

MINUTES OF TWO PUBLIC HEARINGS AND A SPECIAL MEETING OF EXECUTIVE BOARD OF THE PINE ORCHARD ASSOCIATION --January 22, 1990.

Mr. Robert Corley, Vice President of the Pine Orchard Association, called the First Public Hearing to order at 8:00 P.M.

Board members present were Mr. Joseph Healy, Mr. Joseph Buza, Mr. Allen Sherk, Mr. Edward Reynolds, Mr. John Usher, Mrs. Elaine Littlehales, Mr. Robert Sherwood, Mrs. Marcia Delfini and Mr. Robert Corley. There were approximately 30 people in attendance including members of the Zalia Group and representation from the Thimble Farms Association.

The proceedings were taped and may be transcribed, therefore, these minutes will be an overview of the hearing.

Mr. Corley stated that there are two applications by the Zalia Group for consideration. There will be two separate public hearings, one right after the other.

The call of the meeting was read by the clerk, Marcia Delfini.

LEGAL NOTICE

The Zoning Authority of the Borough of Pine Orchard, Connecticut hereby gives notice of a Public Hearing to be held on January 22, 1990 at 8:00 P.M. at the Pine Orchard Club.

The Special Use Permit Petition of Matthew D. Gailey to divide an approximately 24. acre plot of land located at the intersection of Totoket Road and Juniper Point Road.

Zalia Group Presentation

Attorney Michael Dowley discussed the application for Lot 6 parcel 1-A of approximately 1.30 acres, to be retained by the Gailey family, and thus separated from the second application for a special zoning permit.

Mr. Greenalch stated that the Planning Committee has reviewed the application and has concluded that it meets all the regulations and requirements of Pine Orchard Zoning.

Questions from the Public

Mr. Pottenger from Thimble Farms asked whether the record includes the recommendation from the town engineer that Lot 6 not be considered separately but be considered as part of the overall parcel. A letter dated Dec. 20, 1989 from the Town Engineer to the P. O. Planning Committee was entered into the record.

Mr. Greenalch responded: It was the recommendation by the Town Planner of Branford that this approach be taken--the lot be broken up this way.

Mr. Pottenger: Another question about acreage calculations regarding the wetlands.

Dr. McCullough from Thimble Farms Road: a question about the beach of the lot adjoining the Weiss' beach.

Mr. Gailey responded: West beach is owned by Lot 1-A. Zalia

The Pine Orchard Association

PINE ORCHARD, CONNECTICUT 06405

January 4, 1990

TO THE EXECUTIVE BOARD OF
THE PINE ORCHARD ASSOCIATION

At the call of the President, there will be a Public Hearing at the Pine Orchard Yacht and Country Club, Pine Orchard, Connecticut at 8:00 P.M. on Monday, January 22, 1990 to hear Mr. Gailey's "Application on behalf of the Zahlia Corporation for Special Permit" to divide his property into two parts first; then subdivide the larger parcel into his Open Space Development.

Attest:


Marcia T. Delfini
Clerk

Group would not be developing West beach.

Mr. Carl Weiss raised a question about the design and arrangement of lots in a cluster development versus a conventional subdivision.

Mr. Corley asked to address the questions raised thus far:

The first question was raised by Mr. Pottenger regarding the letter from the Town Engineer.

Attorney Dowley responded by stating that the town engineer intends to look at how the cluster subdivision relates to Lot 1A.

Second question--who owns the beach and who has the right to use it. Attorney Dowley: the beach belongs to the Gaileys and the beach can be used by anyone whom the Gaileys want to have use it. It is not the Zalia Group's.

Mr. Greenalch stated that if you excluded the wetlands in Lot 1-A there would be more acreage left than is required by the regulations.

Mr. Pottenger asked if the Gaileys have a present intention of opening the beach up to the rest of the Juniper Point subdivision.

Attorney Dowley: The Gaileys own the beach and have a right to do with it what they want.

Mr. Rick Weiss: a question about the property line on Middle beach.

Sue Wolf: asked "why is all of this happening i.e. division of property."

Mr. Corley closed the public hearing at 8:30 P.M.

Minutes of two public hearings and a Special Meeting of the
Executive Board of the Pine Orchard Association
January 22, 1990

Mr. Robert Corley, Vice President of the Pine Orchard Association, called the second public hearing immediately at 8:30 P.M. January 22, 1990.

The clerk read the call of the meeting:

LEGAL NOTICE

The Zoning Authority of the Borough of Pine Orchard, Connecticut hereby gives notice of a Public Hearing to be held on January 22, 1990 at 8.00 P.M. at the Pine Orchard Club.

The Special Use Permit Petition of Matthew D. Gailey representing the Zalia Group to establish a Planned Community of 23 units on approximately 22.76 acres of land located at the intersection of Totoket Road and Juniper Point Road.

These proceedings were taped and may be transcribed; therefore, these minutes will be an overview of the hearing,

Attorney Dowley presented the application for the cluster housing development.

Mr. Gailey presented his plan for the subdivision site.

Mr. Corley called for questions from the board.

Mr. Reynolds asked what provisions were being made in the event that the people living there wanted the roads to become town roads.

Attorney Dowley A right of way is provided to increase the size of the roads to become town roads.

Mr. Gailey Curb side parking is located within the right of way as on any road in the Town of Branford.

Attorney Dowley Once cluster approval is granted, then subdivision approval must be granted by the Town of Branford.

Mr. Greenalch Entered information into the record: At a Nov. 9th, 1989 meeting of the planning committee of the P.O. Association, a motion was made, seconded and voted unanimously that the plans of the Zalia group meet all the requirements specified under our regulations. A request was made for further review and examination by the town engineer prior to the public hearing. Also entered into the record was a letter from the town engineer dated December 20, 1989.

Mr. Sherk read Section 5B from the Pine Orchard Zoning Regulations.

Comments and questions from the Public

Dr. McCullough Summarized some of the process and decision making involved leading up to the present development.

Mr. Rick Weiss discussed area of lots and roads and showed an exhibit of the deliniations of the wetlands, lot sizes, open space, etc.

Mr. Carl Weiss discussed the calculations of the lot sizes in a conventional subdivision vs cluster housing.

Mr. Pottenger discussed changes since the Oct. 88 application by Mr. Gailey.

Mr. Sherk reminded Mr. Pottenger that he was forgetting the 25% wetlands figure in his calculations, and that with Mr. Crossley's calculations, the number of lots available were fewer than the maximum permitted.

Mr. Weiss discussed the maximum number of lots available under a regular subdivision. He also stated that there was no consideration of slope in laying out "buildable" lots.

Mr. Greenalch discussed the actual sizes of the lots.

Attorney Dowley talked about the process of manipulation of lot location in order to permit housing where it can be built.

Mr. Corley thanked the group for their patience and good manners. He felt that it was a very constructive meeting.

The public hearing was adjourned at 9:40 P.M.

SPECIAL MEETING OF THE EXECUTIVE BOARD

January 22, 1990 9:40 P.M.

Mr. Corley called the Executive board together following the adjournment of the second public hearing. A quorum was present.

