

Giants Neck Beach Association Zoning Meeting and Public Hearing
August 22, 2024

Present: Marilyn Christopher, Acting Chair
Mario Harris
Richard Corona, Alternate
Jim Lafond

Absent: Ken Hotarek, Alternate

Also Present: Jim Ventres, Zoning Enforcement Officer

1. **Call to Order.** Acting Chair Marilyn Christopher called the Giants Neck Beach Association Zoning Commission Meeting of August 22, 2024 to order at 6:15 p.m.
2. **Attendance.** Mr. Corona was asked to be seated.
3. **Approval of July 25, 2024 Minutes.** Ms. Christopher asked for corrections, additions or deletions to the July 25, 2024 Giants Neck Beach Association Zoning Commission Meeting Minutes.

The following correction was noted: The name of the alternate is Ken Hotarek, not Jim.

MOTION (1): Mario Harris moved to approve the Giants Neck Beach Association Zoning Commission Meeting Minutes of July 25, 2024, as amended. Seconded by Richard Corona. (4-0-0) Motion carried.

4. **Bills.** There were no bills presented.
5. **Site Plan Review** -There was no new application.
6. **Review of Draft – Proposed Regulation Changes.** Jim Ventres, Zoning Enforcement Officer read the Public Hearing Notice. Mr. Ventres distributed draft of the Proposed Regulation Changes to the Board of Governors. They were asked to give him their comments. The draft of proposed regulation changes is on the Giants Neck Beach Association website and in the business page.

Section 2-Jurisdiction Trip Hartigan, of 3 Point Road asked who should be contacted if the Zoning Enforcement Officer is not available? He was informed the Zoning Commission Chair.

Section 4 – Jim Horton, of 31 Brockett Road and Gerry van Noordennen, of 23 Brockett Road asked who has the final say on decisions? They were informed the Zoning Commission.

Following were numerous questions on Definitions in Section 4. It was suggested that we try to go in some semblance of order.

Gerry van Noordennen referred to the section on Ramps which states it cannot exceed 8“

in height and it may not be attached to the ground. If it is made of concrete, it is an exception. Mr. Ventres agreed to review it.

Jim Agles, of 2 Hilltop Road referred to the definition of a cellar. Mr. Ventres agreed to check on it.

Richard Doggart of 40 West Pattagansett Road discussed the height of scrubs. Mr. Ventres replied the Board of Governors regulates the height of scrubs. Zoning only does if it's an entrance to a driveway and a safety issue.

Gerry van Noordennen referred to page 14 about discarded materials sitting on a property for a long time and never put out to the curb.

Fran Wesoly of 250 Giants Neck Road referred to a shared driveway. Mr. Ventres replied it should be rebuilt to individual driveways.

Jim Agles referred to page 15, the language in bold under Kennel, Dog.

Jim Agles referred to page 16 the definition of lot frontage and the front entrance of a single dwelling. He spoke to the town. It would change every record to a different address. Mr. Ventres stated if you have a new house and the street address changed, an emergency vehicle would have difficulty locating you. He stated the Zoning Commission would have to decide on this. Ms. Christopher spoke to the First Selectman about this. It could be problematic. Mr. Ventres added if you use a cell phone, they would be unable to locate you. This is Zoning's decision.

Allan Pease of 20 West Pattagansett referred to raised patios. Mr. Ventres stated it should say raised patios above 8".

Jim Agles referred to page 22 required rear yard.

Trip Hartigan of 3 Point Road felt on p. 21 there was a duplication.

Jim Agles referred to page 22, regarding the address.

Fran Wesoly referred to pages 16-17 regarding a camping trailer and motor home.

Trip Hartigan referred to page 21 that stated the intention was to allow a trailer for one week on an empty lot. Mr. Ventres agreed to look at the Bylaws. He said it should say for one week.

Jim Agles stated many lots were built on corner lots and you cannot see the entrance facing the street. Does this mean where you have your entrance door? Does this define the front of your lot? Mr. Ventres replied in 98% of the cases it does. It's so that your address can be found. He suggested changing "shall" to "should"

A resident referred to pages 23-24 Day Care. Mr. Ventres stated a Day Care is regulated by the state.

