



PINE ORCHARD ASSOCIATION
Branford, Connecticut



PINE ORCHARD ASSOCIATION BOARD MEETING NOTICE

Monday, January 04, 2021 @ 7:00 PM

At the call of the President, Robert Dahill, there will be a meeting of the Board of the Pine Orchard Association using the Zoom Application.

SEE INSTRUCTIONS & LINK BELOW

Public Hearing Agenda.

1. *****HEARING POSTPONED TO MONDAY MARCH 1, 2021***** To receive and consider public comments and testimony concerning a proposed amendment to the Pine Orchard Association Zoning Ordinance to allow patios within the property set back lines. (A copy

of the proposed amendment will be on file in the POA offices, the Office of the Town Clerk of the Town of Branford and posted on the POA website, www.poa-ct.org at least 10 days prior to said meeting)

Meeting Agenda:

1. Call to order
2. Approval of Minutes of Sept 14, 2020 Meeting
3. Communications: **A.** The Branford Police Department will update the POA on vehicle security and answer questions **B.** Tom Brocket will updated the POA on pending and executed issues before the Branford RTM
4. Nominations to fill a vacancy for an Alternate position on the ZBA
5. Treasurer's Report (Linda)
6. Committee reports:
 - A. **By-Laws** (M. Law, R Seligon)
 - B. **Nominating** (R Sandler)
 - C. **Municipal /Community Liaison** (B. Calderone, S. Hersham)
 - D. **Long Range Planning** (L. Sachs)
 - E. **Waterfront: Maintenance & Access** (R Sandler)
 - F. **Building Maintenance** (J Thomas, S Hersham)
 - G. **Zoning / Chapel Liaison** (D. Greenalch)
 - H. **Tax Collector** (L. Farber)
 - I. **Beautification** (P. Taylor, B. Dahill) - Art in the Park Update
 - J. **Municipal Liaison** – (Bruce Caldarone, Seth Hershman) - Route 146 Corridor Study SCRCOG and sidewalks
7. To receive and schedule for public hearing a proposed amendment to the Pine Orchard Association Zoning Ordinance to allow patios within the property set back lines.
8. New Business: POA Boat Mooring Discussion
9. Office Manager: Peter Robinson Report - Budget analysis, Tax Collection, Procedures manual, ZBA update.
10. Adjournment

Note: Remaining 2021 Meeting Dates: - Monday, March 1, 2021,
Monday, May 3, 2021, POA Annual Meeting held on Monday July 5, 2021

ZOOM MEETING DETAILS

Once you enter the zoom meeting, please mute your microphone (icon in lower left hand corner) and un-mute only when you are given permission to speak by the moderator. When you do speak, start by stating your name and street address.

Topic: January POA Board Meeting

Date: Monday Jan 4th 2021

Time: 7:00 PM

Meeting ID: 862 3014 3545

Passcode: 006183

Dial by your location

+1 312 626 6799 US (Chicago)

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+1 346 248 7799 US (Houston)

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Find your local number: <https://us02web.zoom.us/j/kbnTShOonF>

[Click HERE to join Meeting](#)



Robert Dahill
President, POA Executive Board



Executive Board of the Pine Orchard Association

January 4, 2021

At the call of the President, the meeting of the Executive Board of the Pine Orchard Association was conducted via the Zoom videoconferencing Application.

Board members present: Robin Sandler, Robert Dahill, Dick Greenalch, Peggy Haering, Linda Sachs, Len Farber, Seth Hershman, Bruce Calderone, Peg Taylor, Mark Law, Ray Seligson.

Absent: Joe Thomas

Agenda Item 1. The meeting was called to order at 7:00 p.m.

Agenda Item 2. Upon motion and second the of Minutes of the Sept 14, 2020 Executive Board Meeting were approved.

Agenda Item 3. Communications:

A. Branford Police Chief Jonathan Mulhern and Deputy Chief John Alves attended the meeting update the community on vehicle security. Chief Mulhern said that Connecticut leads the Northeast on the number of cars stolen. Branford is not an outlier. Last year 36 vehicles were stolen, and it is anticipated that 69-70 will be stolen this year. Most of the thefts occur in the overnight hours, and 98% of the vehicles stolen had keys in them. Chief Mulhern warned that people need to change their ways. He characterized the vehicle thefts as crimes of opportunity, with low probability of arrest. Many of the perpetrators are juveniles. The police arrested one juvenile who was found to have at least 25 stolen car cases. Police are prohibited from chasing stolen vehicles. Chief Mulhern warned that if you see someone entering your car call the police; do not confront them.

B. RTM member Tom Brockett updated the POA on pending projects before the Branford RTM. These include working on a blight ordinance and addressing environmental concerns about the Atlantic Wharf project at Meadow and Montowese Streets. The RTM has directed the property owner to cover the debris piles on the site. There is pending litigation and the court has given the parties additional time to settle their disputes. Otherwise, the case will go to trial in July. Tom stated that the Limewood Avenue sea wall repairs will be delayed due to a requirement to update the design. The State has allocated some funding for review and planning of State Route 146 as it runs through Branford and Guilford. The Route 146 study will not address sidewalks or cross walks.

Agenda Item 4. There is a vacancy for an alternate position on the ZBA. Vining Bigelow has volunteered to serve. Upon motion and second, the Board voted to approve Vining's appointment as an Alternate.

Agenda Item 5 Treasurer's Report Linda Sachs presented her report. Tax collections are at 100%, and the number of building permits for the year has increased. The POA's

budget for the year is on track. There are no new bills for shorefront or maintenance. Robin Sandler asked whether Linda had any concerns about the office budget; Linda responded that there had been expenditures for new computer equipment, but said she had no concerns. Bob Dahill asked all committee heads to submit information about projected expenses so that we could work on a long-term budget for the Association.

Agenda Item 6. Committee reports:

A. **By-Laws** (M. Law, R Seligson) Mark said that he and Ray had reviewed the By-Laws and have proposed modifications on a process for breaking tie votes and addressing conflicts of interest.

B. **Nominating** (R Sandler) Robin reported that there will be 4 vacancies on the Board at the next Annual Meeting. Robin will be leaving the board due to term limits. He will research what effect a Board member's serving a partial term will have on term limits. At the March meeting we will form a committee to review nominations.

C. **Municipal /Community Liaison** (B. Calderone, S. Hersham) Bruce reported that the cost of moving ahead with the sidewalk project would be substantial and we need to get some commitment from the Town of Branford for support. The cost of the project is too high for us to go it alone. Bruce and Seth will work on a game plan. We also need to decide what the next step would be if we installed a first section of sidewalk from Triangle Park to Mirror Lake.

D. **Long Range Planning** (L. Sachs) The goal is to provide a cushion in the event that costs increase. Linda and the President encouraged the committee chairs to provide input.

E. **Waterfront: Maintenance & Access** (R Sandler) Robin reported that repairs were made to the access point on Island View Avenue. The stairs on Spring Rock Road are finished and the railing will be installed this weekend. We are still attempting to resolve the Crescent Bluff litigation.

F. **Building Maintenance** (J Thomas, S Hersham) Seth reported that the driveway status will be reassessed in the spring. We have a quote for outdoor lighting at the front of the headquarters building. The installation of lighting for the parking lot will take place in the spring.

G. **Zoning / Chapel Liaison** (D. Greenalch) Dick reported that the Board decided to move ahead with consideration of an amendment of the Zoning Ordinance to be presented at the March meeting. Barbara Colley updated the Board on the progress of the Pine Orchard Chapel restoration. She said that the concrete has been poured and all excavation has been completed. The structure will be lowered onto its new supports by January 15.

H. **Tax Collector** (L. Farber) Len reported that all taxes had been collected with the exception of about \$300 outstanding.

I. **Beautification** (P. Taylor, B. Dahill) -Bob Dahill reported that the Art in the Park project is still under review. We have approval to work with BACA; however, there are special insurance requirements for such installations, and we need to find affordable coverage.

J. **Municipal Liaison** – Bruce Caldarone and Seth Hershman discussed the Route 146 Corridor Study SCRCOG and sidewalks

Agenda Item 7. To receive and schedule for public hearing a proposed amendment to the Pine Orchard Association Zoning Ordinance to allow patios within the property set back lines. Public hearing to be held on March 1, 2021.

Agenda Item 8. New Business: POA Boat Mooring Discussion. Bob Dahill reviewed the history of the POA’s moorings near the breakwater at the end of Island View Avenue. He said that the area had not been dredged for years and it is difficult to use the breakwater to get to the moorings. Bob recommended that the Association cease offering moorings.

Agenda Item 9. Office Manager’s Report – Peter Robinson reported that he has been arranging for installation of the lights on the front of the Headquarters Building. In the past month he delivered documents responsive to a Freedom of Information request from Rich Colbert concerning last year’s election during the Annual Meeting. He has been working on the Budget analysis, creating a procedures manual, and assisting the ZBA update.

Agenda Item 10. Adjournment. Upon motion and second the meeting was adjourned at 8:17 p.m.

Note: Remaining Meetings -

Monday, March 1, 2021,

Monday, May 3, 2021,

POA Annual Meeting, Monday July 5, 2021

All future meetings will be held at 7:00 PM at the Pine Orchard Association office, 180 Pine Orchard Rd or by the ZOOM application

Documents received:

Treasurer’s Report

Office Manager’s Report

Respectfully submitted

Margaret E. Haering, Clerk

Pine Orchard Association Treasurer's Budget Report
as of 1/1/2021

	Approved Budget 1-Jul-20	Budget Activity Year to Date	Budget Remaining Year to Date	% of Budget Rec/Dsbrmnts Year to Date
RECEIPTS				
Tax Collections	\$ 76,506	\$ 74,122	\$ 2,384	97%
Rent	\$ 4,000	\$ 4,000	\$ -	100%
Building & Permit Fees	\$ 4,000	\$ 7,300	\$ (3,300)	183%
Other (Interest, Moorings)	\$ 735	\$ 401	\$ 334	54%
Use of Capital Savings	\$ -	\$ -	\$ -	
Total	\$ 85,241	\$ 85,822	\$ (581)	101%
DISBURSEMENTS				
Security	\$ -	\$ -	\$ -	
Shorefront Maintenance	\$ 10,000	\$ -	\$ 10,000	0%
Building Maint/Utilities	\$ 14,000	\$ 4,361	\$ 9,639	31%
Property Improvements	\$ -	\$ -	\$ -	
Office/General	\$ 17,000	\$ 10,958	\$ 6,042	64%
Insurance	\$ 9,000	\$ 3,261	\$ 5,739	36%
Legal	\$ 11,200	\$ -	\$ 11,200	0%
Zoning	\$ 5,500	\$ 3,380	\$ 2,120	61%
PO Web	\$ 100	\$ -	\$ 100	0%
Acctg Annual Review	\$ 4,200	\$ 2,430	\$ 1,770	58%
Beautification Committee	\$ 4,500	\$ -	\$ 4,500	0%
Sidewalks	\$ 4,200	\$ 4,200	\$ -	100%
Total	\$ 79,700	\$ 28,590		36%
NET INCOME (LOSS)	\$ 5,541	\$ 57,232		

Account Balance as of 1/1/2021	
BOA checking	\$67,427.65
Less outstanding checks	\$460
BOA net balance	\$66,967.65
BOA Savings	\$77,360.67 Opened 12-2012
BOA 13-mo CD	\$50,643.25 Opened 02-2020
Total "cash available"	\$194,972

Delinquent Report

ATTN: TAX COLLECTOR As Of Date 01/04/2021 Cash Type : All

Date: 01/04/2021 Page: 1

Conditions : Year 2004 To 2019 Dist To Order By Bill Number Include Susp : No Suspense Recap by Bank : No Recap by District No Tax/Def All

Bill #	S-D	Name	TOT Tax	TOT Adj	TOT Paid	Tax Due	INT Due	Lien Due	Fee Due	Bint Due	Total Due
2019-01-0001547	5	SPRING ROCK LLC	120.96	0.00	0.00	120.96	6.35	0.00	0.00	0.00	127.31
2019-01-0003048	5	SECOND WINDS DEVELOP TOWN	81.16	0.00	0.00	81.16	4.26	0.00	0.00	0.00	85.42
2019-01-0014828	5	GAILEY MATTHEW D TOWN	60.72	0.00	57.99	2.73	0.02	0.00	0.00	0.00	2.75
TOT RE	# Of Accts: 3	TOWN	262.84	0.00	57.99	204.85	10.63	0.00	0.00	0.00	215.48
YEAR 2019	# Of Accts: 3	TOWN	262.84	0.00	57.99	204.85	10.63	0.00	0.00	0.00	215.48
GRAND TOTAL	# Of Accts: 3	TOWN	262.84	0.00	57.99	204.85	10.63	0.00	0.00	0.00	215.48

Office Manager Report for January 2021

1) POA Tax Collection:

- a. POA Taxes are 99% collected. We have only one outstanding delinquency which I hope to collect on by months end.

2) Zoning:

- a. Facilitated two ZBA meetings with a follow-up hearing for late Jan.
- b. I continue to support Eric and Robin in their effort to amend the POA zoning ordinance which has been rescheduled to March. To expedite the POA Zoning Ordinance change process going forward, I have documented the process indicating tasks, and filing timelines.
- c. Filed over 18 Zoning application this quarter

3) POA Building:

- a. **Accomplished**
 - i. **Generator:** Kevin will do a follow-up maintenance sweep on the generator in Jan. He will do this each quarter going forward.
 - ii. **Lighting:** Kevin has submitted and up-dated lighting quote and begin work later this month.
 - iii. **Delivered** FoIA document to Mr. Colbert – no feedback
 - iv. **Designed** and ordered a new postcard for the POA (500)
- b. **Signage:** Seth C. had submitted a new graphic for the POA building sign. Given the new lighting package, does the Board want to up-grade the signage?
- c. **Legal:** 2020-10-30 Received a Civil summons from a State Marshal filed by Colbert on behalf of Beachcroft, LLC – filed and passed on to Peter Burdon.

