

Minutes of BPBCA Zoning Commission Special Meeting - 08/23/24

Date and time: 08/23/24 7:04 PM to: 08/23/24 7:33 PM

Present: Brooke Stevens, Recording Secretary, Jim Ventres, Zoning Enforcement Official, Jim Fox, Chairman, John Horoho, Regular Member, Joseph Katzbek, Regular Member, Mike Walsh, Regular Member, Gale Shepard, Alternate, Absent:, Betsy Klemmer, Regular Member, Keith Turner, Alternate

CC: Arlene Garrow, Zoning Liaison

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

Topics

1. Call to Order

Note Chairman Fox called the Special Meeting of the Black Point Beach Club Association Zoning Commission to order at 7:04 p.m. and did roll call; a quorum was present.

Note Ms. Shepard sat as a Regular Member for the evening.

2. Approval of Meeting Minutes

2-1. July 19th, 2024, Meeting Minutes

Note see attachment.

 [Minutes-of-BPBCA-Zoning-Commission-Regular-Meeting-07_19_24.pdf](#)

Decision MOTION (1)

Mr. Walsh moved to approve the Meeting Minutes of July 19th, 2024, as presented.

Mr. Katzbek seconded the motion.

Motion carried, 5-0-0.

3. Public Delegations

Note Public Delegations 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. During delegations, the members of the Commission will not directly answer questions or make comments.

Note There was none.

4. REPORTS

4-1. Communications and Correspondence

Note Ms. Stevens and Mr. Ventres reported that the only communication was from a community member inquiring about home business regulations and if renting out her home falls under this category. Mr. Ventres referenced a recent Supreme Court decision that stated this use is not a home business, which he conveyed to the Association Member.

5. Reports

5-1. ZEO: Jim Ventres

Note see attached ZEO report.

 [ZEO_Report_August_2024_\(1\).xlsx](#)

Note Mr. Ventres briefly discussed ongoing building activities and issues with roofing projects starting too early. He emphasized the importance of adhering to start times and permits.

5-2. Ex-Officio: Arlene Garrow

Note Ms. Garrow had nothing to report.

5-3. Chairman: Jim Fox

Note Mr. Fox reported that he attended the Board of Governors meeting last night, they approved the Master Plan, and he volunteered the Commission to be involved in future versions, specifically the Chairman and Zoning Enforcement Officer.

Note Mr. Fox noted the Master Plan was approved with the Zoning Commission's suggestions for traffic calming measures.

6. OLD BUSINESS

6-1. Regulation Review- Continued discussion and review of current BPBCA Zoning Regulations and/or proposed new regulations - post Public Hearing on same.

Note The Commission reviewed and discussed various zoning regulations, including fence heights, accessory buildings, and intersection visibility. They aimed to make regulations clearer and more enforceable.

Note Concerns were raised about the height and placement of fences, walls, and hedges, especially at intersections. The Commission proposed changes to improve safety and visibility and proposed specific language changes to the regulations, including defining access ways and setting height limits for fences and walls, to balance aesthetics and safety.

Note Mr. Fox stressed his sincere wish to see the Board of Governors act and establish a hedge height ordinance.

Note Ms. Garrow replied that they're starting to draft the ordinances now and get some legal opinions on this. It is something that's being worked on but it's unclear how soon it will happen, in the meantime, they're trying to do what they can.

Note Mr. Ventres explained that the intersection marks the boundaries of your property lines. In other words, it's the exact point where your property meets with the neighboring one. We also measure from the height of the pavement at this location.

It can be a difficult situation, as no one wants to lose any land they have claimed with their hedges or fences. However, it is important to note that in some cases, like when the person with the metal fence installed took out their hedge, we found that according to our map, the entire hedge was actually on town property. So, our goal is not necessarily to change who owns what land but rather to set regulations for the height and distance of structures near intersections.

Note Mr. Ventres added that we're not making any adjustments to the height requirements for the curve. Whether it's situated on your property or town property, its current placement will remain as is. Our goal is simply to increase visibility from the viewport. He is comfortable with the hedge height changes.

Note Mr. Katzbek said the only aspect they haven't included, which he thinks they should, is trees and Mr. Ventres replied that trees are covered under "other shrubbery."

Note Mr. Fox inquired about whether the language should be adjusted to make the measurement method clearer especially for homes on the water or a corner.

Note Mr. Ventres said he believes this is a minor edit, they can state "except for intersections as noted above any fence in the front yard or the street side of the beachfront lot, extending 20 feet back from the street property line, shall be 42 inches."

Note The Commission further discussed the hedge height regulation.

Note Mr. Fox asked Ms. Garrow if she thinks they've addressed everything based on what they heard in the Public Hearing regarding the hedge height regulation and Ms. Garrow replied in the affirmative.

7. NEW BUSINESS

Note Possible action necessary on Proposed new BPBCA Zoning regulations under review from public hearing.

7-1. Section III 5. Make zoning permits valid for 18 months instead of 12 months.

7-2. Section VII – Prohibited uses – Prohibit metal buildings as a principal or accessory structure.

7-3. Section VIII 12 – General Regulations – Changes for Walls, Fences, and Hedges.

7-4. Section IX – Create a separate accessory building regulation for the Association District.

Decision MOTION (2)

Mr. Fox moved to accept the proposed regulation changes for Section 3, Item 5, Section 7, Prohibited Uses, Section 9, Accessory Building Regulation and Association Districts, and regulation changes for walls, hedges, fences at intersections, to replace the wording "right-of-ways" with "access ways," and the fencing regulations for the front yard or the street side of the beachfront lot, will be extend 20 feet back from the property line.

Mr. Horoho seconded the motion.

Motion carried, 5-0-0.

Note Mr. Ventres noted he will supply an updated colored diagram to accompany the regulations.

7-5. Election of Zoning Commission Chairman and Secretary for 2024 to 2025 calendar year.

Note Mr. Fox called for nominations for Zoning Commission Secretary.

Note Mr. Katzbek nominated Mr. Horoho for Zoning Commission Secretary. Mr. Walsh seconded the nomination.

Note There were no further nominations.

Decision MOTION (3)

Mr. Fox moved to accept Mr. Horoho as Zoning Commission Secretary.
Mr. Katzbek seconded the motion.
Motion carried, 5-0-0.

Note Mr. Fox called for nominations for Zoning Commission Chair.

Note Mr. Horoho nominated Mr. Fox as Zoning Commission Chair.
Mr. Katzbek seconded the nomination.

Note There were no further nominations.

Decision MOTION (4)

Mr. Horoho moved to accept Mr. Fox as Zoning Commission Chair.
Mr. Katzbek seconded the motion.
Motion carried, 5-0-0.

Note Mr. Fox announced that a FOIA presentation is going to be held here at the Clubhouse and via Zoom on Wednesday the 28th at 6 o'clock. He encouraged Members to attend and learn about public meeting requirements.

8. ADJOURNMENT

Note The next Zoning Commission meeting is scheduled for September 20th, 2024, at 6:00 p.m.

Decision MOTION (5)

Mr. Walsh moved to adjourn the August 23rd, 2024, BPBCA Zoning Commission Special Meeting at 7:33 p.m.
Ms. Shepard seconded the motion.
Motion carried, 5-0-0.

Note Respectfully Submitted,
Brooke Stevens, Recording Secretary