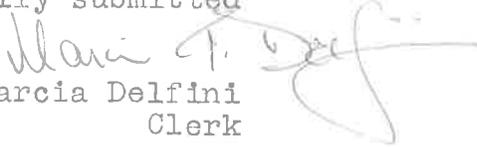
A motion was made, seconded, and unanimously carried to accept the application of Mr. Gailey to divide an approximate 24 acre plot of land located at the intersection of Totoket Road and Juniper Point Road into two lots, generally described as Lot 1-A and 1-B. These two lots are further described on Map PP-1 on file at the office of the Pine Orchard Association.

The issue of the Zalia Group's application to establish a Planned Community on Lot 1-B was tabled.

The Executive board will meet Monday, January 27, 1990 to discuss this issue further.

The meeting was adjourned at 10:00 P.M.

Respectfully submitted


Marcia Delfini
Clerk

Minutes of the Executive Board Meeting of the Pine Orchard Association
January 29, 1990

PRESENT: Mrs. E. Littlehales, Mr. A. Sherk, Mrs. S. Giordano,
Mr. J. Buza, Mr. R. Greenalch, Mr. J. Healy,
Mr. R. Sherwood, Mr. J. Usher, Mr. R. Corley, and
Mrs. M. Delfini.

In the absence of the President, Mr. Jack Tweed, the meeting was called to order by Vice President, Mr. Robert Corley at 8:00 PM at the Pine Orchard Municipal Building.

The Agenda was presented by Mr. Corley:

1. To continue consideration of the application of the Zalia Group for a special zoning permit to develop a community of cluster homes on approximately twenty three acres on Juniper Point.
2. To consider and act upon a letter submitted by Mr. J. L. Pottinger, dated January 26, 1990.

Mr. Corley reviewed the application and made mention of the fact that everyone on the board had toured the property. Mr. Corley called for discussion of the Zalia application.

Mr. Sherk made several points:

1. Believed that Erskine Crossley prepared a standard subdivision for Zalia (before a reallocation of wetlands) that showed 31 lots could be created.
2. Our zoning authority can grant a special permit with conditions.
3. Our Planning and Zoning has carefully studied Zalia applications for over four (4) years. Since their favorable approval is based on far greater knowledge than ours, we felt we should back their opinions.
4. Thimble Farms no longer is the organized opposition. Just a few people.
5. Alternate standard subdivision not required by Pine Orchard. Did make for an easy decision.
6. Each individual house in Zalia's still subject to Pine Orchard zoning and requirements.
7. Density is far less than the Thimble Farms development.
8. In thirty (30) years involvement in zoning matters have never seen one in New Haven or Branford that has involved so much deliberation.
9. After this, there is no more land available for cluster housing, therefore no precedent. The golf course is an extremely remote possibility.

Minutes - Ex. Board Mtg. of P.O. Assoc. January 29, 1990

Continued:

Mr. Sherk made several points: continued

10. It is traditional for neighbors to oppose any abutting development. A person has the right to develop his property provided it meets all Legal requirements.
11. Proposed density of Zalia is far less than Thimble Farms which had far more restrictive zoning until they went to the courts to get it lowered.
12. Would like to see Juniper Point left unspoiled but that isn't what our laws say can be done and felt this application is the lowest density we can achieve and still make it workable for the Zalia Corp.

Mr. R. Greenalch to put things into perspective for the group, discussed the history of the project over the last four (4) years.

Mr. R. Greenalch passed out the minutes of the November 9, 1989 Planning Committee meeting and referred to the section where the recommendation of the project was made by the committee.

Mr. R. Greenalch also passed out a report of the Planning Committee which is a summary of what the committee reviewed and took into account when it made its recommendation. This report shall become a part of the minutes.

The Town Engineer's letter to the Planning committee was passed out along with a letter from Erskine Crossley. (These letters shall become a part of the minutes.) There was some discussion and clarification of a misunderstanding in the last paragraph of Mr. Crossley's letter.

Mr. Usher had a question about applications for building permits regarding Pine Orchard zoning and the Town of Branford.

Mr. Greenalch clarified: any house to be built would come before the P.O. Association for a certificate of zoning compliance. The Planning Committee would review the location of the house, the grading of the parcel, the access of the driveway, etc. at the time plans are submitted. Only after approval of the site plan would a certificate of zoning compliance be issued. Without that certificate (the Town of Branford would not issue a building permit) one could not get a building permit.

Mr. Healy asked how one could control the grading of the site before lots were sold. He felt that an elevation should be established for the individual lots which would give some control over where houses were situated.

Mr. Greenalch stated that a condition regarding grading could be attached.

Minutes of the EX. Brd. Mtg. of the P.O. Assoc. Jan. 29, 1990
continued:

Mr. Sherk read an existing regulations from the zoning regulations to help clarify the situation.

Number five (5) of "Conditions" to the Approval of the Special Permit (Attachment "A") was re-examined and reworded.

Mr. Sherk emphasized that it was most important that Building Permits go to the Planning Committee rather than the usual Building Committee. Since this is a special permit it should be handled differently.

Mr. Corley asked for clarification concerning the procedure of bonding. Would it be separate from or joined with the town of Branford?

Mr. Greenalch stated that we have a choice. Our bond may be joined with Branford's.

Determination of the amount of the bond was discussed. The town engineer will review the plans and determine costs. The bond should be 100% of the cost of the project.

Mrs. Giordano thanked Mr. Greenalch for his clarification and information regarding the project.

Mr. Corley referred to item #2 on the agenda, a letter from Mr. Pottenger, dated January 26, 1990.

Mr. Greenalch commented that the letter covered some of the areas discussed at the Public Hearing. He felt it also covered some other areas and that it added additional information which cannot be considered as part of the Zalia Group's Application.

Mr. Greenalch asked the group if they felt comfortable with our regulations the way they are, or whether a standard subdivision should be done. He felt it would be unfair to the applicant to throw another set of rules at him after he has been told for 3 or 4 years what he had to comply with.

The Present regulations have been in effect for five (5) years. However, if the board feels uncomfortable with the density of the project they can put any conditions they want on it.

Mr. Greenalch presented a rough sketch of a possible subdivision.

Mr. Corley felt that the standard subdivision issue was not pertinent to the discussion. He further stated that after having studied the project and having walked the land that population density was not an issue.

Mr. Healy moved that we accept Mr. Pottenger's letter for information. It was seconded by Mr. Usher. The motion carried.

Minutes - Ex. Board Mtg. of P.O. Assoc. January 29, 1990

Continued:

Mr. Greenalch moved that the application for Open Space Development for Juniper Point as contained in all of the drawings and other documents submitted with the application by the Zalia Group subject to the following conditions:

1. Resolution to his satisfaction of the technical points raised by the Town Engineer in his letter of December 20, 1989.
2. The twenty foot roadway and adjacent parking spaces shall be paved.
3. Submission of evidence of agreement by Tilcon Tomasso to a right-of-way change.
4. Approvals as required by the Town of Branford.
5. Submission of a grading plan for each lot showing the proposed finished contour of the lot itself and of adjacent lots, and showing the location of the house, garage, driveway, and parking spaces. Such plan shall be approved by the Pine Orchard Zoning Authority prior to the issuance of a certificate of zoning compliance for that lot.
SEE PAGE 266(OVER)
6. A bond shall be furnished in accordance with the Pine Orchard Zoning Ordinance, Section V, Paragraph D-8c, in an amount to be determined by the Zoning Authority after approval of the project by the Town of Branford Planning and Zoning Board, and after a bonding amount has been set by the Town of Branford. Such bond may be held jointly by the Pine Orchard Association and the Town of Branford, although a separate bond may be required; determination to be made by the Zoning Authority.
7. Submittal of a final "Declaration of Covenants and Restrictions for the Juniper Point Homeowners' Associations" for approval by the Zoning Authority. A preliminary draft, reviewed by the Planning Committee, is on file.
8. The time limitation imposed by Section V, Paragraph D-10, of the Pine Orchard Zoning Ordinance shall start on the date approval is obtained from the Branford Planning and Zoning Board.