4) POA Office:

- a. **Accomplished**
 - i. Outreach: three new residences – welcome letter sent.
 - ii. Response: 24-hour response time.
 - iii. Ordered and installed a new PC running Windows 10 for only \$450
 - iv. Worked with Treasure in creating a macro/micro budge template
- b. **Planned for 2020/2021**
 - None

KMB Electrical Services LLC

7 Business Park Drive
Unit 13B
Branford CT 06405
203 483-5069

Estimate

Date	Estimate #
1/4/2021	822

Name / Address
Pine Orchard Association 180 Pine Orchard Rd Branford, CT 06405

			Project
Description	Qty	Cost	Total
Adding three service mount light fixtures on the front of the building to light up the sign. Lights will be a gooseneck style and supplied by KMB. Lights will be controlled from a timer switch inside			
Materials=lights, LED bulbs, conduit, boxes, timer, etc		490.00	490.00
Labor		460.00	460.00
Total			\$950.00

PINE ORCHARD ASSOCIATION MINUTES OF EXECUTIVE BOARD MEETING

Monday, March 15, 2021 @ 7:00 pm

The meeting was called to order at 7:00 p.m. (The meeting was conducted by using the Zoom application.)

Board members present: Robert Dahill, Robin Sandler, Dick Greenalch, Peggy Haering, Seth Hershman, Mark Law, Ray Seligson. Linda Sachs.

Board members absent: Joe Thomas, Peggy Taylor, Len Farber and Bruce Calderone

The President Bob Dahill opened the public meeting to receive public comments and consider a proposed amendment of the Pine Orchard Association Zoning Ordinance to allow patios to be placed within the property set back lines. A copy of the proposed amendment is on file in the POA office, the Office of the Town Clerk of the Town of Branford, and has been posted on the POA website at www.poa-ct.org.

Jeanne Hughes voiced opposition to the proposed amendment. She said that people use their patios and that having a patio close to the property line can be very invasive for neighbors. She said that people count on the Pine Orchard's stricter zoning rules, and asked what's the point of doing things differently?

Jim Killellea of 22 Halstead Lane questioned why patios had been inserted in the accessory building section in the first place. He proposed defining "patio" as a ground level paving that was conducive to be used for socializing.

Kimberly Nevin of 2 Hart Avenue commented that a number of properties in Pine Orchard are land-locked. She is very much in favor of removing the restriction.

Remy Zimmerman said that if you extend patios people will be encouraged to sit on them. He likes the present rule. People can sit out on the lawn if they care to.

Joe Sepot said that no other town has similar restrictions on placement of patios. He asked how it could be enforced. He commented that there is no distinction between a patio or a driveway; if you want to have a party, there's no problem. In his view, zoning is about density and he is surprised that the restriction is in the regulations in the first place. He is in favor of the amendment.

Jeanne Hughes said that regulations were put into place a number of years ago by the founders of Pine Orchard.

Joe Sepot said that he doesn't know how long this provision has been in place.

Sue Barez said that her husband Matt and applied for a variance for a patio. She thinks the current rule is ridiculous. She is offended by people who want to restrict their use of their property. A small lot is a sacrifice that you make to live here. She feels that the restriction is just silly. Their proposed patio will “improve their property” .

Stephan Ariyan of 16 Yowago Avenue feels there’s a tendency not to change things. We should be more sensitive to neighbors. He thinks that its’ unreasonable not to allow this change.

Ray Seligson, does not feel that the proposed change is a big deal. He feels that it would be a minimal difference.

Robin Sandler of 15 Hart Avenue said that a patio is a landscape feature. People come to Pine Orchard to enjoy their homes and allowing a patio within the setback would be a minimal intrusion.

Joe Sepot commented that if you live near the water you normally have smaller lot sizes.

Hashim Sabet, 10 Ozone Rd., said that the joy an owner gets from a patio exceeds any disturbance to neighbors.

Bob Dahill referred to the current inclusion of patio within Section 4.3 of the Zoning Ordinance under “accessory buildings” He proposed that we might consider deleting patios from the section on “accessory building” but provide a definition that a patio can only be constructed at natural grade.

Jefferey Sonnenfeld, 2 Blackstone Ave. said that it is not that hard to define what a patio is; limiting it to something at grade level might restrict fire pits, benches or porticos.

Kimberly Nevin commented that the rear set back of 20 feet and side setbacks in Pine Orchard are such that some owners could not even create a patio.

Bob Dahill proposed defining the word “patio” in the Zoning Ordinance as a paved or flat area that was built at natural ground level.

Eric Rose of 26 Selden Ave. said that Zoning Regulations do not regulate behavior and it is not the role of zoning to restrict behavior. There is no regulation about how neighbors should behave. This community has many non-conforming lots. It is unfortunate that our regulations affect patios. No one ever asked the ZBA about patios before. Eric felt that the ZBA denial of a variant here was unfair because no permit is required to construct a patio.

Jeff Sonnenfeld said that there should be limits on the size of patios, and that gazebos and firepits within the setbacks should be prohibited.

Remy Zimmerman felt that the restriction of a patio to ground level would preclude construction of fire pits below ground level or constructions of outdoor kitchens above.

Dick Greenalch said that there would be no amendment to the proposed zoning ordinance at tonight's meeting.

Rich Colbert of 2 Halstead Lane asked whether we have explored considering patios on a case-by-case basis and allowing people to demonstrate a need for this.

Dick Greenalch replied that it is not the role of the ZBA to give case-by-case rulings.

Jeanne Hughes cited concerns about run-off from a patio and asked whether there is any guidance on this. Ray Seligson said that you cannot create a drainage condition. Jeanne Hughes said that by building a patio close to the property line you are creating circumstances that would lead to runoff. Jeanne stated that a patio is appurtenant to a house. Someone could pave a large lot. She thinks there is a reason for setbacks. This amendment would change the character of land use and she thinks it is dangerous.

With regard to the suggestion that we limit patios to those constructed at natural grade level, Mark Law said that any modification of the proposed amendment could not take place during this public meeting. He said that the Board could vote on the amendment as presented, modify it at a subsequent meeting, reserve for further comments or post any revisions for another public meeting.

Peggy Haering asked what would happen if someone wanted to construct an outdoor kitchen in the setback. The response was that railings would need to be approved as would a gazebo or a portico.

John Lapidés said that when he built his house on Halstead Lane, he had to abide by all the rules. Once you change the rules you lose control; people will be sitting on or cooking on their patios.

Bob Dahill asked about confining patios to those built at natural grade and whether that might solve the problem.

Eric Rose said that nothing in the Zoning Regulations requires a homeowner to have grass. In his view all accessory buildings are social in nature. He said that the Town of Branford doesn't affect patios.

Robin Sandler suggested that Joe Sepot might be able to help with a definition of the word "patio".

Jeanne Hughes does not feel that there was enough information to resolve this issue at present.

Bob Dahill said that the committee needs guidance on this process and wants to know what would work for the community? He observed that many homes in Pine Orchard may be built into the setbacks.

John Lapidés asked why would you apply for a variance for these rules? Ray Selgison said that the current rule was unreasonable.

Matt Barez said that he doesn't want to cut grass.

John Lapidés feels that people in the community need to abide by the setback rules and should follow the zoning laws.

Upon motion and second, the Board voted to close public comment on the proposed amendment.

Mark Law observed that the Board could either approve the amendment as is or come back in the future to consider changes.

Dick Greenalch wants to consider further clarification of the language and will notify the public of any change. It is not clear that there is a requirement for a second hearing on this issue. Dick said that he is not sure that ground level should be the only requirement for a patio.

Robin Sandler proposed referring the issue to the Committee for clarification of language. Dick Greenalch will work on proposed language and then set up a meeting.

Upon motion and second, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Margaret Haering, Clerk



PINE ORCHARD ASSOCIATION
Branford, Connecticut

PINE ORCHARD ASSOCIATION
BOARD MEETING NOTICE

Monday, May 3rd, 2021 @ 7:00 pm

At the call of the President, Robert Dahill, there will be a meeting of the Board of the Pine Orchard Association using the Zoom™ Application.

SEE INSTRUCTIONS & LINK BELOW

Public Hearing.

To receive and consider public comments and testimony concerning a proposed amendment to the Pine Orchard Association Zoning Ordinance to allow patios which are constructed at the natural grade within the property set back lines. (A copy of the proposed amendment is on file in the POA offices, the Office of the Town Clerk of the Town of Branford and posted on the POA website, www.poa-ct.org at least 10 days prior to said meeting). The POA Executive Board is scheduled to vote on said amendment during this meeting.

Meeting Agenda:

1. Call to order
2. Approval of Minutes of March 1, 2021 Meeting
3. Communications: RTM update-Tom Brockett
4. Treasurer's Report (L. Sachs)
5. Committee reports:
 - A. Zoning / Chapel Liaison (D. Greenalch) i) Discussion/vote on adoption of POA Patio Zoning Ordinance as described herein. ii) Short Term Rental Wihbey Update iii) Chapel update
 - B. Nominating Committee (R. Sandler) - Update on POA Executive Board terms and open seats for July 2021 annual meeting.
 - C. Municipal /Community Liaison (B. Calderone, S. Hershman)
 - D. Long Range Planning (L. Sachs) i) Three-year fiscal-plan discussion ii) No spending approval needed for budgeted items

E. Waterfront: Maintenance & Access (R. Sandler) Assign Sidewalk/Breakwater Repairs

F. Building Maintenance (J. Thomas, S. Hershman) Parking Lot Light

G. By-Laws (M. Law, R. Seligson) Discussion of By Law Changes and procedure

H. Tax Collector (L. Farber) 100% collected.

I. Beautification (P. Taylor, B. Dahill) - "Art in the Park" Update- Water Vault, Neighbor's letter re Spring Rock Rd Staircase

6. New Business: A) Vote on new rental fee for POA Office garage bay B) Approve quote to fix parking lot at POA Building C) Vote on the preliminary mil rate for 2021/2022 fiscal tax season D) Establish committee to address the annual meeting in July - location and process.

7. Office Manager: Peter Robinson Report - Tax Prep for 2021/2022, building signage and lighting done, grounds maintenance. Driveway. New sidewalk/parking lot lighting solution. Spring Rock Road Mirror, Eversource Street Light at Ozone & Pasadena Road

8. Adjournment

Note: Remaining 2021 Meeting Dates: POA Annual Meeting held on Monday July 12, 2021

ZOOM MEETING DETAILS

Once you enter the zoom meeting, please mute your microphone (icon in lower left hand corner) and un-mute only when you are given permission to speak by the moderator. When you do speak, start by stating your name and street address.

Topic: POA Executive Board Meeting

Time: May 3rd, 2021 07:00 pm

Meeting ID: 815 9209 7922

Passcode: 272287

Dial in: +1 929 436 2866 US (New York)

[Click HERE to join Meeting](#)



Robert Dahill
President, POA Executive Board

Minutes of
PINE ORCHARD ASSOCIATION
EXECUTIVE BOARD MEETING
Monday, May 03, 2021 @ 7:00 PM
Meeting conducted using Zoom application

Board members present: Peggy Haering, Joe Thomas, Robert Dahill, Ray Seligson, Mark Law, Seth Hershman, Bruce Calderone, Richard Greenalch, Robin Sandler, Linda Sachs, Peggy Taylor, Len Farber,

Agenda Item 1. The meeting was called to order at 7:05 p.m.

Agenda Item 2. Approval of Minutes, upon motion and second the minutes from the March 1, 2021 meeting were approved.

Agenda Item 3, Communications: RTM update-Tom Brockett the 7th District representative to the RTM, reported on two recent meeting. One dealt with the Blackstone Library, whose chiller went out recently. While the library has sufficient funds to take care of this problem, a sinking fund will be created to manage future needs. The Finance Director is looking to refinance the town of Branford's debt; Upgrades have been funded for schools/police. Solid waste is the town's largest expense. There is a pending legislative proposal to increase the deposit on bottles to \$0.10. and to apply deposit requirements to additional types of containers.

The president opened the public hearing on the proposed amendment to the Pine Orchard Zoning Regulations. Dick Greenalch, chair of the Zoning Committee, led the discussion. He said that the proposed amendment would permit patios to be placed within the setbacks and would remove "patio" from the description an "accessory building" in Section 4.3 of the ordinance. Patio, defined at grade level would be added to Section 16 'Definitions' 'Structure, following the sentence on sidewalks. This would allow patios at natural ground grade level to be located within setback lines. This hearing represents the final opportunity for members to express their views on this subject. Bob Dahill said that the proposed changes make Pine Orchard's zoning ordinance consistent with how other communities, including the town of Branford and Sachems Head in Guilford, deal with patios.

Jeanne Hughes, of 39 Meadow Wood Rd., a lifelong resident of Pine Orchard wants to keep distance between neighbors. She feels it would make for nicer community. One of her neighbors just built a sports court near the property line. She is concerned that people will put grills and fire pits too close to their neighbor's property line. She feels that people may not understand how this will impact the community and suggested that a vote be put off until after the Annual meeting.