Mr. Ventres stated if there was a restaurant with many different colors the Commission would be upset about it, but it could not be restricted because of freedom of speech.

Mr. Formica, President of the Board of Governors, stated political signs are allowed to be up for 60 or 90 days. Mr. Ventres added the sign is limited to 3X3 in the old regulations.

P. 26 Mr. Ventres stated there is a big change when it comes to coverage for a patio or deck. If it doesn't have a roof, it is not considered a structure. A basement and foundation are considered structures.

Jim Horton discussed an application that was approved but the applicant was prohibited from building on it. Mr. Ventres stated your regulations say a lot is 8,000 square feet. Everyone's lot is under 8,000 square feet. Mr. Ventres stated it is to not allow subdivisions. Mr. Horton added if less than that someone could buy the remainder and subdivide it. Mr. Ventres stated if you had 20,000 square feet you could divide it into eight lots. The property owner could go to Zoning Board of Appeals and ask for a variance.

Chip Brienza, of 6 Mamacock asked what if you have two lots less than 8,000 square feet and a shared driveway. Mr. Ventres suggested that you hire an attorney.

Page 26 and 27 referred to detached garage and sheds.

Page 28 the definition of pools and cabanas. A permanent outdoor installation needs to meet setbacks.

Rich Daggart asked about air conditioners and generators. Mr. Ventres stated they have no roof.

p. 29 referred to solar panels. The recommendation is to keep it simple. There is no change in lot coverage.

Rich Daggart referred to 30% lot coverage. Mr. Ventres replied this is the old regulations. Mr. Lafond suggested that this be looked at.

Jim Horton, of 31 Brockett Road recommended the fairest is not to penalize homeowners with a large house on a big lot. Mr. Ventres suggested keeping it simple.

Jim Horton referred to page 30 having a 40' building and corner lot of 14' to build a house. He felt the percentage was too high. Mr. Lafond agreed this needs to be looked at.

Mr. van Noordennen stated historically people ran into that situation and received approval with less than 20' on one side so they could build a typical home.

P. 31 5 & 6 Brooke Mallory suggested removing item 6 because it contradicts.

Ed Dettore, 234 Giants Neck Road the definition is to separate 6 and 5 regarding porches and decks. He felt it contradicts. Mr. Ventres agreed to review it.

p. 31 Mr. Pease felt 5 should not say no closer than 10'. Mr. Horton stated if you have two houses side by side you can't put up a chimney if you are on a corner lot. Mr. Ventres stated that is old language.

Mr. Agles referred to 6. Porch. He did not think it should be 10' from the street line.

P. 32 and 33 A. 2 Boats one being over 12'. Mr. Doggart stated many people have more than two boats. They also have jet skis. Mr. Harris stated when you discussed an individual having a boat 18', there is always also a dingy on the lot. Mr. Harris added they could have an 18' boat, a dingy and jet ski.

Mr. Ventres stated construction activities have been changed to 8 a.m. to 6 p.m. Monday through Friday and Saturday from 8 a.m. to 1 p.m. No work is allowed on Sunday and no commercial activities on holidays. Mr. Pease stated unless there is a real issue he didn't see it would be necessary to be any different.

A resident from Ridgewood stated you resolved Pickleball hours and construction is worse. A house near us worked on Sunday and July 4. Construction workers were working on Labor Day until 6 p.m.

Fran Wesoly stated we need to limit construction on Friday, Saturday and Sunday during the summer months. Ms. Christopher added there are commercial hammer laws. During hurricanes we need to do what's best for the masses.

Fran Wesoly suggested using signage at construction sites with rules that should be abided to. Mr. Corona stated it all falls on the homeowners. Mr. Ventres asked that he be sent an email when rules are ignored.

Mr. Harris thought signage was a good idea. The homeowner needs to be responsible. Mr. Ventres agreed with the need for summer hours.

Mr. van Noordennen stated there was a rule on construction if there was a hurricane. Mr. Ventres stated he will add that exception.