This approval is granted because the Zoning Authority has found that the proposed Open Space Development meets all of the purposes set forth in Section 5; Paragraph B2 of the Zoning Ordinance and is in conformance with the Standards and Conditions as set forth in Section 5; Paragraph D3, D4, and D5 of the Zoning Ordinance, and in particular because it provides for a much higher than required area of open space and preserves the natural features of the area better than a regular subdivision.

Minutes of Ex. Board Mtg. of the P. O. Assoc. January 29, 1990

Continued:

Mr. Greenalch asked the committed to authorize the president, or in his absence, either Vice President to call a public hearing on the application of the Pine Orchard Club for a Special Use Permit. Seconded by Mr. Sherk. The motion was carried.

The meeting was adjourned at 9:25pm.

- * No excavation or grading other than that shown on the approved Open Space Development Plans (OSD2, sheets 1&2, revised 11-3-89) shall be undertaken prior to approval of the grading plan.

Respectfully submitted


Marcia Delfini
Clerk

THE PINE ORCHARD ASSOCIATION

March 7, 1990

TO THE EXECUTIVE BOARD OF
THE PINE ORCHARD ASSOCIATION.

At the call of the President there will be a Special Meeting of the Board at the Pine Orchard Yacht and Country Club March 12, 1990, at the close of the public hearing regarding changing buildings of the Pine Orchard Club.

The Pine Orchard Association meeting will be discussing the Gailey property and any business to be brought before the meeting.

Attest:


Marcia Delfini
Clerk

MINUTES OF PUBLIC HEARING ON THE APPLICATION BY THE PINE
ORCHARD YACHT & COUNTRY CLUB FOR A SPECIAL USE PERMIT
March 12, 1990

Pursuant to duly published legal notice, a public hearing was convened by the Pine Orchard Association Zoning Authority to hear a Special Use Permit application by the Pine Orchard Yacht & Country Club.

Zoning Authority members in attendance were: R. O. Corley, Sheila Giordano, Richard Greenalch, Joseph Healy, Allen Sherk, Robert Sherwood, John Tweed, and John Usher, constituting a quorum.

The meeting was called to order by Pine Orchard Association President, John Tweed at 8:00 PM. Mr. Tweed stated the purpose of the hearing was to consider the construction changes planned by the POYCC for phase II of its renovation program.

POYCC president, Robert Geier, introduced Building Committee chairman, Vincent Giordano, and architect Eric Epstein.

Mr. Giordano stated the purpose of Phase II is to upgrade the club's facilities with new pool showers and new locker rooms, to reconfigure the kiddie pool, and raise the main pool.

Mr. Epstein outlined the reconstruction plans as summarized:

Demolish the two buildings housing the women's locker room and pool equipment.

Raise the pool rim and surrounding deck 6 inches, in effect deepening the pool to comply with state regulations regarding diving pool depth.

Replace the kiddie pool with a new one at main pool deck level.

A new single story building will replace the demolished buildings. It is to be of frame construction, on piles. Plans call for a patio on its roof, accessed by stairs from the Marine Lounge in the main clubhouse.

Richard Greenalch, representing the Pine Orchard Association Planning Committee, advised that his committee has studied the plans, and endorses them. He summarized from the committee's report:

1. there will be no impact on parking or traffic;
2. the new structure will be no closer to neighboring residential property;
3. sanitary and sewer drainage will be adequate;
4. the new building will enhance the area.

Mr. Greenalch went on to present his committee's findings regarding set-backs.

The new building will be set back from the road 35 feet instead of the 50 feet called for in the zoning regulations, but because the road runs through club property, with only open space across the road, the principle of adequate setback is maintained.

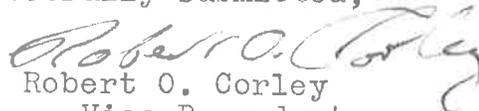
On the harbor side, the present kiddie pool infringes on the set-back regulations (85 vs. 105 feet?); and it is recommended by the Planning Committee that the same footprint to be allowed in the reconstruction.

William Baskin, property owner and resident adjacent to the proposed reconstruction, spoke in favor of the plans.

Earl Carlin, prominent architect and Pine Orchard resident, spoke in favor of the plans.

There being no further comments or questions, the meeting was adjourned at 8:30.

Respectfully submitted,


Robert O. Corley
Vice President

ADDENDUM TO THE PUBLIC HEARING OF MARCH 12, 1990

Following the public hearing at the Pine Orchard Yacht and Country Club's zoning permit application, President Tweed acknowledged a request by the Branford Sewer Authority to make a presentation of the status of Pine Orchard sewer construction.

The presentation was made by the following:

Richard Podiloff, Chairman, Branford Sewer Committee,
Steven Dudley, Town Engineer, Branford
Joseph Mooney, Finance Director, Town of Branford

Mr. Podiloff: Sewer construction in Pine Orchard is virtually complete (one house remains to finish). The project came in under budget, with a \$75,000 surplus, which the Sewer Committee proposes to apply to an ex-contract extension of the sewer lines to five residences on Birch Road, petition having been made by the owners. Still to be resolved is the location of a pumping station for this extension.

Estimate of home owners' assessments :

286 units in contract @ \$8,479 each
Plus short term interest 250

Planned addition of 5 units on Birch Rd.

291 units total @ \$8,591 each
Plus short term interest 250

POY&CC President, Robert Geier: What will the impact be on the POY&CC?

Mr. Podiloff: 20 to 21 units @ about \$9,000 each.

Mr. Geier: \$180,000 ! (Gasp)

Mr. Usher: Does the contract include repairs to the roads?

Mr. Dudley: Patch, yes; but not "curb to curb overlay"

Questions ensued regarding the calculation and meaning of "short term interest". In summary, the responses indicated that the town borrowed \$2.5 million in several increments at 7 plus per cent; and there is now approximately \$90,000 in interest due, net of about \$50,000 in earned interest.

Mr. Healy: When will assessments be due, and at what terms ?

Mr. Mooney: There will be a 20 year bond issue, requiring payment once a year of about \$440 principal plus interest, for a total of about \$1,100 a year per unit.

The first payment is scheduled for March 1, 1991 and each March 1st thereafter. Mr. Mooney would like to obtain an initial principal payment earlier in order to reduce the accumulating interest charges.

Mr. Podiloff: The final assessment figure will be determined sometime after July 1, 1990.

Mr. Usher: What will be the interest rate on the assessment?

Mr. Mooney: 7 1/2 to 7 3/4 %. (Pawson Park's, negotiated earlier, was 10 1/2%).

Mr. Giordano (and others): What will be the obligation of Mathew Gailey and the 23 units in his proposed development towards financing the pumping station which his community will share?

Mr. Dudley: Mmne. Had he received approval of his development prior to the commencement of the sewer project, the costs would then have been apportioned over the units. In his development along with the rest of Pine Orchard.