Jim Killelea, 22 Halstead La., is a member of the Zoning Board of Appeals (ZBA). He is opposed to the amendment. He said that zoning issues depend on circumstances, such as the size of a building lot. The ZBA has authority to consider these issues. If passed this amendment would give landowners an unqualified right to locate a patio wherever they like. In his view, the ZBA acts as modifier between landowners and parties who want to relief from rules; keeping that requirement is appropriate.

Kate Gillis, of 12 Gaylea Drive, expressed concerned about fire pits. The Fire Department has a rule forbidding open fires within 20 feet of property lines. Our current zoning regulations do not address firepits. She feels that people should be aware of fire pit regulation. Joe Sepot, 1 Yowago Ave, feels that the current regulation had no process for approving patios; he said that for 30 years patios were treated the same as driveways. He asked, if there is no difference between a patio and a driveway, how to we regulate them? Bob Dahill asked that whether removing patio from Section 4.3 (accessory uses) and adding it to definitions would make patios less obtrusive.

Eric Rose, 26 Selden Ave, said that if we remove patios from treatment as an accessory building, we will remove the requirement for approval for patio construction. He said that there are plenty of people in Pine Orchard who need this flexibility. Most people do not want to have patios up against setbacks. We were not previously aware of this regulation. He feels the current regulation takes away from people's right to use own property.

Jeanne Hughes feels that the association should consider different rules for different zones, such as allowing placement of patios within one-half of the setbacks in smaller lots. Martha Lombardi of 31 Meadow Wood Rd. opposes the amendment.

Robin Sandler, made a motion to approve the amendment as presented. The motion was seconded by Ray Seligson. Before the vote, Ray asked whether any letters had been received regarding the amendment. Jeff Forbes, of 42 Island View Ave. says that Pine Orchard has become more congested. He wants to preserve the open space, which is protected by setbacks. He does not support outdoor patios encroaching on setbacks.

Jeanne Hughes restated her objection to the regulation. Setbacks assure peace and harmony. Peggy Haering said that people with large lots do not need this change. Dick Greenalch said that our zoning laws do not give us ability to draw distinctions among zones.

Robin Sandler asked for a roll call vote on the amendment to remove "patio" from Section 4.3 of the ordinance and to provide that a patio constructed at natural grade not be treated as a structure.

Roll call vote: Bob Dahill—Abstain, Bruce Calderone—Abstain; Robin Sandler—Yes, Mark Law—Yes; Ray Seligson—Yes, Seth Hershman—Yes, Peggy Taylor—Yes, Joe Thomas—Yes, Peggy Haering—No; Linda Sachs—Yes. The motion carried, and the amendment was approved.

Agenda Item 4. Treasurer's Report (L. Sachs reviewed the budget. As of 5/1/2021 we had \$12,050 in building permits, 3 times the amount from prior years. We have spent only \$250 on shoreline maintenance this year. We have cash on hand of \$186,484. James McBurney asked about accrued legal fees. Linda said that billing was recently received; she is not ready to report out on that yet. She is working through the invoices. She expects that Bob Dahill will have the final numbers in 2 or 3 days. She did confirm that the billing was over \$20,000. Upon motion and second the Treasurer's Report was accepted.

Agenda Item 5. Committee reports

A. By-Laws (M. Law, R. Seligson) Proposed modifications to the bylaws will deal with process, such as breaking tie votes, clarifications on use of email instead of regular mail to communicate with members. They want to change to email notification where members have consented to that as a means of communication. Conflict of interest rules will also be addressed.

B. Nominating Committee Robin Sandler gave an update on POA Executive Board terms and open seats for the July 2021 annual meeting. The office manager sent out email and postcards soliciting nominations for board seats. Four seats will be available for the upcoming year. All will be voted on at the annual meeting, now set for July 12, 2021. Two current board members, Peggy Haering on Island View Ave. and Seth Hershman on Elizabeth Street, are up for re-election. New nominees for board seats are Dr. David Silverstone of 13 Island View Ave, a 20-year resident of Pine Orchard, and Matthew Barez of 18 Hart Avenue. Matthew moved to Pine Orchard in Oct. 2019 and works at Sikorsky Aircraft. Upon motion and second, the nominations were approved. Robin added that nominations can also be made from the floor during the annual meeting and that others can run for open seats.

C. Municipal /Community Liaison (B. Calderone, S. Hershman) Seth said the Board wants to survey neighbors to gauge their interest in installing sidewalks.

D. Long Range Planning--Linda Sachs has moved forward with a three-year fiscal-plan. It is proposed that we keep the current mil rate at 4 for the upcoming year. The rental income on one of the garage bays at the Headquarters building will be adjusted; building permits are expected to be higher in the coming year. Shorefront maintenance will need additional work. If an item is included in budget there is a question whether each expenditure needs to be approved by board.

Robin Sandler received a quote for repairs to the sidewalk at the Island View Avenue access point. He believes that the chair should not spend the budget without board approval. Dick Greenalch said that substantial expenses should be brought to board. Ray Seligson said that it would be helpful to understand how to spend money; how to allocate budget on projects. If there is a broad category of expenses, he wanted to understand criteria that would be used. If a repair is over \$1000 maybe that should be brought to the board. If it's an emergency a special meeting should be held.

E. Waterfront: Maintenance & Access--Robin Sandler has two estimates for repairs on the Island View Avenue access point. One estimate was for \$5100 from JDL Construction; the second one from Brooks Stone was for \$2490. Peggy Haering said that it was difficult to evaluate the two bids because the explanations of work were imprecise, and It is not clear whether the two contractors were bidding on the same statement of work. Robin will follow up with the bidders and come back to the Board.

F. Building Maintenance (J. Thomas, S. Hershman) New lights and a new sign have been installed on the headquarters building; we have a quote of \$4240 to pave the upper lot. Paving is not in budget until the next fiscal year. We will replace the existing lamp post and add 2nd lighting for the parking lot.

G. Zoning/Chapel Liaison (D. Greenalch) a) Short Term Rental Francis Wihbey is challenging Pine Orchard's prohibition of short term rentals claiming that his operation of a short term rental property is grandfathered . The case was recently argued in the Superior Court; the judge has 120 days to issue an opinion.

b) Chapel Update: Dick Greenalch reported that phase 1 of the chapel restoration is almost finished. Work on the cupola is almost done, and state reimbursement is expected. Phase 2 will include replacement of some windows, electrical work, and painting of the exterior. The chapel will need to raise additional funding for this work. The Chapel will not be open for events in 2021 but is expected to reopen in 2022.

H. Tax Collector Len Farber reported that taxes were 100% collected for this year.

I. Beautification (P. Taylor, B. Dahill) - "Art in the Park" Update. The association has been exploring installation of two works of art in Triangle Park for a 15 month period. Insurance must be procured, and the Branford Arts and Cultural Alliance ("BACA") does not have the final cost of insurance. It is unclear what the cost of the installation will be. We will not go forward with this unless the Board approves it. Triangle Park is hard to maintain. The water vault is scheduled to be set up in Triangle Park for watering plants. Bob Dahill read a letter addressed to the Pine Orchard Association and the First Selectman. The member recommends that the new stairs on Spring Rock Rd. be landscaped. Bob Dahill said that the town and Department of Public Works have that on their agenda. The writer also commented on people placing their own plantings in the right of way. Bob thought that issue would be addressed by the First Selectman.

6. New Business: The Board has approved moving the annual meeting from July 5 to July 12th due to holiday. One garage bay at the POA Headquarters is available for rent. The space is 300 sq. ft. and is lockable; comparable space in town is renting for \$400 per mo. It should become available in August

7. Office Manager's Report – Peter is preparing to issue tax bills for 2021/2022. He is working to install a mirror at the Pine Orchard Rd. end of Spring Rock Road. The paving estimate for the parking lot came in at \$4240. A sky-friendly fixture will be installed in POA headquarters

parking lot. The office manager has reached out to public works department in Branford; getting a streetlight installed at corner of Ozone & Pasadena.

8. Adjournment Upon motion and second, the meeting was adjourned at 9:15 p.m.

Remaining 2021 Meeting Dates:

POA Annual Meeting held on Monday July 12, 2021. Space has been reserved at the Pine Orchard Club. Further details will be provided as the date approaches.

Respectfully submitted,

Margaret Haering, Clerk

Documents reviewed: Treasurer's Report
 3-yr. plan

Proposed Amendment to Pine Orchard Association Zoning Regulations

4/2/2021

Re Patios



Doc ID: 003222260001 Type: LAN
Book 1310 Page 725
File# 2021-00002415

The By-laws Committee and the Planning Committee recommends to the Executive Board that the Zoning Regulations be amended as follows to permit patios within the sideline setbacks.

4.3 Accessory Building.

Accessory use incident to the above permitted uses. No accessory building shall be used for residence purposes except for persons employed on the premises. Such accessory buildings shall be attached to the main building by a common wall, or by a breezeway not to exceed ten feet in length. Provided, however, that on any lot exceeding 12,500 square feet in area there may be one detached accessory building and one additional detached accessory building for each additional 15,000 square feet area of said lot. Accessory buildings shall be included in the permitted building area. The total area of all buildings shall not exceed the maximum building area, nor encroach upon the applicable front, rear, and side yard requirements. Swimming pools, patios, and game courts, whether on, above, or below grade level, shall not be computed as part of the allowable building area, but shall be located so as to conform to all front, rear, and side yard requirements. Outside artificial light shall be so arranged that no strong rays fall upon neighboring dwellings.

Section 16 Definitions.

STRUCTURE: A structure is a combination of materials to form a construction for use, occupation, or ornamentation, whether installed on, above or below the surface of land or water. However, a structure shall not include sidewalks, patios which are constructed at the natural grade, parking areas, driveways, fences not exceeding six feet in height and landscape features. Retaining walls, non-retaining walls, fences, or any combination thereof greater than six (6) feet in height are considered structures. A retaining wall, non-retaining wall, fence, or any combination thereof greater than six (6) feet in height defined herein as a structure shall be certified by a Professional Engineer licensed to practice in the State of Connecticut, and such certification shall be filed with the Pine Orchard Association Zoning Authority prior to construction.

By-Laws Committee

Zoning Committee

Mark Law, Chair Dated: 4-2-2021

Richard Greenalch, Chair Dated: 4-2-2021

Received for Record at Branford, CT
On 04/05/2021 At 1:55:27 pm

From: [Jeffrey Forbes](#)
To: [Om@poa-ct.org](#); [rdahill@gmail.com](#)
Subject: Upcoming PO Zoning Meeting
Date: Monday, May 3, 2021 4:23:41 PM

Good afternoon,

I am a current and long time Pine Orchard resident. I have lived in Pine Orchard since 1960. My current address is 42 Island View Avenue. During this time I have seen lots of growth and change both for the good and the bad. No one can deny that this special place called Pine Orchard, has become more condensed with larger homes, more homes, closer homes, and more residents. This is a reality that cannot be undone. What can be done is the continued protection of the precious open space that is mission critical for a healthy community and neighborhood.

What valuable space we have left as homeowners is the green space that is protected by setbacks and regulations. It enables manageable separation between homes to ensure that our density does not affect our respective living spaces or our precious sight lines. While I support outdoor living options I do not support those decks, patios or outdoor living scapes directly abutting my adjacent property. This would have a serious negative impact on my family and my quality of life. It would directly impact us by events that would or could be held right next door resulting in light, noise, aroma, and privacy pollution.

I support my neighbors ability to craft an outdoor living experience. Covid clearly demonstrated the need for this. However, I do not support it when it is right on top of or adjacent to my property. This negatively impacts property values, marketability, and quality of life. I would request this zoning consideration be denied. I appreciate your consideration of my perspectives and support for a better Pine Orchard.

Respectfully

Jeff Forbes
(203) 980-1366

From: hobobabie@sbcglobal.net
To: officemanager@pineorchardassociation.com
Subject: Proposed zoning change
Date: Thursday, April 29, 2021 10:47:52 AM

Good Morning.

My husband and I are very much opposed to the proposed zoning change related to patio set-backs.

Pine Orchard is a beautiful part of Branford! The zoning regulations help preserve that beauty.

Please consider the long term effect of this change, and the impact it will have on our properties.

Our nephew lives on Apple Wood Road, which is not part of the POA. His neighbor just put in a full length basketball court on the property line, complete with lights, and vibrant paint colors! Everyone's taste in architecture, and décor can vary greatly. We can't control the paint color on ones home, but we can control our property lines.

Thank you for voting no, and maintaining our zoning regulations.

Martha and Al Lombardi
31 Meadow Wood Road
Branford, CT 06405

May 3, 2021

Dear Pine Orchard Board,

We strongly object to changing the zoning regulations regarding patios up to one's property lines. These regulations were drawn up generations ago to protect all Pine Orchard residents, and to assure everyone a bit more space away from their neighbors in a densely developed area. These regulations have worked extremely well over the years, keeping peace and harmony.

Allowing people to build a patio/s up to their neighbor's property line opens the potential for many issues between neighbors which we do not believe anyone can even imagine yet. Besides the noise, there may be smoke from BarBQ grills and fire pits. Will there be a tendency for other activity to be taken out to these patios? You bet there will be! We would like to imagine everyone will be respectful of their neighbors but sadly this is not the case.

We have asked a few Pine Orchard residents if they knew about this proposed change and the meetings. Unfortunately, they did not. Very few got the emails and virtually no one saw the notice in the local paper. (No-one looks for these notices) At the very least, there should **not** be a vote on this until after the annual meeting when more residents will be back in town, can be brought up to speed on this, in a letter sent to their homes. This is too important, not spend the money on postage and to rely on email.

