially advised them to refer this item to the Board of Governors, despite hedge height being part of the Zoning Regulations for 25 years, it is not an item that Zoning should be in charge of.

Mr. Fox further explained that Zoning is concerned with static issues- where one puts their house, their shed, their fence and so forth.

**Note** Mr. Fox added that more teeth is needed behind the enforcement, which would be better addressed by the Board of Governors via an ordinance.

## 7. New Business

## 7-1. Discussion of “Public Hearing” date.

**Note** The Commission discussed setting a Public Hearing date and after viewing the calendar, settled on August 23rd, 2024, at 6:00 p.m., with a Special Meeting to follow. Mr. Fox noted they will cancel the Regular Meeting scheduled for August 16th, 2024.

**Note** Mr. Fox said he is hopeful that audience participation will guide their revisions like it has done in the past.

**Note** Mr. Ventres said Attorney Branse did give all his comments and he sent him back the cleaned-up version with his comments incorporated. He added that they could set a Public Hearing now for that date and can receive and address any additional comments Attorney Branse may have, at their July meeting.

## 8. Chairman's Report

**Note** Mr. Fox gave his report and offered some of the following:

He met with Jim Schepker, the new BOG Chair, a week ago and detailed work done by the Zoning Commission over the last 5 years as well as some of the items the Commission is currently reviewing. They continue to be very proactive in terms of their regulations and he takes it as a compliment that Black Point is the only beach community that has revised their zoning regulations in the last 20 years. A large part of that is due to the expertise of their Zoning Enforcement Officer and their Land Use Attorney. He recapped for Mr. Schepker how close the Commission was to modifying the hedge height regulation 2 years ago, and how they paused their work at the recommendation of Attorney Branse. He also discussed the very real, associated safety concerns and conveyed how frustrating it is for the Commission that the regulation still has not been adopted as an ordinance by the Board of Governors.

**Note** Mr. Fox shared that July is the end of Jim Allen's term, and he has decided not to continue on the Commission. He has spoken to all of their Alternates, and Mr. Walsh has expressed interest in becoming a full member.

**Note** Mr. Fox shared a letter of interest he received from Gail Shepard of 20 Osprey Road.

 [Gail Shepard letter of interest.pdf](#)

**Note** Mr. Fox noted he thinks Ms. Shepard would be a tremendous addition to the Zoning Commission and clarified that she would fill an Alternate position vacancy.

**Note** Mr. Fox said he will provide this information in writing so that the Board of Governors can address the upcoming Commission vacancies at the next BOG meeting.

## 9. Adjournment

**Note** The next regularly scheduled meeting is scheduled for July 19th, 2024.

**Decision** MOTION (3)

Mr. Allen moved to adjourn the June 21st, 2024, Regular Meeting of the BPBCA Zoning Commission at 6:40 p.m.

Ms. Klemmer seconded the motion.

Motion carried, 5-0-0.

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