Mr. Giordano: Ironic, considering that the installation of sewers makes his development possible.

Finally, the matter was raised of the clean-up of the Triangle at Elizabeth St. and Pine Orchard Rd. by the contractor upon completion of the project. Assurances were given and repeated that this concern is well known and will be carefully monitored.

Respectfully submitted,


Robert O. Corley
Vice-President

MINUTES OF A SPECIAL MEETING OF THE EXECUTIVE BOARD OF THE
PINE ORCHARD ASSOCIATION
March 12, 1990

At the call of the President, the meeting was convened at the Pine Orchard Yacht & Country Club, at about 9:00PM, following a public hearing on the POY&CC's application for a special zoning permit.

Members present were R. Corley, S. Giordano, R. Greenalch, J. Healy, A. Sherk, R. Sherwood, J. Tweed, and J. Usher.

A motion was made and carried to appoint Richard Greenalch to the Executive Board to fill the vacancy created by the resignation of Erskine Crossley.

A motion was made and carried to waive reading of the minutes of a previous meeting.

A motion was made to accept the request by the Pine Orchard Yacht and Country Club for a Special Use Permit for Phase II of its renovation program.

A discussion ensued relative to the appropriate treatment of the set-back encroachments identified at the preceding public hearing. At issue was ~~was~~ whether these encroachments constitute a "variance" or an "exception", as covered on page 4, Section V, "Special Permit Uses", P.O. Association Zoning Ordinances, 1989. A majority of the Committee favored the "exception" interpretation.

The motion was carried by a vote of ~~seven~~ "ayes" and one abstention by Mr. Sherwood.

Next addressed was the matter of the complaint filed in Superior Court by J. L. Pottenger against the Pine Orchard Zoning Authority, Allen Sherk, Mathew Gailey, and the Zalia Corp. over the approval of cluster housing zoning on the Gailey property at Juniper Point.

Mr. Greenalch recommended, and the Committee concurred, that the P. O. Association needs to be represented by an attorney to keep abreast of the litigation and to protect the interests of the Association; however, the burden of the defense should rest with Mr. Gailey and his colleagues. Mr. Greenalch offered to discuss this with Gailey attorney, Michael Downey.

A motion was made and carried ~~authorizing~~ authorizing President Tweed to hire attorney David Gibson to represent the Association.

Mr. Tweed was requested to furnish a copy of the Pottenger complaint to each Committee member.

This being all the business brought before the Committee, the meeting was adjourned at 9:55 PM.

Respectfully submitted,


Robert O. Corley
Vice President

Minutes of a Special Meeting of the
Executive Board of
The Pine Orchard Association

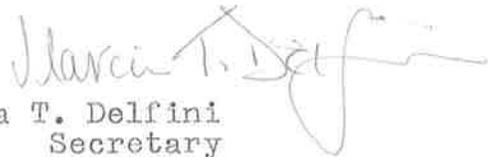
Held pursuant to notice duly mailed to all of the Board of which the following is a copy:

"Pine Orchard, CT
April 17, 1990

TO THE EXECUTIVE BOARD OF
THE PINE ORCHARD ASSOCIATION

At the call of the President, there will be a Special Meeting of the Board at the Pine Orchard Municipal Building, Pine Orchard, Connecticut at 8:00 P.M. on Monday, April 23, 1990.

1. To hear the report from F. Allen Sherk on the Gailey property.
2. To hear and act upon reports of officers and members of committees, and to transact any business which may come before the meeting.

Attest: 
Marcia T. Delfini
Secretary

At the call of the President, the meeting was convened at the Pine Orchard Association Municipal Building at 8:00 P.M.

Members present were J. Tweed, R. Sherwood, A. Sherk, J. Buza, R. Greenalch, E. Littlehales, J. Healy, J. Usher and M. Delfini.

Mr. Tweed turned the meeting over to Mr. Sherk to discuss the Gailey property.

Mr. Sherk stated that On April 19th the Branford Planning and Zoning Committee unanimously approved the Gailey Application. Every detail of CAM was discussed. Mr. Greenalch sat as the Attorney of Record for the Pine Orchard Association, however, Attorney David Gibson will be taking over. Michael Dowley, Mr. Gailey's attorney, will do most of the work associated with the Lawsuit against Mr. Gailey, Zahlia Group, and the Pine Orchard Association.

After Mr. Pottenger filed a complaint in Superior Court, Mr. Dowley, on behalf of Zahlia, asked to have the motion thrown out. The Pine Orchard Association followed suit.

Mr. Greenalch stated that Mr. Pottenger would not be able to file a new complaint because of a time constraint. He would have to defend his complaints on a technical basis. Mr. Greenalch felt it would take 30 to 60 days to be resolved.

It was felt that the Pine Orchard Association would support Zahlia, but at the same time would not go to a great deal of expense. Mr. Tweed stated that our costs thus far are approximately \$500.00. We are looking into the possibility of Mr. Gailey underwriting part of our costs.

Mr. Sherk read a letter from Attorney Dowley dated Sept. 19, 1989. The letter addressed concerns regarding zoning regulations pertaining to a porch, fireplace, and staircase tower at the home of Mr. Pottenger, 27 Thimble Farms Road. Also mentioned was an adversely altered drainage pattern that occurred when the sewer work was performed on Thimble Farms Road.

Mr. Sherk read his letter of reply dated 9-27-89. It stated that the porch, fireplace and staircase tower were in conformance with the zoning regulations.

Regarding the sewer lines, North Haven Sewer Co., under the direction of Branford's Engineering Dept, put in the sewer lines. Pine Orchard has no responsibility in the matter

Other business:

Mr. Tweed spoke with Mr. Kurt Schwanfelder regarding his building violations. Mr. Schwanfelder was unable to give a direct answer as to why he had not started to make the corrections.

A motion was made by Mr. Joseph Healy that a registered letter be sent to Mr. Schwanfelder requesting that work be completed within 60 days or further legal action would be taken. Mr. Richard Greenalch seconded the motion. It was carried unanimously.

Mr. Tweed requested that committee chairmen complete their budgets.

A nominating committee of Mr. Joseph Buza, Mr. Jack Tweed and F. Allen Sherk was appointed by Mr. Tweed. Terms of office expire for Mrs. Sheila Giordano, Edward L. Reynolds, F. Allen Sherk and John H. Tweed, Jr.

Mr. Tweed asked the board to think of a replacement for Mr. Sherk as zoning chairman.

Mr. Tweed stated that the police car would be used for another year. Mr. Greenalch requested the board to give serious consideration to the budget for Legal fees.

Mr. Buza discussed the hazardous situation at the end of Island View Ave. This being a town problem, a letter will be sent to Mr. Steven Dudley, town engineer. Also discussed was the water problem on Pasadena Ave. resulting after a rain storm. Also the fact that no landscaping had been done around the pumping station as promised.

On another matter Mr. Greenalch mentioned that a developer wants to bring-----a forced main sewer line, a water line, and electric line across the harbor from the end of Island View Ave. to Rogers Island. He stated that the Pine Orchard Club has gone on record as being opposed.

There being no further business the meeting was adjourned at 8:50 PM.