Sincerely,

Rich and Jean Hughes

Pine Orchard Association Treasurer's Budget Report
as of 5/1/2021

	Approved Budget 1-Jul-20	Budget Activity Year to Date	Budget Remaining Year to Date	% of Budget Rec/Dsbrmnts Year to Date
RECEIPTS				
Tax Collections	\$ 76,506	\$ 74,640	\$ 1,866	98%
Rent	\$ 4,000	\$ 4,000	\$ -	100%
Building & Permit Fees	\$ 4,000	\$ 12,050	\$ (8,050)	301%
Other (Interest, Moorings)	\$ 735	\$ 607	\$ 128	83%
Use of Capital Savings	\$ -	\$ -	\$ -	
Total	\$ 85,241	\$ 91,297	\$ (6,056)	107%
DISBURSEMENTS				
Security	\$ -	\$ -	\$ -	
Shorefront Maintenance	\$ 10,000	\$ 250	\$ 9,750	3%
Building Maint/Utilities	\$ 14,000	\$ 8,515	\$ 5,485	61%
Property Improvements	\$ -	\$ -	\$ -	
Office/General	\$ 17,000	\$ 14,059	\$ 2,941	83%
Insurance	\$ 9,000	\$ 3,361	\$ 5,639	37%
Legal	\$ 11,200	\$ -	\$ 11,200	0%
Zoning	\$ 5,500	\$ 7,621	\$ (2,121)	139%
PO Web	\$ 100	\$ -	\$ 100	0%
Acctg Annual Review	\$ 4,200	\$ 4,038	\$ 162	96%
Beautification Committee	\$ 4,500	\$ 796	\$ 3,704	18%
Sidewalks	\$ 4,200	\$ 4,200	\$ -	100%
Total	\$ 79,700	\$ 42,840		54%
NET INCOME (LOSS)	\$ 5,541	\$ 48,457		

Account Balance as of 5/1/2021	
BOA checking	\$58,523.39
Less outstanding checks	\$250
BOA net balance	\$58,273.39
BOA Savings*	\$128,210.63 Opened 12-2012
Total:	\$186,484.02

BOA 13-mo CD as of 3/11/21 \$50,836 Opened 2/20 Closed 3/21

*Includes Proceeds from CD as of 3/11/21

3-YEAR BUDGET PROJECTIONS

	Current Budget 2020/2021	YTD 5/1	Proj 6/30	Using 4 mil 2021/2022	2022/2023	2023/2024
RECEIPTS						
Tax Collections	\$76,506	\$74,640	\$74,640	\$76,668	\$84,300	\$88,500
Rent	\$4,000	\$4,000	\$4,000	\$6,400	\$6,400	\$6,400
Building/Permit Fees	\$4,000	\$12,050	\$14,500	\$10,000	\$10,000	\$10,000
Other (int)	\$735	\$607	\$625	\$75	\$75	\$75
Total	\$85,241	\$91,297	\$93,765	\$93,143	\$98,375	\$102,575
DISBURSEMENTS						
Shorefront Maintenance	\$10,000	\$250	\$2,750	\$7,500	\$7,900	\$8,300
Building Maint/Utilities	\$14,000	\$8,515.00	\$9,200	\$13,000	\$13,700	\$14,400
Property Improvements	\$0	\$0	\$0	\$0	\$0	\$0
Office/General	\$17,000	\$14,059	\$17,000	\$17,850	\$18,750	\$19,700
Insurance	\$9,000	\$3,361	\$7,535	\$13,000	\$13,650	\$14,300
Legal	\$11,200	\$0	\$25,000	\$22,000	\$23,100	\$24,300
Zoning	\$5,500	\$7,621	\$10,000	\$10,000	\$10,500	\$11,025
P.O. Web	\$100	\$0	\$0	\$100	\$100	\$100
Acctg/Ann Review	\$4,200	\$4,038	\$4,038	\$4,250	\$4,460	\$4,700
Beautification/Comm. Initiatives	\$4,500	\$796	\$4,900	\$4,725	\$4,960	\$5,200
Sidewalks	\$4,200	\$4,200	\$4,200	\$0	\$0	\$0
Total	\$79,700	\$42,840	\$84,623	\$92,425	\$97,120	\$102,025
Net Income/Loss	\$5,541	\$48,457	\$9,142	\$718	\$1,255	\$550

Account Balance as of 5/1/2021

BOA Checking:	\$58,523.39
less outstanding checks:	\$250.00
Net Checking:	58,273.39
BOA Savings:	\$128,210.63
Total Cash:	\$186,484.02

Office Manager Report for May 2021

1) POA Tax Collection:

- a. All POA Taxes are collected. Working with QDS will close out the year in mid-May. Need mil rate to print bills by May 15th. Bills mailed out on or about June 15th.

2) Zoning:

- a. No ZBA hearings.
- b. Updated ZBA terms on website.
- c. Filed 7 Zoning application this quarter - \$1,750.

3) POA Building:

a. Accomplished

- i. Signage: Installed with new lighting:



- ii. Extreme Paving of North Branford provided a quote for \$4240 (attached).
- iii. Improved sidewalk and lot lighting. Twostep process
 1. Replace existing with 10' LED, Sky friendly lamp using existing wiring. New weatherproof lamp is under \$200 and uses standard bulb.
 2. Install Sky friendly LED lamp in far corner of parking lot.



- iv. Ordered a \$60 traffic mirror for the end of Spring Rock Road.



Roll over image to zoom in

- v. Seth's rental agreement runs out the end of Aug. He feels confident that he will be out of the garage by then. See attachment.
- vi. Reached out to Eversource to figure out how to get a Street Light installed at the corner of Ozone & Pasadena Road. Waiting on reply.

POA Office:

b. Accomplished

- i. Outreach: two new residences – welcome letter sent.
- ii. Paul at Perfect Turf will work on landscaping in the next week. We are asking him to provide lawn weed&feed in May June and Aug.
- iii. Removed the four COVID beach access signs.

c. Planned for May and June

- Tax mailing.
- Need to have a cleaning service come in and clean the carpets.



P.O Box 254
Northford CT, 06472
extremepaving@yahoo.com

PROPOSAL:
PHONE: _____
DATE 03/14/2021

JOB NAME/ LOCATION
Pine Orchard Association

PROVIDE ALL LABOR, MATERIAL AND EQUIPMENT NECESSARY TO:

RE: 180 Pine Orchard Rd
Branford

- * Install 50 LF of asphalt curb.
- * Clean and fill pot holes.
- * Clean and fill larger cracks.
- * Sealcoat entire asphalt surfaces.
- * Line stripe pavement markings including ADA stall

TOTAL: \$4240.00

WE PROPOSE hereby to furnish materials and labor: complete in aordance with the above specifications

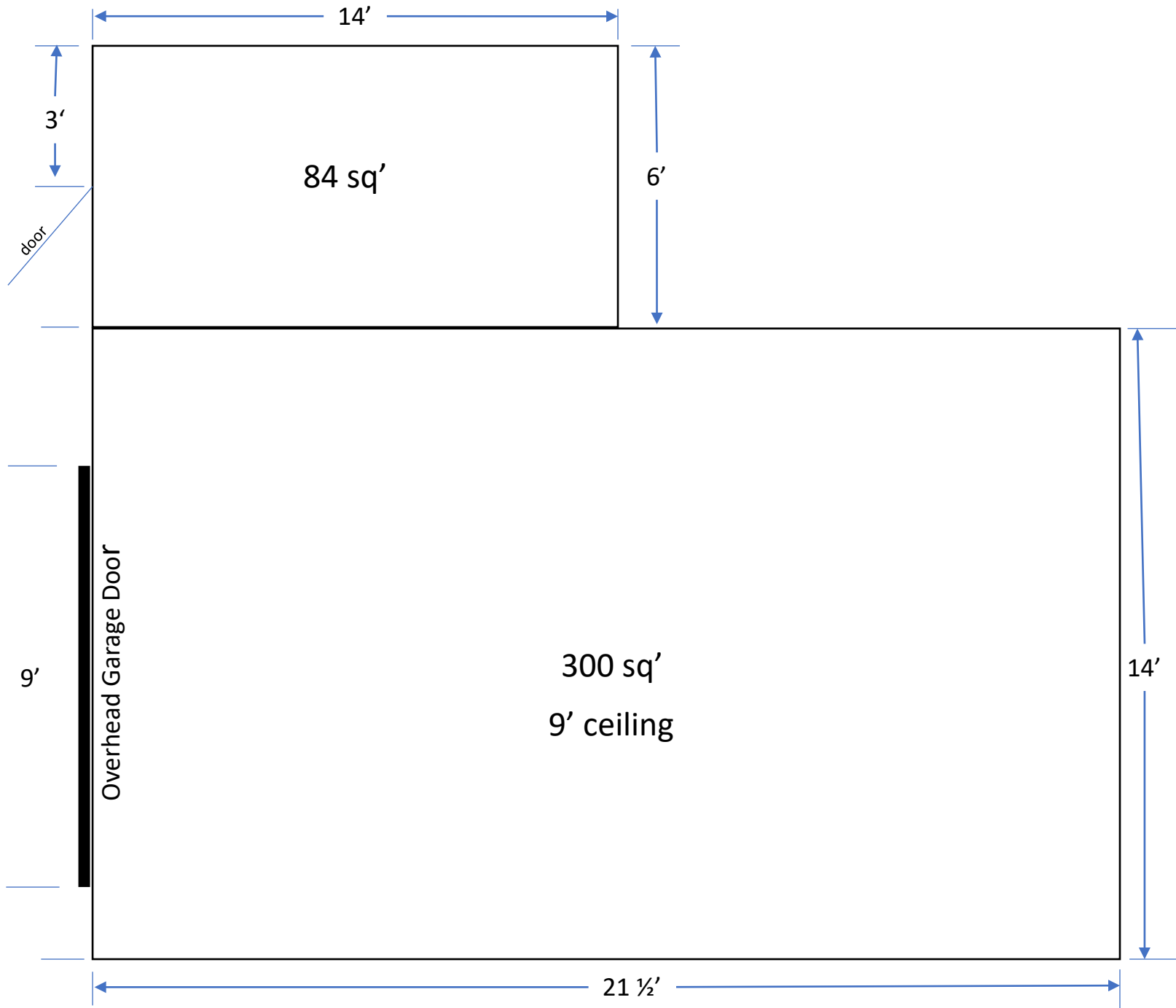
Unless otherwise stated, buyer is responsible for cost of all necessary permits. Periodic invoices may be rendered as project progresses with final invoice upon completion of project. If a delay is encountered, a progress billing for work done will be issued and payable upon receipt. EP is not responsible for any delays including delays due to labor strikes or shortage, accidents or act of God. All unpaid invoices are subject to interest of a 1 1/2 % per month. (18% ANNUAL PERCENT RATE) if not paid within thirty (30) days. Of the date on the invoice. Nothing herein shall be deemed to extend or otherwise modify buyers obligation to make payment when due. In the event of default in the payment of any account, applicant agrees to pay EP reasonable attorney's fees and other costs incurred by EP for collection of the unpaid balance. This proposal is subject to revision if not accepted within 30 days and is subject to extra charges for concealed contingencies or work and material beyond the scope of the specifies work. Material is guaranteed only as provided by the manufacturer. There is no labor guarantee.

ACCEPTANCE OF PROPOSAL- The above prices, Specifications and conditions are satisfactory and are hereby accepted. You are Authorized to do the work as specified. Payment will be made as outlined above.

ACCEPTANCE OF PROPOSAL- The above prices, specifications and conditions are satisfactory are herby accepted. You are authorized to do the work as specified, Payment will be made as outlined above.

Authorized Signature of Extreme Paving _____ Date 3/14/21

Authorized Customer Signature _____ Date _____



Annual Meeting of the Pine Orchard Association

July 12, 2021

At the call of the President, the annual meeting of the Pine Orchard Association was held at the Pine Orchard Yacht & Country Club.

Board members present Robert Dahill, Dick Greenalch, Peggy Haering, Linda Sachs, Bruce Calderone, Peggy Taylor, and Ray Seligson

Board members absent: Joe Thomas, Robin Sandler, Mark Law, Len Farber, and Seth Hershman.

Agenda Item 1, the meeting was called to order by President Bob Dahill at 6:20 p.m.

Agenda Item 2, Upon motion and second the Board approved the minutes of the previous Annual Meeting held on July 6, 2020.

Agenda Item 3. President's Report. The President thanked the members of the Association for helping the community. He praised the efforts of those who raised money for the Branford Food Pantry and helped with vaccinations. He also recognized the role of Peter Robinson, our office manager, who ran all the Zoom meetings, created the video that was shared in early July, and has kept us up to date on things like bobcat and bear sightings. Bob introduced the members of the current board and thanked departing board members, Richard Greenalch and Robin Sandler, for their service.

Bob reviewed the past year. There has been an epidemic of car thefts in the area. Residents are urged to lock their cars because the situation is not improving. On Spring Rock Road, the Town of Branford has replaced the stairs leading to the beach; the Pine Orchard headquarters building has been improved with a new sign and exterior lighting. We will be bringing up a proposal for repaving the parking lot later. The Association updated its zoning ordinance to allow placing a patio within the setback lines. The Association came up with a notification program to keep members informed about events that affect our community.

The Crescent Bluff litigation continues. There is a pending appeal in the Connecticut Court of Appeals brought by Beachcroft LLC concerning the terms of the proposed settlement. The Town of Branford stands ready to purchase the road from Beachcroft. The issue of beach access is especially important, and the Association will be involved in this matter until it is concluded. The Association is also involved in an appeal from enforcement of its ban on short term rentals. The case was argued on April 28th and a decision is expected within 120 days from that date.

