

# Minutes of BPBCA Zoning Commission Regular Meeting - 07/19/24

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**Date and time:** 07/19/24 6:00 PM to: 07/19/24 7:02 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:** Arlene Garrow, Zoning Liaison

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

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## Topics

### 1. Call to Order

**Note** Chairman Fox 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.

### 2. Additions to the Agenda

**Note** There were none.

### 3. Additions to the Agenda

**Note** There were none.

### 4. Approval of Zoning Minutes

#### 4-1. June 21st, 2024, Regular Meeting Minutes

**Note** see attached.

 [minutes\\_\(1\).pdf](#)

**Decision** MOTION (1)

Mr. Allen moved to approve the Regular Meeting Minutes of June 21st, 2024, as submitted.

Ms. Klemmer seconded the motion.

Motion carried, 5-0-0.

### 5. 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** Phil Lombardo of 3 East Shore Drive raised concerns about the language in the proposed changes to bushes and fence regulations, seeking clarification on measurement terms and pre-existing structures. His specific concern was the proposed revision to the zoning regulations and the language "the beginning of the street pavement at the intersection." He asked how that is measured and what exactly that is.

**Note** Mr. Fox stated that although this forum is for public comments rather than a question-and-answer session, out of respect for Mr. Lombardo, they will provide an answer given the limited public presence. The first step involves a height measurement from the pavement. The intersection at Billow and East Shore presents a challenge due to its soft corner, unlike a hard corner. To address this, one approaches the intersection, stands at the corner, and then measures backward from that point.

**Note** Mr. Ventres noted that the language Mr. Lombardo read initially was outdated. The proposed revisions were forwarded to Attorney Branse, who also disapproved of the wording. He recommended that measurements be taken from the edge of the street pavement, which is where we will determine it. Additionally, he advised that the height measurement should be level with the adjoining street pavement.

**Note** Mr. Lombardo inquired about the edge's location in the case of a rounded corner, to which Mr. Ventres responded that it is the curve's center line. Mr. Allen further explained that during an accident investigation, the curb lines are extended; thus, if there is a curved curb line, it is extended until the curb lines intersect, forming a square.

**Task**  Mr. Lombardo observed that it's confusing and that it would be helpful to have a diagram. Mr. Ventres replied that he will provide one for reference at the public hearing.

*Owned by Jim Ventres, Zoning Enforcement Official due 08/23/24*

**Note** Mr. Fox stated that almost every corner is curved. Regarding the hedges, it's clear that the corner from Sunrise to Sea Spray is likely the broadest and softest, but his corner is particularly concerning because it is tight, creates a bottleneck, and is obstructed by hedges.

**Note** Mr. Fox clarified that existing non-conforming structures are grandfathered in, and bushes are regulated at 42 inches high. He added that this particular issue is something they're actually trying to hand off to the Board of Governors per Attorney Branse's recommendation; it's a topic that doesn't belong in zoning

## 6. Reports

### 6-1. Communications and Correspondence

**Note** The only correspondence shared was an email from Magaret Mager, a community member, seeking answers to questions about fences, which were addressed by Mr. Fox, who contacted the individual.

### 6-2. ZEO: Jim Ventres

**Note** see attached report.

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

**Note** Mr. Ventres reported that building activities are ongoing, with some projects nearing completion, and he sent out letters regarding zoning issues, and received positive feedback and responses from the recipients.

**Note** Mr. Ventres and the Commission had a general discussion on unregistered vehicles and boats, and the need for cleanup of certain properties.

### 6-3. BPBCA Board of Governors Ex-Officio

**Note** Ms. Garrow had nothing to report.

### 6-4. Chairman: Jim Fox

**Note** Mr. Fox commented that this meeting marks Mr. Allen's departure from the Zoning Commission. As the secretary for over five years, Mr. Allen has been indispensable. Mr. Fox expressed his gratitude for Mr. Allen's hard work, dedication, and commitment, not only to the Zoning Commission but also to Black Point. He acknowledged that Mr. Allen has raised the bar for the role to such an extent that it will be a formidable task for his successor to meet the standard he has set.

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

**Note** Proposed revisions to the current zoning regulations were reviewed and updated with input from Attorney Branse.

**Note** see attachment #1.

 [Attachment 1.pdf](#)

**Note** see attachment #2.

 [Attachment 2.pdf](#)

### 7-1. Discussion of different regulations for the third BPBCA District - “Association Property”.

**Note** There was no new discussion.

### 7-2. Discussion regarding prohibiting Metal Buildings.

**Note** There was no new discussion.

### 7-3. Discussion regarding definition of Detached Garages.

**Note** There was no new discussion.

### 7-4. Permit Expiration

**Note** There was no new discussion.

### 7-5. Review of Wall, Fences & Hedges.

**Note** The Commission debated the appropriate height for fences and hedges, with a consensus on 42 inches for fences and maintaining 36 inches for hedges at intersections.

**Note** Mr. Walsh clarified that they're not suggesting hedges be maintained on an annual basis. Mr. Ventres explained that homeowners have the option to trim their hedges annually to 36 or 30 inches and allow them to regrow, or they may choose to cut them monthly. Some opt for bi-monthly maintenance, simply trimming the top four inches, while others have taken more drastic measures and then left them unattended. Should the hedges become unruly, he reaches out to the homeowners.