Respectfully submitted


Marcia T. Delfini
Secretary

MINUTES OF A SPECIAL MEETING OF THE
EXECUTIVE BOARD OF
THE PINE ORCHARD ASSOCIATION

Held pursuant to notice duly mailed to all of the Board of which the following is a copy:

"Pine Orchard, CT
May 23, 1990

TO THE EXECUTIVE BOARD OF
THE PINE ORCHARD ASSOCIATION

At the call of the President, there will be a Special Meeting of the Board at the Pine Orchard Association Municipal Building, Pine Orchard, Connecticut at 8:00 P. M. on Monday June 4, 1990 to receive and act upon the assessment list as prepared and presented by the Clerk pursuant to law; to discuss the budget and adopt it for the ensuing year, to lay a tax and arrange for the collection of the same, to hear and act upon reports of Officers, Members and Committees, and to transact any business which may come before the meeting.

Attest:

Marcia T. Delfini
Clerk

At the call of the President, the meeting was convened at 8:00 at the Pine Orchard Association Municipal Building.

Member present were J. Tweed, A. Sherk, J. Healy, J. Usher, J. Buza, R. Sherwood, Mrs E. Littlehales, R. Corley, R. Greenalch and Mrs. M. Delfini.

Pursuant to notice duly mailed to the Board on May 23, 1990, the subject meeting was convened at the P. O. Assn Municipal Building by President Tweed at 8:00 P.M. on Monday June 4, 1990 to receive and act upon the assessment list, to discuss the budget and adopt it for the ensuing year, to lay a tax and arrange for the collection of the same, to hear and act upon reports of Officers, Members and Committees, and to transact any business which may come before the meeting.

The minutes of the April 23, 1990 meeting were approved as circulated.

The proposed budget for 1990-1991 was reviewed with special attention given to Legal fees. A finalized budget totaling \$53,804.61 was approved and adopted.

A tax rate of 1.9mils was adopted by the board.

The Board approved and signed the Tax Warrant.

Mr. Sherk read a letter from Attorney Michael F. Dudley to Mr. J. L. Pottenger, Jr. dated 5-27-90 regarding settlement of the Zahlia issue. Letter to become a part of these minutes.

Mr. Greenalch stated that there would soon be a hearing in Superior Court between the representatives of the Zahlia Group, the Pine Orchard Association and Mr. Pottenger.

Mr. Healy suggested that some parameters be given to the Zahlia Group regarding the Association's professional fees with reference to Juniper Point.

Mr. Tweed discussed grievances from several neighbors regarding the Pine Orchard Market, i.e. parking, signs, exhaust fans, Limo service, etc. (Letters included).

It was decided that the necessary steps would be taken with obvious zoning infractions. "Gray areas " would be discussed with legal council.

Legal council will also be consulted regarding the fact that Mr. Schwanfelder has not started remediations of his zoning infractions.

The Nominating Committee presented a slate of four candidates for upcoming vacancies on the Executive Board. The proposed slate consisted of three incumbents, J. Tweed, S. Ciordano and E. Reynolds and one new member, Earl Carlin. The association membership has the opportunity to write-in any additional candidates.

Mr. Healy stated that the sewer assessment is \$8,600 payable over 20 years. The interest rate will be set when the bonds are sold. The first payment will be due in August with subsequent payments due in March.

The meeting was adjourned at 9:00 P.M.

Respectfully submitted,


Marcia Delfini
Clerk

MINUTES OF A SPECIAL MEETING OF THE
EXECUTIVE BOARD OF
THE PINE ORCHARD ASSOCIATION

Held pursuant to notice duly mailed to all of the Board of which the following is a copy:

"Pine Orchard, CT
June 13, 1990

TO THE EXECUTIVE BOARD OF
THE PINE ORCHARD ASSOCIATION

At the call of the President, there will be a Special Meeting of the Board at the Pine Orchard Association Municipal Building, Pine Orchard, Connecticut at 8:00 P. M. on June 26th (Tuesday) to discuss the Pine Orchard Market and to hear and act upon reports of officers, members and committees, and to transact any business which may come before the meeting.

Attest,


Marcia T. Delfini
Clerk

The meeting was convened at the Pine Orchard Association Municipal Building by President Jack Tweed at 8:00 P.M. Present were: J. Buza, J. Healy, R. Corley, J. Tweed, S. Giordano, A. Sherk, E. Littlehales, R. Sherwood, M. Delfini.

The minutes of the previous meeting were read and accepted as read.

Mr. Buza reported that he has contracted with Mr. Nardella to paint the inside of the Municipal Building. He also reported that a granite block has been moved into position, enabling the stairs at the end of Crescent Bluff Avenue to be reinstalled.

Mr. Healy reported on the sewer assessment recently received by Pine Orchard residents. The difference between the \$8,500 expected and the actual \$9,000 is the short term interest incurred during construction. Bonding interest has not yet been set, but 7% is anticipated. The amount due will probably change a little after March 1, 1991. Birch Road residents will have to pay the difference between the funds left over and the actual cost of sewerage for the six or so houses there. A pump will be necessary.

Mr. Tweed reported on the meeting with Attorney David Gibson regarding the Pine Orchard Market's apparent zoning violations. It was Mr. Gibson's opinion that the market is indeed in violation on several points and that the Board should take action. As it appears that the market owners do not realize the seriousness of the violation, it was suggested that a letter be sent from Mr. Gibson to the market, outlining all the violations (non-conforming signs, outdoor table and chairs, cooking on the premises, and two apartments in place of one), as well as informing them of the fine of \$100 a day per violation, authorized by the Pine Orchard Zoning Regulations, if the violations are not remedied within 30 days. It is the desire of the Board that this letter will bring the parties together to discuss and agree on compliance and compromise. The Board was in unanimous agreement,

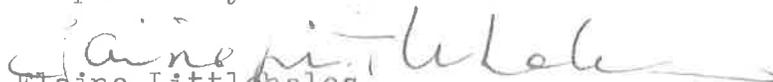
It was further moved and unanimously agreed that Mr. Gibson send a similar letter to Kurt Schwanfelder giving him 30 days to begin correcting his non-conforming outbuilding before being fined.

Treasurer Bob Sherwood announced that the Pine Orchard Tax Bills will be mailed to residents tomorrow, June 27th. Everything owed from last year has been collected, with the exception of a few dollars of interest which will be applied to this year's tax bill. Our bills have been running about as expected and the Auditor will audit the books prior to the July 9th Annual Meeting.

Mr. Corley, who will take over as President in July, voiced some concern about the future of the Association in view of the litigious nature of citizens today, and the apparent disregard of and non-compliance with our ordinances. The historical reasons for the peculiarities of the Association were discussed as well.

The meeting was adjourned at 9:10 P.M.

Respectfully submitted


Elaine Littlehales
Acting Clerk

MINUTES OF THE ANNUAL MEETING OF
THE PINE ORCHARD ASSOCIATION

Held pursuant to notice duly mailed to all persons qualified to vote,
of which the following is a copy.

"June 22nd, 1990
Pine Orchard, CT.

TO ALL PROPERTY OWNERS QUALIFIED
TO VOTE AT THE ANNUAL MEETING OF
THE PINE ORCHARD ASSOCIATION

The Annual meeting of the Pine Orchard Association will be held at the
Chapel, Pine Orchard, Connecticut on Monday July 9, 1990 at 8:00 P.M.
for the following purposes:-

1. To elect by ballot 4 persons to serve on the Executive Board for a term of three years from the date of their election.
2. Brief report on activities of past year.
3. To transact any other business within the power of the meeting which may be brought before it.