We will be installing a water vault in Triangle Park, which will help us maintain the trees and shrubs the association has planted there. We are also looking into installing two sculptures in the park with the support of the Town of Branford and the Branford Arts and Cultural Alliance. The hold-up thus far has been procuring insurance for the installation.

Agenda Item 4. Treasurer’s Report. Linda Sachs, in her second year as Treasurer, sets the budget each year, pays all bills, and has developed 3-year budget projections. The Association’s revenues were ahead of budget this year, largely due to the number of newly installed generators. Matt Barez of Hart Avenue asked about the increase in the legal expenses. It was explained that the Association’s ongoing involvement in two pieces of litigation—Crescent Bluff Avenue and the Short-Term rentals appeal was the reason.

Agenda Item 5: Committee reports (a) **Tax**—Peter Robinson reported that all of last year’s taxes were paid as of January 2021 and that we have already collected 42% of the amounts due for this year. (b) **Waterfront Maintenance**—Robin Sandler has stepped down from this role and Ray Seligson will be taking over as head of this committee. Ray reported that repairs to the sidewalk leading to the breakwater on Island View Ave. are a concern. The seawall is damaged in 3 to 4 places and the sidewalk is falling apart. One repair has been done to the sidewalk, but in the future, we will need to have an annual inspection of the seawall and we must allocate funds for regular repairs because the deterioration is cumulative. On Selden Avenue the beach access point stairs need repairs. The Town owns part of the sidewalk, and we will ascertain whether the Town will be carrying out that work. (c) **Bylaws** Ray Seligson reported on proposed amendments to the bylaws, which will include clarifying the role of the presiding officer to break tie votes, adding email to the forms of appropriate notice to members, and conflicts of interest. (d) **Building and Grounds maintenance** Peter Robinson reviewed recent improvements to the POA building and a proposal for repaving the parking lot at the Executive Board meeting to follow; (e) **Municipal Liaison**—Bruce Calderone commented on the “Lock your Car” initiative. With regard to sidewalks, he said that the Association will be sending out a survey to find out how the members feel about the various sidewalk proposals. He acknowledged that traffic is heavy on Route 146 and walking is difficult; however, he questions whether the current sidewalk plan would resolve that problem. (f) **Community Beautification**, Included in President’s Message; (g) **Long Range Planning**—Linda Sachs reviewed the 3-year planning process; (h) **Zoning**—Dick Greenalch will be stepping down as chair of this committee. Dick reviewed the most recent zoning amendment, which allowed patios to be built withing setback lines. The zoning enforcement officer processed many applications to install generators in the past year. The ZBA upheld the Association’s ban on short term rentals. That case is currently on appeal. The Pine Orchard chapel is completing phase I of its restoration; the foundation was reinforced; some windows were repaired, and the cupula was restored. The state has approved funding for the next phase of the restoration. It entails finishing the windows, repairs to shingles and trim, new lighting, and upgrading the electrical system. The date for completion will be 2022.

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Agenda Item 6—Nominating Committee. Bob Dahill reported on the nominating process. The current chair of the Nominating Committee, Robin Sandler will be leaving the Board this year. Robin has served as President, Vice President, and chair of the Nominating Committee. The Association thanks him for his efforts. Dick Greenalch will also be leaving the Board. He took over Pat Kaplan’s open place on the Board. Dick previously served as President and Treasurer of the Association and has also acted as the parliamentarian. He will be sorely missed.

There are four openings on the Board this year. The nominees include two current Board members, Peggy Haering and Seth Hershman. The nominees for the remaining positions are Matt Barez of Hart Avenue and David Silverstone from Island View Avenue. Bob Dahill asked if there were any nominations from the floor.

Agenda Item 7 –Election of New Executive Board Members—Hearing no nominees from the Floor, upon motion and second, the members of the Association approved the slate of nominees by voice vote.

The new members of the Executive Board are: Peggy Haering [2nd full term] Seth Hershman [1st full term] , Matt Barez and David Silverstone.

Agenda Item 8-- Public Comments: None.

Agenda Item 9: Adjournment. In closing, Bob Dahill commented on the role that the Chapel has played in the Association’s history. The Chapel was built in 1897; the Pine Orchard Club was founded in 1901, and the Association was founded in 1903. The Chapel has been the site of our annual meeting for years. He thanked the Pine Orchard Club for allowing us to host the annual meeting upon its premises this year. Jim Killelea expressed his appreciation to Bob Dahill for his stewardship., Upon motion and second the meeting was adjourned at 7:10 p.m.

Future Meetings

Monday, September 13, 2021,
Monday, November 01, 2021,
Monday, January 03, 2022,
Monday, March 07, 2022, &
Monday, May 02, 2022,

All future meetings will be held at 7:00 PM at the Pine Orchard Association office, 180 Pine Orchard Rd.

PINE ORCHARD ASSOCIATION
EXECUTIVE BOARD MEETING
Minutes of
Monday, July 12, 2021
Meeting conducted at Pine Orchard Yacht and Country Club

Board members present: Peggy Haering, Robert Dahill, Ray Seligson, Bruce Calderone, Linda Sachs, Peggy Taylor, Matt Barez, David Silverstone,

Agenda Item 1. The meeting was called to order at 7:15 p.m.

Agenda Item 2. Election of Officers of Pine Orchard Association. The nominees were as follows: Peggy Haering, Clerk, Mark Law, Vice President, Linda Sachs, Treasurer, Bob Dahill, President. Upon motion and second, the nominees were elected. Committee assignments were as follows, Seth Hershman, selected as Nominating Chair, Dr. David Silverstone, Building Maintenance, and Matt Barez, Zoning.

Agenda Item 3. Approval of Minutes, of Executive Board Meeting on May 3, 2021. Upon motion and second the minutes were approved.

Agenda Item 4, Treasurer's report, waived.

Agenda Item 5. Committee Reports, waived.

Agenda Item 6, President's report, included in President's Letter.

Agenda Item 7, Old Business, Request to approve spending to repair parking lot at Pine Orchard headquarters. We received three estimates to repair the parking lot. The best estimate was for \$4200, which calls for repurposing the existing asphalt, resurfacing, and painting lines. The various companies whose trucks often idle at the parking lot (such as Frontier and Northeast Utilities) were asked to contribute to the repaving expense but they declined. Peggy Haering suggested that we invest in chains that could be used to prevent large trucks from using the POA headquarters when they are not working. Upon motion and second the board voted to accept the estimate for \$4200 and to ask the bidder to proceed with the work.

Agenda Item 8. New Business. Upon motion and second the Board voted to change the date of the next meeting from Monday, Sept. 6 (Labor Day) to Monday, Sept. 13, 2021.

Agenda Item 9, Office Manager's Report. Peter Robinson said that he will send out 105 letters to current POA members for whom we have no email addresses.

Agenda Item 10. Other Business. None.

Agenda Item 11. Adjournment. Upon motion and second the Board voted to adjourn the meeting at 7:35 p.m.

Respectfully submitted,

Margaret Haering, Clerk

Future Meetings

Monday, September 13, 2021,
Monday, November 01, 2021,
Monday, January 03, 2022,
Monday, March 07, 2022, &
Monday, May 02, 2022,

All future meetings will be held at 7:00 PM at the Pine Orchard Association office, 180 Pine Orchard Rd.

From: Pine Orchard Association <om@poa-ct.org>
Sent: Monday, September 13, 2021 6:29 PM
To: om@poa-ct.org
Subject: September 13th, 2021 POA Board Meeting Agenda

agenda



PINE ORCHARD ASSOCIATION
Branford, Connecticut

**PINE ORCHARD ASSOCIATION EXECUTIVE BOARD PUBLIC HEARING and
MEETING NOTICE AND AGENDA
MONDAY, Sept.13, 2021 @ 7:00 PM**

At the call of the president, there will be a public hearing and meeting of the Executive Board of the POA via Zoom video conferencing application. For all who wish to attend, please email the office manager at OM@POA-CT.org for logon credentials and instructions.

Public Hearing

1. **Call to order and announcement of hearing rules.**
2. To receive and consider public comments and testimony concerning a proposed amendment to the Pine Orchard Association Zoning Ordinance to modify the definition of Front Yards. (A copy of the proposed amendment is on file in the POA offices, the Office of the Town Clerk of the Town of Branford and posted on the POA website, www.poa-ct.org at least 10 days prior to said meeting).
3. Adjournment of Public Hearing.

Board Meeting

1. **Call to order**
2. **Approval of Minutes** of July 13, 2021, Meeting
4. **Treasurer's Report** - (L Sachs)

5. **Committee Reports**

- A. By-Laws - (M. Law, R Seligson)
- B. Nominating - (S. Hershman, M Law)
- C. Municipal /Community Liaison - (B. Calderone, S. Hershman)
- D. Long Range Planning - (L. Sachs, R. Dahill)
- E. Waterfront: Maintenance & Access - (R Seligson, D Silverstone) Sidewalk at breakwater long range repair strategy
- F. Building Maintenance - (J Grathwol)
- G. Zoning - (M Barez)
- H. Tax Collector - (L. Farber)
- I. Beautification - (P. Taylor, B. Dahill) Triangle Park - RWA, Irrigation
- J. Municipal Liaison – (Bruce Caldarone, Seth Hershman)

6. **Old Business:** Repair POA Building parking - late Sept.

7. **New Business:**

- A. Formation of a LRP/Waterfront Committee to consider the repair of the sidewalk from the end of Island View Ave to the beginning of the Breakwater.

Action Items:

- A. To consider and if appropriate, approve of the transfer of certain POA Historical Records to the James Blackstone Memorial Library for preservation and reference, subject to the consent of the State of Connecticut archivist and further subject to the undertakings of parties as more fully set forth in the agreement as presented to the Board and to authorize and empower the Association President to execute and deliver the agreement to the James Blackstone Memorial Library.
- B. To consider and if appropriate, approve accessing Saving account for projects which exceed \$3,000.
- C. To consider and if appropriate, approve of a certain \$1,800 Contract with CT Irrigation to install an irrigation system for the berms at Triangle Park.
- D. To consider and if appropriate, approve of the purchase of 25 copies of: "A Pictorial History of the Pine Orchard Association". The book was first published in Commemoration of its [POA] 100th Birthday Celebration - July 2003. (The print cost is around \$25/ea. (\$625).)
- E. To consider and if appropriate, approve a proposed amendment to the Pine Orchard Association Zoning Ordinance to modify the definition of Front Yards as is on file with the POA Clerk.

8. **Office Manager** - Peter Robinson report

9. **Other Business** - TBA

10. **Adjournment:**

Note: 2021 – 2022 Meeting Dates: Monday, November 01, 2021, Monday, January 03, 2022, Monday, March 07, 2022, & Monday, May 02, 2022, all @ 7:00PM and at the Pine Orchard office, lower level, 180 Pine Orchard Rd, Pine Orchard, CT.

Bob Dahill

Robert Dahill
President, POA Executive Board

Pine Orchard Association | 180 Pine Orchard Road, Branford, CT 06405

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PINE ORCHARD ASSOCIATION
EXECUTIVE BOARD MEETING
Minutes of
Monday, September 13, 2021, Meeting
Conducted via Zoom

Board members present: Robert Dahill, Ray Seligson, Bruce Caldarone, Linda Sachs, Peggy Taylor, Matt Barez, David Silverstone, Len Farber, Mark Law, John Grathwol, Seth Hershman

Public Hearing

Agenda Item 1. The meeting was called to order at 7:01 p.m.

Agenda Item 2. To receive and consider public comments and testimony concerning a proposed amendment to the Pine Orchard Association Zoning Ordinance to modify the definition of Front Yards.

Bob Dahill opened the Public Hearing stating intention.(paraphrase) “if a fence is being constructed that is six (6) feet, installed between properties on the waterfront down to the waterfront building line, the height of the fence should be reduced from six (6) feet to three (3) feet forward of the water-front building line... the belief was that such a change in the POA ordinance would increase property value by maintaining sightline access east and west along the shoreline. It is not the intent of the Board to infringe on people's property rights or privacy, or to tell people what they can or cannot do with their private property. It was the goal to provide guidelines to protect people's view of the water by not blocking or partially blocking other people's view of the water by constructing a fence.”

The floor was then open to the public for comments.

Niall Ferguson - 15 Spring Rock Road: Niall read a letter he sent to the POA (attached to the minutes).

Rich Colbert - 2 Halstead Lane: interrupted asking for a point of clarification to what Bob Dahill stated in his opening comments. Mr. Colbert pointed out that the proposed amendment (attached to the minutes), calls out not only fences, but buildings, structure fence, landscaping feature, hedge or plants.

Bob Dahill agreed with Mr. Colberts' point of clarification.

Michael & Joyce Schiavone - 61 Island View Avenue: Michael noted that most of the homes on the North side of Island View have six (6) foot high hedges and fences. However, 95% of the homes on the South side of Island view (facing long Island Sound) have no hedges and/or fences that are greater than six (6). Joyce stated that she agrees with Niall's assessment of the proposed amendment.

David Scheer - 2 Spring Rock Road: David agreed with Niall's assessment. David noted that since 1989, when they moved in, they spend an enormous amount of money beautifying their property next to the access point to the shoreline. He mentioned that he has endured over 15 years of litigation to preserve the ownership of their property. He then went on to state they will not change their landscaping preferences to accommodate the proposed ordinance. He feels such an ordinance will result in further litigation between the POA and property owners.