Mr. van Noordennen reported if a homeowner has a pool he will need to have a fence. Mr. Beaulieu stated the language limits the height of the fence to 42" A homeowner could have a 42" wall. Mr. Lafond stated in Connecticut there are very beautiful stone walls.

Mr. Beaulieu suggested limiting the size of trees and bushes. Mr. Ventres stated the Zoning Commission does not regulate them. It is between property owners. He suggested sending a letter to the neighbor. Mr. van Noordennen stated hedges and trees belong in the Bylaws and fences and walls are a zoning matter. Mr. Pease added the community doesn't want walls or fences.

P. 34 dog runs Mr. Hartigan stated we allow chain link fences in certain conditions. Mr. Ventres added standard fences are preferred. Chain link fences are not desired. Mr. van Noordennen added chain link fences are only allowed for a property next to the river. Most of that fencing is

from AMTRAK Mr. Lafond stated as a rule we don't want chain link fences. Mr. Pease added unless there is a hazardous situation.

p. 34 4. Home Modification. Mr. Ventres reported we do not want homes on a platform.

Mr. van Noordennen reported we should not increase water run-off. If you are adding fill to the property, it should not change storm water run-off. Mr. Pease added the final grade of the property might say a 4,000 square foot lot, but it may be more than 10,000 square feet.

p. 35 Home Modification. Mr. Ventres stated the road cannot be blocked.

p. 36 Portable storage containers need to be kept off the road.

Mr. Ventres satellite dishes cannot be regulated.

p. 35 Prohibited Uses. Mr. Pease stated we are allowing trailers. Mr. Ventres replied the entire capacity is one ton.

Mr. Agles referred to page 45 and stated it has been in place since 1944. He has had a home in Giants Neck Beach since 1997 and the issue of enlarging a building existing non-conforming was allowed. Now 24 years have gone by and we are changing the rules.

p. 45 #6, Exception, section 11. Mr. Agles reported we have been allowed exterior walls to be expanded vertically. Mr. Ventres stated it was allowed in the old regulations. Mr. Lafond added residences can go up vertically. Mr. Ventres agreed to review the old regulations.

Mr. Pease stated a non-conforming use of a building cannot be rebuilt. Mr. Ventres stated if it is a permitted use there is no enforcement after three years. Mr. Lafond stated in the case of a fire it cannot be rebuilt. He added it should be allowed to be rebuilt as it was a residence. Mr. Pease felt it was a non-conforming use of the building. If they received a permit they could rebuild. Mr. Ventres agreed to look into it.

Jim Beaulieu felt existing vertical walls are very important. Mr. Lafond stated regulation 4004 allows it. Mr. Agles referred to page 45, No. 3 a Point Road house was leveled and raised intentionally. No. 3 can replace it. Mr. Lafond stated this has always been the case. Mr. Ventres stated you would need an A-2 survey and a plan showing the non-conforming parts. The plan goes to Planning and Zoning. When approved then the building can be demolished. Jim Agles stated they can be rebuilt to a 3' setback. Mr. Lafond added it is grandfathered and non-conforming. Mr. Ventres agreed to look at the regulations. Mr. Formica added the minimum lot size is 8,000 square feet. Mr. Ventres stated if the lot is vacant, you can build on it. Mr. Formica added if you have a hurricane, you can build it up. Mr. Lafond agreed with Mr. Formica.

p. 48 Mr. Ventres agreed to review p.48.

p. 51 The Board of Governors is increasing the fees for projects over \$100,000. The Zoning Board of Appeals fee is \$150 and one ad in the Day newspaper is \$250. Mr. Formica added an expert opinion is not included in its regular costs. Mr. Ventres will add that it should be paid by the applicant.

Mr. Ventres agreed to make changes. The Public Hearing will be continued to the next meeting.

MOTION (2): Mr. Harris moved to continue the Public Hearing to September 26, 2024 at 6 p.m. Seconded by Mr. Lafond. (4-0) Unanimous

Respectfully submitted,

Frances Gheri, Recording Secretary