Attest:

John H. Tweed, President
Marcia T. Delfini, Clerk"

The Executive Board nominates the persons listed below for a three year term.

Earl P. Carlin
Sheila Giordano
Edward L. Reynolds
John H. Tweed, Jr.

Other nominations will be accepted from the Floor. Such nominees should express to nominators their willingness to serve.

	1990-1990		1990-1991
	<u>Budget</u>	<u>Expenses</u>	<u>Budget</u>
Police	\$34,500	\$33,830	\$38,500
Audit	550	575	625
Insurance (excluding Fire- house and police)	4,800	4,033	4,300
Firehouse	3,500	4,800	4,500
Less payment by Town of Bfd	(4,500)	(4,500)	(4,500)
Fee	6,500	6,500	6,500
Postage and Miscellaneous	1,600	1,720	1,100
Legal and Zoning	1,000	1,000	5,000
Waterfront Repairs	<u>3,000</u>	<u>3,000</u>	<u>3,000</u>
<u>Total</u>	\$50,950	\$50,900	\$59,025

Estimated Cash Position June 30, 1990 7,325
Funds necessary for 1990-1991--From Real Estate Taxes \$51,700

Grand List \$28,318,216

The Board voted the mil rate @ 1.9 mils \$53,801.76

President Jack Tweed called the 88th Annual Meeting to order at 8:00 P.M. Monday, July 9, 1990 in the Pine Orchard Union Chapel Building. There were approximately 55 people in attendance.

The first order of business was election of officers to the Board. As there were no nominations from the floor, it was moved and seconded that the Clerk cast one ballot for the slate as presented. Sheila Giordano, Edward Reynolds, John Tweed, Jr. and new member, Earl Carlin, were all elected for a three-year term. Mr. Tweed then introduced the entire board.

Treasurer Bob Sherwood gave his report, stating that the books have been audited and were found in order. He also commented on the increase in the mill rate to 1.9.

It was moved and seconded that the reading of the minutes of the last Annual Meeting be waived.

Joe Healy gave a report on the sewers, noting that all residents had received billing information and that the actual bills would be received at the end of July. A good many residents have tied into the system and he outlined procedure to do so for those who have not. There were questions from the audience about the differences in assessment amounts from the first notice to the present (before the interest was added), whether or not the balance owed can be paid off at any time (yes) and whether or not the interest will remain fixed at 7% for 20 years (yes).

Jack Tweed reported that the Fire Company has increased its membership but still needs young volunteers. Interested residents were urged to contact Captain Johnson via Fire Headquarters. He also read the Police report (attached) and commented that the 155 arrests made for speeding were part of an effort to slow down traffic on Elizabeth Street and Pine Orchard Road. All the noted arrests were for speeds in excess of 40 MPH in a 25 MPH zone.

Val Everson from the Board of Fire Commissioners in the Town of Branford, voiced the Commission's concern about the Pine Orchard Fire Company. While they have a perfect record of responding to calls, they are not called often and he warned that the Association will be asked very soon to make a decision on whether or not Company 6 will be kept in Pine Orchard. He recommended that residents contact the Board with their feelings on the matter. There was a commendation to the Police Departments from the floor, and a plea to keep the Fire Company.

There was a question from the floor regarding the condition of the sidewalk leading to the Breakwater and Mr. Buza replied that it is scheduled to be repaired shortly. He is waiting for the Town to repair their section at the end of Island View Avenue.

Mr. Tweed reported on the difficulty the Association is having this year in getting the Town to sweep the roads and suggested residents call First Selectman Judy Gott directly to complain.

Dick Greenalch reported for the Planning and Zoning Committee (Messrs. Donegan, M. Giordano, G. Jacob). Action taken this past year was 1) to approve an application to divide Juniper Point into 2 lots, 2) to approve an application by the Zalia Corp. for an open space plan for 23 residential units on Juniper Point, and 3) to approve a special use application for the Pine Orchard Yacht and Country Club for renovations in the pool area. He also reported that the approval given the Zalia Corp. had been

appealed by J. Pottinger, was defended by Attorney Dave Gibson, and dismissed on technical grounds. Another appeal by Mr. Pottinger on the Town's decision on the same matter is still pending.

Mr. Tweed commented that the increase in our tax reflects the increase in legal fees necessary for the Board to defend itself in these legal

matters. In addition to the one already mentioned, there are two cases of zoning infractions pending. One, violation at the Pine Orchard Market and 2) an outbuilding violation by Kurt Schwanfelder. He noted that this is the first time we have had to resort to legal action in order to enforce our ordinances, but that enforcement is necessary if we are to maintain our zoning standards. He warned that it is possible that an assessment will have to be made to cover Legal fees.

Mr. Tweed gave special recognition to Allen Sherk, who has retired from the Board, for his outstanding contribution to the community during his tenure. Erskine Crossley was also commended for his uncountable hours on the Planning and Zoning Committee. Mr. Tweed also commended Hazel Swanfelder for the many years of faithful service to the Association.

There was a question from the floor as to the particular violation at the Pine Orchard Market. Mr. Tweed cited the non-conforming signs, the increase in cooking as not in keeping with the original special use, and neighbor complaints about cooking odors. There was considerable discussion from the floor in support of the Market including comment from the owner that they are a benefit to the community. Mr. Tweed stressed that the matter was not to be decided then and there as legal action has already been initiated. Letters in support (or against) the Market will be accepted by the Board. Bob Corley reiterated that while the present owners of the Market were doing a fine job, the fact that there are violations of our ordinances must be addressed. The Board had hoped for compromise, but since that had not been reached, he hoped the parties involved would exercise their right of appeal.

A plea for a replacement sign on the gate to the beach prohibiting alcoholic beverages was addressed by Mr. Buza, who promised to replace it.

The meeting was adjourned at 8:45 P.M.

Respectfully submitted,


Elaine Littlehales, Clerk

MINUTES OF THE ORGANIZATION MEETING OF THE EXECUTIVE BOARD

Held immediately following adjournment.

Members present were J. Buza, J. Healy, J. Tweed, J. Usher, R. Corley, R. Sherwood, S. Giordano, R. Greenalch, E. Reynolds, E. Littlehales, E. Carlin.

The following were nominated and accepted as President, Robert Corley, and also, Vice President, Jack Tweed, Jr.

Respectfully submitted,


Elaine Littlehales, Clerk

MINUTES OF A SPECIAL MEETING OF THE
EXECUTIVE BOARD OF
THE PINE ORCHARD ASSOCIATION

Held pursuant to notice duly mailed to all of the Board of which the following is a copy:

"Pine Orchard, CT
September 17, 1990

TO THE EXECUTIVE BOARD OF THE PINE
ORCHARD ASSOCIATION

At the call of the President, there will be a special meeting of the Board at the Pine Orchard Municipal Building, Pine Orchard, Connecticut at 8:00 PM on Thursday, October 11, 1990.

1. To elect a Treasurer and Clerk (an oversight at the Organizational meeting of the Board, July 9, 1990).
2. To hear progress reports on the zoning enforcement matters pending at The Pine Orchard Market and Schwanfelder property; and to direct future action.
3. To hear a progress report on the maintenance of Pine Orchard public property by the Town of Branford.
4. To make committee appointments and assignments.
5. To transact any other business which comes before the Board.