Rich Colbert - 2 Halstead Lane: Richard agreed with the comments made by David Sheer and Niall Ferguson. He feels that the proposed ordinance change is beyond the scope of the POA Board. He also stated that the amendment, by definition, would prevent homeowners from putting in a wide range of

structures that are greater than three-feet high. He went on to state that the regulation was nothing more than a round-about way to resolve the existing litigation between Beachcroft and Wheeler concerning the Beachcroft intent to erect a six (6) foot privacy fence which Wheeler objects to.

Bob Dahill noted that Mr. Colbert's comments were inappropriate given that the Beachcroft/Wheeler proceeding are in court, waiting on decision and stated that Mr. Colbert is the attorney representing Beachcroft.

Robert Buckholz - 9 Island View Avenue: He too agreed conceptually with everything he has heard thus far. He went on to state that if this amendment is focused on fences, then it should have been drafted as such. Not in the "shotgun" manner it has been drafted. He then went on to state that this amendment is an egregious taking of landowner rights.

Roger Lowlicht - 6 Crescent Bluff Avenue: He stated that he has been in the POA for over 30-years, and takes issue with the way this amendment was presented. He posed the following question "if you are protecting waterfront views then for whom are you doing this for?" He then went on to ask if the POA has approached any waterfront homeowner to see if this was an issue. Mr. Lowlicht believes that the POA is cutting a deal with McBurney to give the POA the right to repass on a sea-walk they own. As he understands it, no one is allowed to repass on his portion of the sea walk. Hence, if the POA wants repass rights to his property, they must withdraw the amendment.

Stacy & Patrick Ruwe - 19 Waterside Road: She was unaware that this action was taking place and only found out about it through neighbors. Ms. Ruwe is totally against this action and feels that Bob Dahill should resign because of the way he framed the amendment. Stacy feels the POA has engineered this conflict between the waterfront property owners and the rest of the POA.

Paul and Barbara Saggese - 1 Crescent Bluff Avenue: Paul posed two questions to Bob Dahill, 1) When you stated that you are not trying to tell waterfront residences what they can and cannot do with their private property, this proposed regulation is exactly that, how do you believe it is not? 2) Why after 120 years his amendment is suddenly being presented. It appears this is nothing more than a deal with McBurney to achieve a desired end.

Bob Dahill reminded the attendees that a special hearing is not a question-and-answer session with the board, However, Mr. Saggese's questions are noted as part of the public record.

Mr. Dahill then closed the public comment portion of the discussion and asked the POA Board to allow for a change to the agenda to move item E "To consider and if appropriate, approve a proposed amendment to the Pine Orchard Association Zoning Ordinance to modify the definition of Front Yards as is on file with the TOWN Clerk". David Silverstone proposed that the agenda be amended as stated, Mark Law seconded, and the verbal vote was taken which was unanimous.

Bob Dahill spoke first stating that the amendment was not an attempt to sneak anything by the association or any individual or tell people what to do with their property. He further stated that he had no discussions with the McBurney's relative to this issue at which point **Roger Lowlicht** use an expletive stating his disagreement with that statement.

(Board) Seth Hershman – 27 Yowago Ave.: Stated he is new to Pine Orchard and feel the POA should not do this.

(Board) Mark Law - 246 Pine Orchard Road: He feels we should move to a vote.

(Non-board comment) Diane Capasso - 2 Elizabeth Street: She asked Bob Dahill what was the impetus for bringing the amendment forward now? Bob Dahill stated the issue arose out of an issue on Ozone Road concerning a fence that partially blocked the view of Long Island Sound for a resident. There had been other discussions about people who wanted to put up fences.

(Board) David Silverstone - 13 Island View Avenue: wanted to thank everyone, but felt the motion should be withdrawn.

(Board) John Grathwol - 54 Spring Rock Road: proposed a motion to table the discussion. No one wants this to go through.

Bob Dahill – He suggested that the amendment could be modified to extend the six (6) foot high fence restriction to the building line. He went on to say that it appears that residents are interpreting the proposed amendment as a restriction on what residents can do on their property, which is not the case. He proposed that the Board table this discussion to a future time and asked for a proposal as such.

Bruce Caldarone put forth a motion to table the discussion to a future date. **Matt Barez** second that motion. **Seth Hershman** put forth a motion to withdraw the tabling motion presented by **Bruce Caldarone**, that was seconded by **Matt Barez**. **David Silverstone** then stated that the motion should be defeated and terminated immediately. He put that into the form of a motion which was seconded by **Mark Law**. A vote was taken **Bob Dahill** abstained, all other members of the board voted to withdraw the amendment. The proposed amendment was withdrawn, and the motion was defeated.

Bob Dahill requested a motion to adjourn the Public Hearing portion of the Board Meeting. **Linda Sachs** so moved, that was seconded by **Peg Taylor**. There was no discussion, and a vote was taken by voice, all stated yes, The Public Hearing was ended.

POA Special Board Meeting

Bob Dahill thanked all and reconvened the POA Special Board Meeting.

Agenda Item 1. **Call to order** at 7:57PM

Agenda Item 2. **Approved the minutes:** from July 12th, 2021, Board Meeting. **Bob Dahill** asked for a motion to accept the minutes as published. **Len Farber** so moved, seconded by **David Silverstone**, no discussion, voice vote was taken, and all stated yes. The minutes are approved as posted.

Agenda Item 3, **Treasurer's report:** was presented by **Linda Sachs**. Linda stated that over the past three months, there had been little change in expenses, taxes are 95% collected. The current balances were noted and published (report attached herein). **Bruce Caldarone** asked if any funds were paid out related to shoreline maintenance. **Linda Sachs** reported none yet.

Agenda Item 4. **Committee Reports: By-Laws** no update. **Nominating** - no update.

Municipal/Community Liaison - **Seth Hershman** stated that it's important that POA residents lock their cars and access doors to their homes due to the high number of break-ins by youth in the area.

Waterfront maintenance & Access - **Ray Seligson** suggested they identify several town residents to

work with their committee to identify issues and help select contractors who can do the work of repair. **David Silverstone** suggested that the POA hire a structural engineer to assess the current access points and make recommendations to upkeep/repair. **Bob Dahill** asked that **Ray Seligson** and **David Silverstone** form a committee to come up with recommendations to which **David Silverstone** volunteered. **John Grathwol** supported a phased approach and **Linda Sachs** agreed but stated that in the near-term, the Island View access point needs to be kept safe and accessible. **Building Maintenance** – **John Grathwol** deferred to the Office Manager for an update. **Peter Robinson** stated that the parking lot will be repaired on Sept 23rd. The toilet pipe to the street needs to be cleaned out, not flushing. Deadbolt on garage access door needs to be replaced. We are having branches removed from the tree out front – there are a few widow-makers that need to come down. Two remote security cameras were installed, the window in the office was repaired. **Linda Sachs** asked if anything can be done to improve the visibility on Pine Orchard Road at the intersection of Pine Orchard Road and Totoket Road. Bob Dahill mentioned that the POA in the past has identified this intersection as an issue to the town Public Works and highway department, but no action was taken. It was suggested that the POA Board investigate installing a traffic mirror at that location. **Bruce Caltarone** offered to bring this issue up with the state again, particularly in light of additional infrastructure funds that may be available. **Matt Barez** suggested that the Potato post on the southwest intersection of Pine Orchard Road and Blackstone be removed because it limits visibility down Pine Orchard Road, Bob Dahill outlined the historical significance of the Potato Posts and felt its removal would be a disservice to the history of Pine Orchard. **Zoning** – no report. **Tax Collection** – **Len Farber** deferred to **Peter Robinson** who reported 95% collected with \$2,800 outstanding for 13 residences.

Agenda Item 5 **Old Business**: Peter Robinson reaffirmed that the POA parking log work is scheduled to start on Thursday the 23rd.

Agenda Item 6 **New Business**: Bob Dahill stated that **Long Range Planning** - has been addressed and is an action item for **Ray Seligson** and **David Silverstone**. **Transfer of Historical Documents to the Blackstone Library**: Bob Dahill presented the proposed plan to transfer a set of pre-1960 POA logs to the Blackstone Library for preservation and public reference. Mr. Dahill asked for a motion from the board to transfer the POA historical documents. **Ray Seligson** so moved and was seconded by **Len Farber**. There was no discussion when called for. A verbal vote was taken and all approved. The motion was passed. **Saving Account funds access**- **Bob Dahill** asked for open access to \$3,000 from saving for pending expenditures. The Board felt that the current budget process should cover all pending expenses on the waterfront and turned down the request. **CT Irrigation for Triangle Park**: **Bob Dahill** asked for permission to spend \$1,800 for an irrigation system for the gardens. The funds are budgeted, no need for vote or a motion. **Bob Dahill** mentioned that there are no **100th anniversary books** available and would like to order 25 replacement books for \$625. It was suggested that the PDF be made available and offer a physical book for sale for \$25.

Agenda Item 7 **Officer Manager's Report** – **Peter Robinson** – All has been thus reported. A copy of the Office Manager's report went out as an email attachment to the Board and is attached to the minutes.

Agenda Item 8 **Adjournment**: Bob Dahill asked for a motion to Adjourn, **Linda Sachs** so moved, the motion was second by **David Silverstone**, no discussion and verbal vote was taken, and all voted to adjourn. The meeting ended at 8:45 PM.

Respectfully submitted,

Peter Robinson on behalf of Margaret Haering, Clerk

Future Meetings

Monday, November 01, 2021,

Monday, January 03, 2022,

Monday, March 07, 2022, &

Monday, May 02, 2022,

All future meetings will be held at 7:00 PM at the Pine Orchard Association office,

180 Pine Orchard Rd.

Proposed Amendment to the Pine Orchard Zoning Regulations

Purpose: To preserve the open vistas of Long Island Sound, while allowing waterfront property owners to preserve their privacy.

Proposed Language: Amendment to Section VI:

The definition of front Yards shall be amended as follows:

***Front Yards**

When lots run through to another street there shall be deemed a front yard on each street. Where lots are corner lots there shall be deemed a front yard on each side adjacent to a street. Where a lot is located on Long Island Sound with water on more than one side, each such side shall be deemed a front yard.

Where lots are located on the Long Island Sound waterfront, no building, structure fence, landscaping feature, hedge or plants greater than 3 feet in height shall be erected, constructed, maintained, permitted, or altered so as to extend beyond between Long Island Sound and the Waterfront Building Line drawn on the zoning map. Deciduous trees with a caliper of 4 inches or more and a canopy floor of 16 feet or more shall be exempt."

Comments and Notes:

Strikethrough = existing language to be deleted.

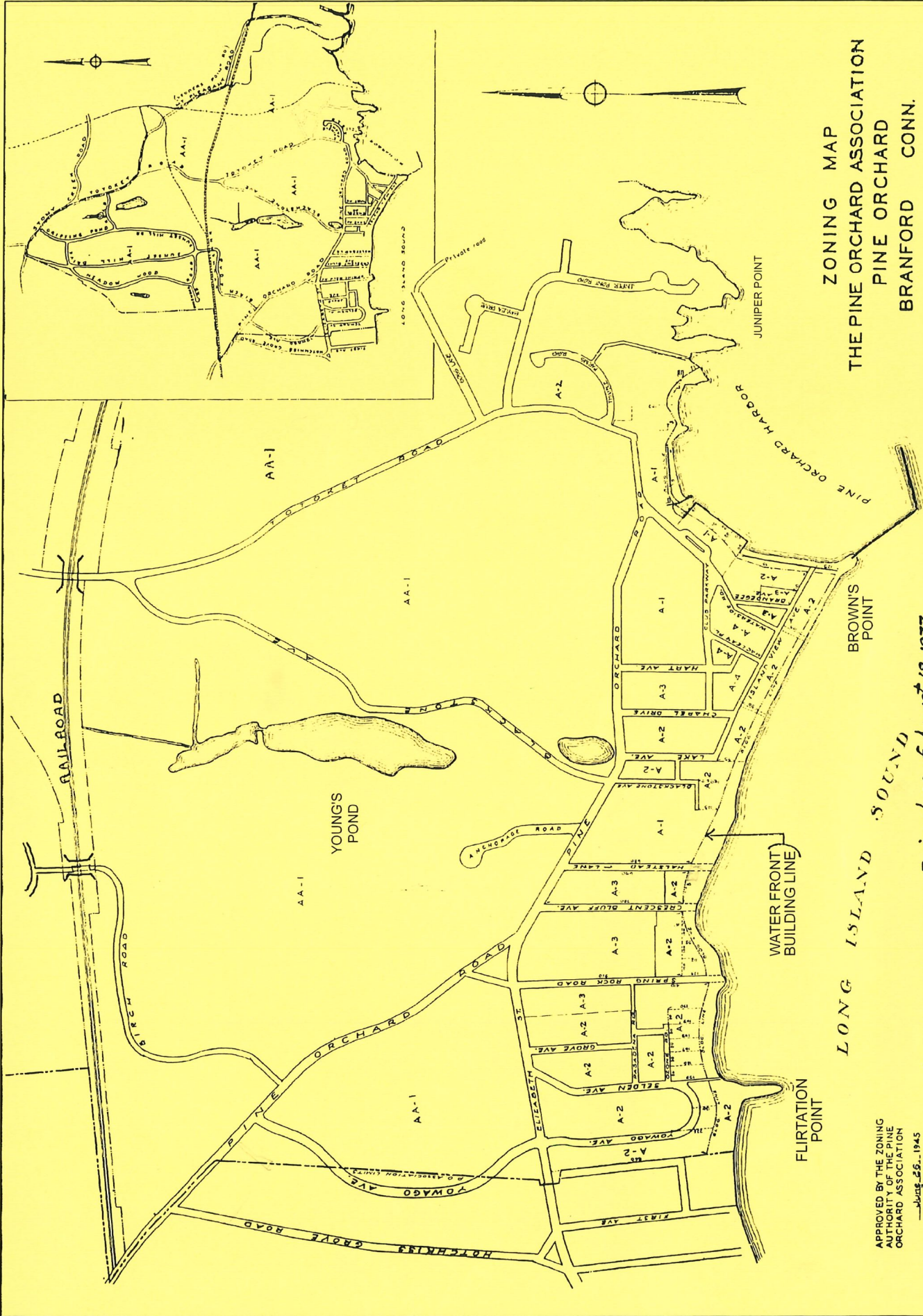
Underline = new language.