**Note** Mr. Fox said they previously discussed scheduling a public hearing for August 23rd, 2024, and the Commission agreed that they're ready to go forward on this date.

**Note** Mr. Ventres noted the public hearing notice is ready for publication and he will facilitate that and have Ms. Stevens post in on the website and file it with the town.

**Decision** MOTION (2)

Mr. Horoho moved to set a Public Hearing date for August 23rd, 2024, at 6:00 p.m., to consider the proposed revisions to the BPBCA Zoning Regulations.

Ms. Klemmer seconded the motion.

Motion carried, 5-0-0.

## 8. New Business

### 8-1. Discussion of BPBC Master Plan, Referral from the Board of Governors

**Note** The Commission discussed the Master Plan, its importance, and the need for Zoning feedback.

**Note** Mr. Fox provided a concise history of the Master Plan, detailing our progress to this point and citing the meeting minutes from September 18th, 2020. During the public comments, Colleen Chapin of 53 East Shore Drive expressed her desire to state for the record the community's need for a comprehensive plan. At that time, as chair of the ZBA, she noted that such a plan would assist the Zoning Commission and the ZBA in determining whether variance applications align with the community's vision. Without a plan, she observed, it appears that changes are made solely to benefit specific community members. Echoing the sentiments shared in public comments, Mr. Fox reported that evening his support for the Board of Governors and Zoning to collaborate on a Plan of Conservation and Development.

**Note** Mr. Fox clarified that a Plan of Conservation and Development is mandated for every municipality in Connecticut. It serves as the blueprint or guiding document that dictates the town's direction, ensuring that each commission and member of the political framework is aligned with the town's future vision.

**Note** Mr. Fox explained that he approached the Board of Governors to propose and support the implementation of a POCD, or Master Plan, for Black Point. The project received approval, the BOG requested bids, a company was selected to oversee the project, and after two and a half years, the draft is completed and prepared for the BOG's review.

**Note** Mr. Fox stated that the Zoning Commission serves as an advisory body to the Planning Commission. In Black Point, the Planning Commission is synonymous with the Board of Governors. Therefore, our current focus should be on reviewing the master plan, considering the significant zoning issues, and formulating our stance on the Master Plan.

**Note** Mr. Ventres highlighted the importance of having a conservation or master plan when seeking DEEP or federal grants. He pointed out that seawall protection is a significant issue and that such a plan is a crucial checkpoint for grant consideration. Without it, the chances of securing funding are slim. Therefore, possessing a foundational document is essential for grant outreach.

**Note** Mr. Fox asked the Commission Members for feedback about the Master Plan, from a zoning perspective and reminded everyone that Zoning's focus is on the health, safety, and welfare of the community.

**Note** The Commission discussed the Master Plan and some of the following items were highlighted: Concerns were raised about the narrow roads in the area, especially during the summer season when traffic increases.

The safety of pedestrians, especially children, on narrow roads with increased traffic is a significant concern.

The use of golf carts and e-bikes on the roads and their impact on traffic and safety.

The need for a traffic study to address congestion and safety issues on the roads.

The idea of implementing seasonal one-way traffic to alleviate congestion and improve safety.

The Master Plan should anticipate future needs and address issues like traffic and safety as the community becomes more year-round.

The increasing density of the community and its impact on traffic, safety, and zoning is a major concern.

Off-street parking is identified as one of the zoning issues that need to be addressed.

Strengthening stormwater management requirements is suggested as a necessary measure.

Addressing blight and property maintenance issues is mentioned as a challenge.

The Master Plan should be a dynamic document that is continuously updated and referred to.

**Note** Mr. Fox noted the vast amount of work that the Steering Committee did to draft the Master Plan.

**Decision** MOTION (3)

Mr. Horoho moved to give the following response to the Board of Governors:

The Zoning Commission has examined the current draft of the Master Plan and acknowledges the substantial time and resources invested thus far. They believe it is remarkably thorough but recommend conducting further work, particularly a traffic assessment of the existing road systems, to identify additional measures that could enhance the safety of the public and Black Point, with a special focus on pedestrian well-being.

Ms. Klemmer seconded the motion.

Motion carried, 5-0-0.

**Note** Mr. Ventres clarified that the recommendation is for the plan to include a proposal for a traffic study, rather than conducting the traffic study prior to the adoption of the plan.

## 9. Adjournment

**Note** The next regularly scheduled meeting scheduled for August 16th, 2024, has been cancelled. A Public Hearing is scheduled for August 23rd, 2024, at 6:00 p.m., and a Special Meeting of the Zoning Commission will immediately follow.

**Decision** MOTION (4)

Mr. Allen moved to adjourn the July 19th, 2024, Regular Meeting of the BPBCA Zoning Commission at 7:02 p.m.

Mr. Katzbek seconded the motion.

Motion carried, 5-0-0.

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

## Task Summary

### New Tasks

**Task**  Mr. Lombardo observed that it's confusing and that it would be helpful to have a diagram. Mr. Ventres replied that he will provide one for reference at the public hearing.

*Owned by Jim Ventres, Zoning Enforcement Official due 08/23/24*