Attest:

Elaine Littlehales, Clerk"

At the call of the President, the meeting was convened at 8:02 PM at the Pine Orchard Association Municipal Building.

Present were: R. Corley, J. Tweed, J. Healey, R. Sherwood, E. Reynolds, R. Greenalch, J. Usher, S. Giordano, E. Carlin, E. Littlehales. There were 4 or 5 visitors in attendance also.

The first order of business was to elect a clerk and a treasurer. Robert Sherwood was re-elected Treasurer and Elaine Littlehales, Clerk. It was noted that the past minutes contain no reference to the fact that Richard Greenalch had been appointed to the Board in January, 1990, to replace Erskine Crossley, who resigned. The appointment is here noted.

There is another opening on the Board due to the recent death of Joe Buza. It ought to be someone from the Sunset Hill area. The Nominating Committee will be activated to do this with Jack Tweed serving as Chairman. Names suggested were: George Marsh, Bud Kratzer, Ed Johnson and Eunice LaSala.

Committee assignments were re-aligned with Jack Tweed being relieved of Police duties and assuming maintenance of the firehouse and waterfront. Jack Usher graciously declined to be police liaison; Mr. Corley will work on finding someone else. The question was raised as to whether or not it needs to be a Board position, and all were agreed that it should be. Other committee positions are:
Zoning Enforcement, Earl Carlin, Chairman and Jack Usher.
Planning, Dick Greenalch, Chairman; John Donegan, Mike Giordano, George Jacobs, E. Carlin.
Zoning Board of Appeals, Bradley Prann, Chairman; Bob Dow, Sid Noyes, Jim McNeil, Bob Gyer. Alternates, Archie Welch, Jack Townsend, Gerry Crotty. (The suggestion was made that when replacements are made, younger people be chosen.)

Health, Joe Healey, Chairman and Marcia Delfini.
Roads, Shelia Giordano

Mr. Corley expressed the need for someone to be up to date on the records and content of the office. Mr. Sherwood agreed that it is part of the Treasurer's job.

First Selectman Judy Gott was an invited guest and she went over a list of Public Works projects which need to be done in Pine Orchard, explained the reasons for the delays, and promised to get them taken care of as soon as possible. Briefly they were:

TIDEGATES/CLUB PARKWAY. The DEP is very slow processing requests but things could be speeded up considerably if there was documented proof that the tidegates had been built before 1939. Letters with statements to that effect as well as snapshots would be acceptable. Several Board members (as well as some in the audience) had such proof and will forward it to the Selectman's Office. With this information it should only take a few weeks to get the necessary permission. The question was raised as to whether or not there will be a new headwall and she said yes. Vinny Giordano has already talked to Steve Dudley (Town Engineer) about extending the headwall. They will talk again before starting the project. The Club will pay the difference.

ISLAND VIEW AVENUE/SEAWALL. Unk DeRos has already been contacted to repair the seawall there and will begin within a few weeks. He will cap it rather than replace it. (There was some discussion about the possibility of Mr. Brown, owner of Rogers Island running utility lines from the island into Island View Ave.) The washed out road will be rebuilt at the same time.

MIRROR LAKE. Mrs. Gott suggested replacing the present rock spillway with pipe until the Board pointed out that the original had been built to collect silt, thereby preserving the pond. She agreed to retain the spillway, in stone if possible, concrete if necessary.

It was pointed out to her that there are a number of diseased and dying hemlock trees on the Mirror Lake property and she agreed to notify the tree warden and have them removed.

SELDON/PASADENA AVENUES. Work to correct the flooding at this corner has been postponed from last fall to next spring. Paving of the area will be done in the summer of '91. There is a dry well catch basin there now which will be replaced with proper drainage. She agreed to have some temporary work done in this location to alleviate the puddles.

SWEEPING. The roads in Pine Orchard have not been swept since before the sewers went in, and Mrs. Gott apologized. However, she has been having major problems with the Public Works Department and it is true that the sweeper has been broken more often than not. She will notify them again of the need.

Other items brought to Mrs. Gott's attention were: A depression that holds rain water on GROVE AVENUE, where the sewer equipment was parked. Also the potholes on SELDON and the deterioration of the driveway ends there due to the road sinking after sewer construction. The lack of curbing on SELDON contributes to silt in the catch basin.

GARBAGE. Mrs. Gott was asked for the ruling on the hours the trashmen can begin their rounds. The answer was not before 5:00 AM between May First and October First. The rest of the year there is no limit. She fines the trash company \$100 for every complaint about too early collection that reaches her office.

HEDGES. Three corners where hedges interfere with vision were cited. Yowago and Pine Orchard, Spring Rock Road and Pine Orchard Road, Rt. 146 and Pine Orchard. She will contact the homeowners in question and remind them of their obligation to trim the hedges. The one by Mirror Lake is the Town's responsibility.

Other questions and suggestions were: Are the Gas and Water Companies responsible for properly patching the roads after they work on them? Answer: Yes. Have we a road inspector? Answer: The Public Works Director is responsible. Is there a bonding process? Yes, but it is not sufficient. The Town is responsible after 60 days.

Suggestion: Check into Milford's regulations. They have a two-year bonding regulation. Answer: Will look into it.

Who checks for street lights that are out? Answer: The police should but anyone can. Simply report the pole number to the CL&P office. Shelia Giordano offered to report the 4 she knows about. Mr. Corley offered to give this information to Mrs. Prann for her column in the Branford Review.

After Mrs. Gott left, the meeting continued with agenda items begun before she arrived. Mr. Corley reported that Mr. Pottinger and Mr. Gailey had arrived at an agreement about the development of Juniper Point and that zoning matter appears to be settled.

There has been a good deal of progress on the Pine Orchard Market matter and Mr. Corley read a letter from the Bruzseses' lawyer citing examples of previous owners conducting deli/catering business at that location. The Bruzseses have also suggested that they may relocate their business elsewhere and in that case would like to turn the Market into two apartments. Our attorney has recommended we resolve this matter without going to court. After some discussion, the Board agreed that if they (the Market) would invest in duct work to raise and/or redirect the exhaust fan, all parties should be satisfied. Mr. Healey suggested that we reply to their attorney's letter to that effect, and point out that the permits the attorney cited never came through the Pine Orchard Association as they should have.

Mr. Greenalch suggested we change the Regulations - if it is not already in our Charter - to address creating a nuisance. Questions were raised as to our being able to enforce such a regulation and that question will also be referred to our attorney, Dave Gibson. In the meantime, we will continue working toward a compromise.

The Zoning Board of Appeals have written a letter to the effect that Kurt Schwanfelder must lower the line of his roof, to be affixed to the Town land records. The Board thought this action useless and Mr. Reynolds moved and Mr. Healey seconded, that we pursue this issue and somehow put a lien on the property until Mr. Schwanfelder has complied with the directive. All were in agreement.

Elaine Littlehales reported on difficulties some of the residents of Spring Rock Road are having with a waterfront neighbor and the seawall in front of his house, which has reached the point of a dingy on said seawall being removed without the owner's knowledge. The Board was in agreement that it remain an issue between the parties and not involve the Association.