Common definitions: A **tree caliper** is a special caliper to measure the diameter at breast height of a tree. When used in landscaping, the term "caliper" can refer to the diameter of a tree's trunk at breast height itself. The measurement is generally made at 4.5 feet (1.4 m) to 5 feet (1.5 m) above the soil.

Canopy: **Tree canopy** means the branches, leaves, or other foliage from woody vegetation exceeding five (5) feet in height.

See attached sample drawing for example of exempt and non-exempt items.

Waterfront Building Line location, see attached zoning map.



ZONING MAP
 THE PINE ORCHARD ASSOCIATION
 PINE ORCHARD
 BRANFORD CONN.

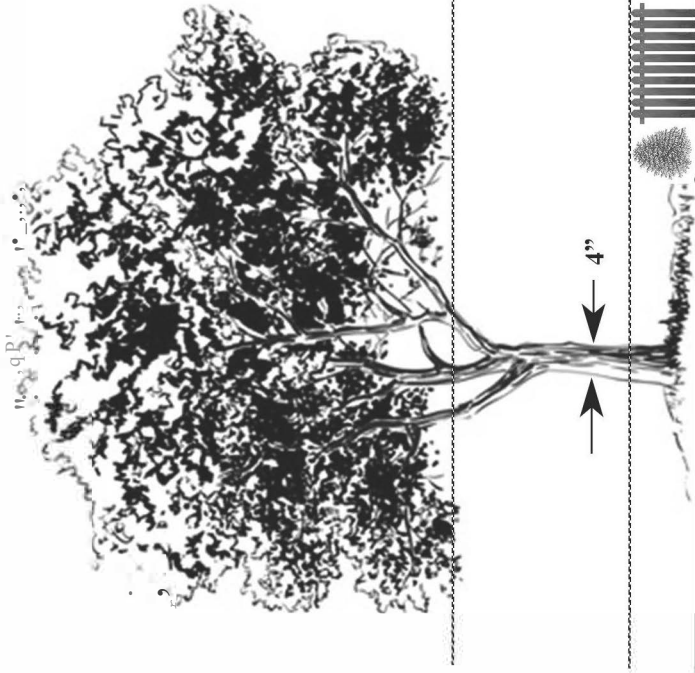
APPROVED BY THE ZONING
 AUTHORITY OF THE PINE
 ORCHARD ASSOCIATION
 June 26, 1945
 [Signature]
 CLERK

Revised as of March 21 1959 Revised as of August 18, 1977
 Robert B. Skowrod Clerk
 Revised as of September 1, 1989
 Marcia T. Griffin Clerk

REVISED AS OF JANUARY 13, 2000
 Elaine Littlehales, Clerk



Exempt

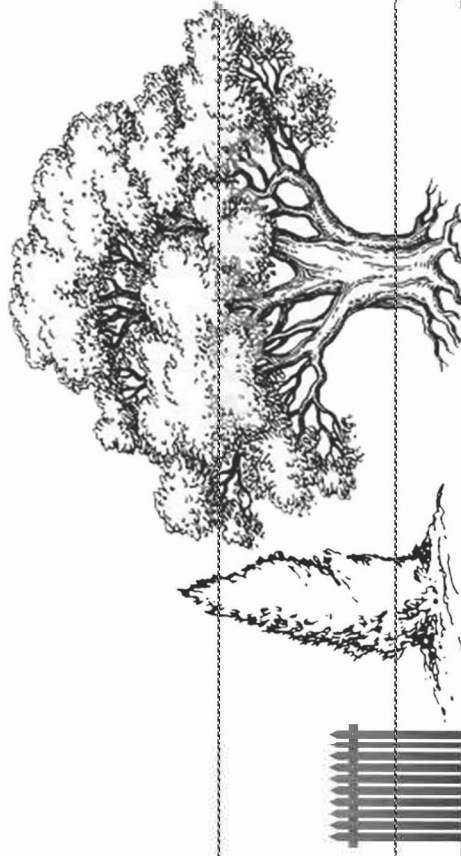


Deciduous trees with canopy greater than 4" and bottom of canopy greater than 16' from ground level

Plantings less than 3' in height

Fences, structures and landscaping features less than 3' in height

Nonexempt



Deciduous trees with canopy bottom less than 16' from ground level

Evergreens, annuals and other ground cover higher than 3" from ground level

Fences, structures and landscape features greater than 3' in height

From: **Niall Ferguson** <ferguson_niall@yahoo.com>

Date: Sun, Sep 12, 2021 at 3:58 PM

Subject: Serious Problems with the Proposed POA Zoning Law Change ...

To: Pine Orchard Association <pres@poa-ct.org>, vp@poa-ct.org <vp@poa-ct.org>, treasure@poa-ct.org <treasure@poa-ct.org>, treasurer@poa-ct.org <treasurer@poa-ct.org>, clerk@poa-ct.org <clerk@poa-ct.org>, tax@poa-ct.org <tax@poa-ct.org>, waterfront@poa-ct.org <waterfront@poa-ct.org>, by-laws@poa-ct.org <by-laws@poa-ct.org>, nominating@poa-ct.org <nominating@poa-ct.org>, building@poa-ct.org <building@poa-ct.org>, liaison@poa-ct.org <liaison@poa-ct.org>, parks@poa-ct.org <parks@poa-ct.org>, planning@poa-ct.org <planning@poa-ct.org>, zoning@poa-ct.org <zoning@poa-ct.org>

Cc: Lizard Ferguson <lizferguson@sbcglobal.net>

POA Board members,

My family lives at 15 Spring Rock Rd and we have owned the property since 2008. As background, until recently I served on the POA board for 6 years, the last 5 of which I was treasurer. I am writing the letter to convey the serious problems we see with the newly proposed zoning law change that will be addressed at the 9/13 meeting.

My wife Liz and I were stunned to see the proposed zoning law change. The distributed meeting agenda describes the proposed law change as a proposal to "... modify the definition of Front Yards." Seriously? A very significant change is hiding in vague language. This has the feel of an attempt to slip this zoning law change through without waterfront property owners noticing that there is actually a proposed law change that takes away their property privacy rights. While it is very disappointing to see that as the communication approach, it is the substance of the proposed law change where there are serious problems. Below we have outlined them:

- We, as well as all other waterfront owners, purchased our property fully knowing what our property rights are as well as the rights of our neighbors and what they are allowed to do under the POA zoning regulations.
- We paid a very high price to purchase this property (and the property rights that come along with it) and pay very high taxes every year.
- There is a value to having the ability to protect your privacy with bushes or a fence if you feel the need to.
- We historically have and might always choose to enable views across our property, but to be crystal clear, NOBODY else owns the right to views across our property.
- If you pass a new zoning law change that takes away our ability to protect our privacy if we were ever to feel the need to do so, you will have taken that value from our property and that will have a very high \$\$\$ cost to it.

- As it relates specifically to our family, our property borders on the extension of grass at the end of Spring Rock Rd that is owned by the town. It is heavily trafficked, especially during the summer and also holds the potential to host an array of gatherings - parties, weddings, and get togethers of all sorts that we have the right to be shielded from as much as the townspeople have the right to use it. What if a year from now it becomes a gathering spot for owners of rescued pit bulls to meet with their dogs? Or it becomes a therapeutic weekly meeting spot for recovering sex offenders? Who knows what will evolve with that grass area, but the town owns it (not the POA) and such predictions are impossible to make. We also have an 8 year old daughter who might be playing in our yard. What is clear though is that we will not sit

by and allow a new zoning law change to take away our right (which we paid \$\$\$ for) to protect our family's privacy and safety if we ever felt the need to do so in the future.

- Further, this proposal unfairly singles out waterfront property owners. Across inland properties, there are all sorts of views that people would like to have across neighboring properties. There are many properties that could have potential beautiful views of landscapes and sunsets that are blocked by trees or fences on neighboring properties. While rewriting this proposal to apply to ALL properties (not just waterfront) would make it fairly applied, it would still be ridiculous and you would be stealing property rights from owners.

- It is ultimately ironic that this over-reach of a proposed zoning law change is being spearheaded by POA President Bob Dahill, who has an 8-10 foot tall hedge running the the full length of his property. I guess it's fine for Bob to have this property right for privacy, but at the same time propose to take it away from other property owners.

- If you pass this zoning law change that takes away our property rights, you will create new problems that make the historical Crescent Bluff problems seem like nothing.

We urge everyone to take a deeper look into what this truly means and the dissention it will potentially sow. This proposed zoning law change will create a hornet's nest of issues. The POA board collectively and individually become vulnerable to lawsuits as well and might hopefully have learned a lesson from getting embroiled in the Crescent Bluff situation.

We would of course be happy to speak to anybody that has questions. If this letter has not made it's way to any POA board members, please send it to them.

Best,

Niall and Liz Ferguson
203-823-8147

Pine Orchard Association Treasurer's Budget Report
as of 9/10/2021

	Approved Budget 1-Jul-21	Budget Activity Year to Date	Budget Remaining Year to Date	% of Budget Rec/Dsbmnts Year to Date
RECEIPTS				
Tax Collections	\$ 76,700	\$ 73,176	\$ 3,524	95%
Rent	\$ 6,400	\$ 3,600	\$ 2,800	56%
Building & Permit Fees	\$ 10,000	\$ 500	\$ 9,500	5%
Other (Interest, Moorings)	\$ 75	\$ 11	\$ 64	15%
Use of Capital Savings	\$ -	\$ -	\$ -	
Total	\$ 93,175	\$ 77,287	\$ 15,888	83%
DISBURSEMENTS				
Security	\$ -	\$ -	\$ -	
Shorefront Maintenance	\$ 7,500	\$ -	\$ 7,500	0%
Building Maint/Utilities	\$ 13,000	\$ 1,250	\$ 11,750	10%
Property Improvements	\$ -	\$ -	\$ -	
Office/General	\$ 17,850	\$ 3,716	\$ 14,134	21%
Insurance	\$ 11,000	\$ 3,361	\$ 7,639	31%
Legal	\$ 24,000	\$ -	\$ 24,000	0%
Zoning	\$ 10,000	\$ 326	\$ 9,675	3%
PO Web	\$ 100	\$ -	\$ 100	0%
Acctg Annual Review	\$ 4,250	\$ 1,250	\$ 3,000	29%
Beautification Committee	\$ 4,725	\$ 1,554	\$ 3,171	33%
Sidewalks	\$ -	\$ -	\$ -	0%
Total	\$ 92,425	\$ 11,457		12%
NET INCOME (LOSS)	\$ 750	\$ 65,830		

Account Balance as of 9/10/21	
BOA checking	\$91,576.18
Less outstanding checks	\$667
BOA net balance	\$90,908.82
BOA Savings*	\$128,237.50 Opened 12-2012
Total:	\$219,146.32

BOA 13-mo CD as of 3/11/21 \$50,836 Opened 2/20 Closed 3/21

*Includes Proceeds from CD as of 3/11/21

Certified Resolution

The undersigned secretary of the Pine Orchard Association, Inc, hereby certifies that the Executive Board of the Pine Orchard Association, Inc. adopted the resolution set forth below at its meeting duly noticed and held on September 13, 2021 at which a quorum was present and duly acting through out:

RESOLVED: that the Pine Orchard Association, Inc shall transfer of certain POA Historical Records to the James Blackstone Memorial Library for preservation and reference, subject to the consent of the State of Connecticut archivist and further subject to the undertakings of parties as more fully set forth in the agreement as presented to the Board and to authorize and empower the Association's President, Robert Dahill, to execute and deliver the agreement to the James Blackstone Memorial Library.

AND BE IT FURTHER RESOLVED: All actions of the Pine Orchard Association, Inc., its officers, directors and agents in furtherance of the foregoing are hereby ratified and confirmed.

By: _____

Margaret Haering
POA Clerk

PINE ORCHARD ASSOCIATION
EXECUTIVE BOARD MEETING
Minutes of
Monday, September 13, 2021, Meeting
Conducted via Zoom

Board members present: Robert Dahill, Ray Seligson, Bruce Caldarone, Linda Sachs, Peggy Taylor, Matt Barez, David Silverstone, Len Farber, Mark Law, John Grathwol, Seth Hershman

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Rich Colbert - 2 Halstead Lane: Richard agreed with the comments made by David Sheer and Niall Ferguson. He feels that the proposed ordinance change is beyond the scope of the POA Board. He also stated that the amendment, by definition, would prevent homeowners from putting in a wide range of

structures that are greater than three-feet high. He went on to state that the regulation was nothing more than a round-about way to resolve the existing litigation between Beachcroft and Wheeler concerning the Beachcroft intent to erect a six (6) foot privacy fence which Wheeler objects to.

Bob Dahill noted that Mr. Colbert's comments were inappropriate given that the Beachcroft/Wheeler proceeding are in court, waiting on decision and stated that Mr. Colbert is the attorney representing Beachcroft.