The meeting was adjourned at 10:00 PM

Respectfully submitted,



Elaine Littlehales, Clerk

Enclosed, copies of:

Memo from Judy Gott to Steve Dudley

Memo from R. Corley to Board

Letter from Marcus Law Firm

Letter to J. Caruli from R. Corley

November 26, 1990

TO THE EXECUTIVE BOARD OF THE PINE ORCHARD ASSOCIATION:

At the call of the President, there will be a special meeting of the Board at the Pine Orchard Municipal Building, Pine Orchard, Connecticut at 8:00 PM on Monday, December 3, 1990.

1. To review and resolve the issue of alleged zoning violations at the Pine Orchard Market. Attorney David Gibson will attend to provide legal counsel.
2. To hear a report on the action taken in the enforcement of the BZA's ruling to bring the garage on Kurt Schwanfelder's property into zoning compliance.
3. To hear reports on the several ongoing Branford DPW's projects, including:
 - Seawall/road wash-out repair on Island View Avenue;
 - Selden Avenue drainage;
 - Tide gate/fence reconstruction;
 - Cutting back hedges at road intersections;
 - Mirror Lake drainage;
 - Road surface maintenance.
4. To transact any other business which comes before the Board.

Attest:



Elaine Littlehales, Clerk

MINUTES OF THE SPECIAL MEETING OF THE EXECUTIVE BOARD OF
THE PINE ORCHARD ASSOCIATION, DECEMBER 3, 1990

At the call of the president, the meeting was convened at the Pine Orchard Municipal Building at 8:00 PM.

Members present were: Carlin, Corley, Delfini, Giordano, Healy, Johnson, Reynolds, Sherwood, Tweed and Usher. David Gibson, Attorney, was also present for consultation.

Edward Johnson was elected to the Board to fill the term of the late Joseph Buza.

Shelia Giordano reported that hedges obstructing vision at intersections on Yowago and Spring Rock Road will be cut back by either the Town or the owners. She will follow up.

The Pine Orchard Market zoning issue was discussed. Two discoveries by the Bruzesses' attorney were reviewed. The first was documentation (in the form of Health Dept. permits) indicating on-premises cooking prior to January, 1978, when minutes of an Executive Board meeting identified non-conforming properties, including the POM. The second discovery was the owner of the building in 1968, Pasquale Melotto, who has stated that there were two apartments in the building when he purchased it.

A view expressed by several Board members was that even if cooking was being done in 1978, it was still an expansion of use since the 1940's, when the zoning laws went into effect and non-conforming status was granted.

Mr. Gibson observed that even if it could be established that in 1945 use was limited to a grocery store operation, it might have to be further established that on-premises cooking is an expanded use, given customary practice in other present-day grocery operations. Mr. Gibson advised that these issues make it difficult to assess the outcome of court litigation.

It was pointed out that the Board has three options:

1. Press ahead with legal action, charging violations of zoning ordinances, claiming expanded use, and maintenance of a nuisance (cooking odors).
2. Drop the charges, and review with the protesting neighbors accomplishments to date relative to the removal of outside signs and the elimination of the threat of the store becoming a limousine and messenger service terminal.
3. Renew efforts to persuade the Bruzzeses to relocate the fan in an effort to re-direct the odors, making it clear that litigation costs would be bound to exceed the cost of an improved exhaust system.

It was pointed out that, when last approached, Mr. Brussese's position was that the estimated cost to relocate the fan was prohibitive; and he intends to sell the store anyway.

The increased difficulty in gaining zoning compliance if the store were to be sold without prior resolution of this issue was noted.

A motion was made by Mr. Reynolds that David Gibson be authorized to contact the Bruzzeses' attorney and attempt to work out a settlement which will reduce the cooking odors with an exhaust system acceptable to the zoning enforcement officer. If this cannot be accomplished by January 15, 1991, legal action is to be taken as outlined in option 1 above. The motion was seconded and carried.

Kurt Schwanfelder's failure to comply with the directive of the Pine Orchard Zoning Board of appeals to lower by two feet the height of the roof of the auxiliary building on his property was next addressed. Mr. Gibson has complied with instructions to file on the land records the decision of the Pine Orchard ZBA. Several members expressed concern that this was not sufficient action, and does not address the core issue that a second residential unit was created in the construction of this building.

Mr. Gibson was requested to procure a transcript of the ZBA proceedings from the court reporter, who heretofore has failed to provide one. It was the consensus of the Board members that further action should be undertaken as indicated by a study of the transcript.

Jack Tweed reported:

The sections of the seawall at the end of Island View Avenue and at the junction of the seawall and breakwater have been repaired.

The stairs at beach rights-of-way have been removed for the winter.

The interior of the firehouse has been repainted, and the grounds groomed for winter.

Ed Reynolds suggested a sign for the firehouse to identify it as the Pine Orchard Municipal Building.

Joe Healy reported:

Mirror Lake. Branford Town engineer, Steve Dudley, is having plans drawn up for piping the inflow into a prefabricated settling basin to be inserted into the existing stonework.

Seldon Avenue area drainage. The Town Engineer's office has completed surveying the area and is drawing up plans to be executed next spring.

Bob Corley reported:

Tide gates adjacent to POY&CC. Repairs to the tide gates and the fence above them have been long delayed pending permits from the DEP. Current status is that increased capacity gates, as requested by the POY&CC, will require an

indefinite delay in obtaining all the bureaucratic approvals; but replacements to the present gates can be undertaken in the immediate future. The Town's recommendation is that new, similar gates will probably improve the flow capacity anyway. The Club will make a decision and advise the Town of its preference.

Zoning at 30 Crescent Bluff. Prospective purchaser, Tom Laske, has inquired: If the present dwelling is torn down, will its replacement be eligible for the same non-conforming status, would a zoning variance need to be obtained or what? The Zoning Committee is to review and supply an answer.

The meeting adjourned at 9:30 PM.

Respectfully submitted,

Marcia T. Delfini
Clerk, Pro tem

MINUTES OF A SPECIAL MEETING OF
THE EXECUTIVE COMMITTEE OF
THE PINE ORCHARD ASSOCIATION

Held pursuant to notice duly mailed to all of the Board of which the following is a copy:

"Pine Orchard, CT
May 8, 1991

To the Executive Board of
The Pine Orchard Association

At the call of the President, there will be a Special Meeting of The Board at the Pine Orchard Municipal Building, Pine Orchard, CT at 8:00 PM on Monday, May 20, 1991 to:

1. Receive and act upon the assessment list as prepared and presented by the Clerk, pursuant to law.
2. Discuss the budget and adopt it for the ensuing year.
3. Lay a tax and arrange for its collection.
4. Hear and act upon reports by Committee Chairmen and Officers.
5. Transact any business which may come before the meeting.

Attest,

Robert O. Corley, President
Elaine Littlehales, Clerk"

At the call of the President, the meeting was convened at 8:07 PM at the Pine Orchard Municipal Building. Present were: M. Delfini, E. Carlin, S. Giordano, R. Sherwood, J. Usher, E. Johnson, J. Healey, J. Tweed, R. Corley, E. Littlehales.

As the Town of Branford has not yet compiled the Grand List, we were unable to act upon the Assessment List as anticipated. There will be another meeting at 8:00 PM, Monday, June 17, for this purpose.

Mr. Sherwood presented a budget for the coming year based on last year's