Robert Buckholz - 9 Island View Avenue: He too agreed conceptually with everything he has heard thus far. He went on to state that if this amendment is focused on fences, then it should have been drafted as such. Not in the "shotgun" manner it has been drafted. He then went on to state that this amendment is an egregious taking of landowner rights.

Roger Lowlicht - 6 Crescent Bluff Avenue: He stated that he has been in the POA for over 30-years, and takes issue with the way this amendment was presented. He posed the following question "if you are protecting waterfront views then for whom are you doing this for?" He then went on to ask if the POA has approached any waterfront homeowner to see if this was an issue. Mr. Lowlicht believes that the POA is cutting a deal with McBurney to give the POA the right to repass on a sea-walk they own. As he understands it, no one is allowed to repass on his portion of the sea walk. Hence, if the POA wants repass rights to his property, they must withdraw the amendment.

Stacy & Patrick Ruwe - 19 Waterside Road: She was unaware that this action was taking place and only found out about it through neighbors. Ms. Ruwe is totally against this action and feels that Bob Dahill should resign because of the way he framed the amendment. Stacy feels the POA has engineered this conflict between the waterfront property owners and the rest of the POA.

Paul and Barbara Saggese - 1 Crescent Bluff Avenue: Paul posed two questions to Bob Dahill, 1) When you stated that you are not trying to tell waterfront residences what they can and cannot do with their private property, this proposed regulation is exactly that, how do you believe it is not? 2) Why after 120 years his amendment is suddenly being presented. It appears this is nothing more than a deal with McBurney to achieve a desired end.

Bob Dahill reminded the attendees that a special hearing is not a question-and-answer session with the board, However, Mr. Saggese's questions are noted as part of the public record.

Mr. Dahill then closed the public comment portion of the discussion and asked the POA Board to allow for a change to the agenda to move item E "To consider and if appropriate, approve a proposed amendment to the Pine Orchard Association Zoning Ordinance to modify the definition of Front Yards as is on file with the TOWN Clerk". David Silverstone proposed that the agenda be amended as stated, Mark Law seconded, and the verbal vote was taken which was unanimous.

Bob Dahill spoke first stating that the amendment was not an attempt to sneak anything by the association or any individual or tell people what to do with their property. He further stated that he had no discussions with the McBurney's relative to this issue at which point **Roger Lowlicht** use an expletive stating his disagreement with that statement.

(Board) Seth Hershman – 27 Yowago Ave.: Stated he is new to Pine Orchard and feel the POA should not do this.

(Board) Mark Law - 246 Pine Orchard Road: He feels we should move to a vote.

(Non-board comment) Diane Capasso - 2 Elizabeth Street: She asked Bob Dahill what was the impetus for bringing the amendment forward now? Bob Dahill stated the issue arose out of an issue on Ozone Road concerning a fence that partially blocked the view of Long Island Sound for a resident. There had been other discussions about people who wanted to put up fences.

(Board) David Silverstone - 13 Island View Avenue: wanted to thank everyone, but felt the motion should be withdrawn.

(Board) John Grathwol - 54 Spring Rock Road: proposed a motion to table the discussion. No one wants this to go through.

Bob Dahill – He suggested that the amendment could be modified to extend the six (6) foot high fence restriction to the building line. He went on to say that it appears that residents are interpreting the proposed amendment as a restriction on what residents can do on their property, which is not the case. He proposed that the Board table this discussion to a future time and asked for a proposal as such.

Bruce Caldarone put forth a motion to table the discussion to a future date. **Matt Barez** second that motion. **Seth Hershman** put forth a motion to withdraw the tabling motion presented by **Bruce Caldarone**, that was seconded by **Matt Barez**. **David Silverstone** then stated that the motion should be defeated and terminated immediately. He put that into the form of a motion which was seconded by **Mark Law**. A vote was taken **Bob Dahill** abstained, all other members of the board voted to withdraw the amendment. The proposed amendment was withdrawn, and the motion was defeated.

Bob Dahill requested a motion to adjourn the Public Hearing portion of the Board Meeting. **Linda Sachs** so moved, that was seconded by **Peg Taylor**. There was no discussion, and a vote was taken by voice, all stated yes, The Public Hearing was ended.

POA Special Board Meeting

Bob Dahill thanked all and reconvened the POA Special Board Meeting.

Agenda Item 1. **Call to order** at 7:57PM

Agenda Item 2. **Approved the minutes:** from July 12th, 2021, Board Meeting. **Bob Dahill** asked for a motion to accept the minutes as published. **Len Farber** so moved, seconded by **David Silverstone**, no discussion, voice vote was taken, and all stated yes. The minutes are approved as posted.

Agenda Item 3, **Treasurer's report:** was presented by **Linda Sachs**. Linda stated that over the past three months, there had been little change in expenses, taxes are 95% collected. The current balances were noted and published (report attached herein). **Bruce Caldarone** asked if any funds were paid out related to shoreline maintenance. **Linda Sachs** reported none yet.

Agenda Item 4. **Committee Reports: By-Laws** no update. **Nominating** - no update.

Municipal/Community Liaison - **Seth Hershman** stated that it's important that POA residents lock their cars and access doors to their homes due to the high number of break-ins by youth in the area.

Waterfront maintenance & Access - **Ray Seligson** suggested they identify several town residents to

work with their committee to identify issues and help select contractors who can do the work of repair. **David Silverstone** suggested that the POA hire a structural engineer to assess the current access points and make recommendations to upkeep/repair. **Bob Dahill** asked that **Ray Seligson** and **David Silverstone** form a committee to come up with recommendations to which **David Silverstone** volunteered. **John Grathwol** supported a phased approach and **Linda Sachs** agreed but stated that in the near-term, the Island View access point needs to be kept safe and accessible. **Building Maintenance** – **John Grathwol** deferred to the Office Manager for an update. **Peter Robinson** stated that the parking lot will be repaired on Sept 23rd. The toilet pipe to the street needs to be cleaned out, not flushing. Deadbolt on garage access door needs to be replaced. We are having branches removed from the tree out front – there are a few widow-makers that need to come down. Two remote security cameras were installed, the window in the office was repaired. **Linda Sachs** asked if anything can be done to improve the visibility on Pine Orchard Road at the intersection of Pine Orchard Road and Totoket Road. Bob Dahill mentioned that the POA in the past has identified this intersection as an issue to the town Public Works and highway department, but no action was taken. It was suggested that the POA Board investigate installing a traffic mirror at that location. **Bruce Caltarone** offered to bring this issue up with the state again, particularly in light of additional infrastructure funds that may be available. **Matt Barez** suggested that the Potato post on the southwest intersection of Pine Orchard Road and Blackstone be removed because it limits visibility down Pine Orchard Road, Bob Dahill outlined the historical significance of the Potato Posts and felt its removal would be a disservice to the history of Pine Orchard. **Zoning** – no report. **Tax Collection** – **Len Farber** deferred to **Peter Robinson** who reported 95% collected with \$2,800 outstanding for 13 residences.

Agenda Item 5 **Old Business**: Peter Robinson reaffirmed that the POA parking log work is scheduled to start on Thursday the 23rd.

Agenda Item 6 **New Business**: Bob Dahill stated that **Long Range Planning** - has been addressed and is an action item for **Ray Seligson** and **David Silverstone**. **Transfer of Historical Documents to the Blackstone Library**: Bob Dahill presented the proposed plan to transfer a set of pre-1960 POA logs to the Blackstone Library for preservation and public reference. Mr. Dahill asked for a motion from the board to transfer the POA historical documents. **Ray Seligson** so moved and was seconded by **Len Farber**. There was no discussion when called for. A verbal vote was taken and all approved. The motion was passed. **Saving Account funds access**- **Bob Dahill** asked for open access to \$3,000 from saving for pending expenditures. The Board felt that the current budget process should cover all pending expenses on the waterfront and turned down the request. **CT Irrigation for Triangle Park**: **Bob Dahill** asked for permission to spend \$1,800 for an irrigation system for the gardens. The funds are budgeted, no need for vote or a motion. **Bob Dahill** mentioned that there are no **100th anniversary books** available and would like to order 25 replacement books for \$625. It was suggested that the PDF be made available and offer a physical book for sale for \$25.

Agenda Item 7 **Officer Manager's Report** – **Peter Robinson** – All has been thus reported. A copy of the Office Manager's report went out as an email attachment to the Board and is attached to the minutes.

Agenda Item 8 **Adjournment**: Bob Dahill asked for a motion to Adjourn, **Linda Sachs** so moved, the motion was second by **David Silverstone**, no discussion and verbal vote was taken, and all voted to adjourn. The meeting ended at 8:45 PM.

Respectfully submitted,

Peter Robinson on behalf of Margaret Haering, Clerk

Future Meetings

Monday, November 01, 2021,

Monday, January 03, 2022,

Monday, March 07, 2022, &

Monday, May 02, 2022,

All future meetings will be held at 7:00 PM at the Pine Orchard Association office,

180 Pine Orchard Rd.



PINE ORCHARD ASSOCIATION
Branford, Connecticut

**PINE ORCHARD ASSOCIATION EXECUTIVE BOARD
MEETING NOTICE AND AGENDA
MONDAY, October 25, 2021 @ 7:00 PM
Location: Zoom**

At the call of the president, there will be a meeting of the Executive Board of the POA via Zoom video conferencing application. Monday's meeting during Executive Session does not allow for public participation.

1. **Call to order**
2. [Executive Session]: To receive, consider and discuss reports from the Association's Attorney, concerning litigation to which the association is a party, including but not limited to the matters:
 - a. Wheeler, et al vs. Beachcroft, et al
 - b. Beachcroft vs McBurney et al
 - c. Wheeler, et al vs Town of Branford, et al
 - d. Wihbey vs Pine Orchard Association, ZBA
3. To consider, and if appropriate, approve litigation positions and strategy, concerning litigation to which the association is a party as discussed in executive session.
4. **Adjournment:**

Note: Remaining 2021 Meeting Dates: November 1, 2021, Monday, January 3, 2022, Monday, March 7, 2022, Monday, May 2, 2022, POA Annual Meeting held on Monday July 11, 2022

Zoom Meeting ID: 858 4050 7607
Passcode: 112800

Enter Zoom Meeting [HERE](#)

Robert Dahill
President, POA Executive Board

Minutes of the Special Meeting of the Pine Orchard Executive Board (Meeting conducted via Zoom Application)

October 25, 2021

Present: Bob Dahill, Linda Sachs, Peggy Haering, Seth Chaucer, Bruce Calderone, Len Farber, Bruce Calderone, Ray Seligson, Mark Law, David Silverstone, John Grathwol, Matt Barez, Peggy Taylor, Seth Herschman

The meeting was called to order at 7:00 p.m. by President Bob Dahill.

Bob Dahill explained that the purpose of the meeting was for the Board to discuss litigation strategy with respect to litigation in which the Pine Orchard Association is a party. He explained that the Board would need to go into executive session in order to review these matters with the POA's attorney, Peter Berdon and that the executive session was likely to last between 60 to 90 minutes. David Silverstone made a motion to go into executive session. The motion was seconded by Mark Law, and the Board voted to go into executive session at 7:05 p.m.

The Board came out of executive session at 8:59 p.m. Bob Dahill reported that no votes took place during the Executive Session. Peggy Haering moved to approve the litigation strategy as outlined during executive session. Linda Sachs seconded the motion, and the Board voted to approve the strategy.

Bob Dahill asked for a motion to adjourn the meeting.

Tracey Scheer of Spring Rock Road asked about public comment. Bob Dahill explained that there was no room on the agenda for public comment. Tracey Scheer asked why people were sitting around for two hours waiting to speak. David Scheer commented that the Board should not squelch public comment. Bob Dahill responded that there was not time or place in during this meeting for public comment and that there would be an opportunity during the November 1st meeting. Several people (Niall Fergusson, David Scheer, and Tracey Scheer) objected to having the meeting adjourned without public comment.

Bruce Calderone (seconded by Peggy Haering) moved to adjourn the meeting. The motion carried, and the meeting was adjourned at 9:05 p.m.

Respectfully submitted

Peggy Haering, Clerk

Regular Meeting Dates: Monday, January 03, 2022, Monday, March 07, 2022, & Monday, May 02, 2022, all @ 7:00PM either on Zoom™ or at the Pine Orchard office, lower level, 180 Pine Orchard Rd, Pine Orchard



PINE ORCHARD ASSOCIATION

Branford, Connecticut

PINE ORCHARD ASSOCIATION EXECUTIVE BOARD MEETING NOTICE AND AGENDA MONDAY, November.1st, 2021 @ 7:00 PM

At the call of the president, there will be a meeting of the Executive Board of the POA via Zoom™ video conferencing application. For all who wish to attend the Zoom™ meeting, please click on the button below.

Board Meeting Agenda

- 1) Call to order
- 2) Approval of Minutes of Sept 13, 2021, Meeting
- 3) Statement from Robert Dahill - President, POA Executive Board
- 4) Treasurer's Report (Linda)
- 5) Committee reports:
 - A. By-Laws - (M. Law, R Seligson)
 - B. Nominating - (S. Hershman, M Law)
 - C. Municipal /Community Liaison - (B. Calderone, S. Hershman)
 - D. Long Range Planning - (L. Sachs, R. Dahill)
 - E. Waterfront: Maintenance & Access - (R Seligson, D Silverstone) Sidewalk at breakwater long range repair strategy
 - F. Building Maintenance - (J Grathwol)
 - G. Zoning - (M Barez)
 - H. Tax Collector - (L. Farber)
 - I. Beautification - (P. Taylor, B. Dahill) Triangle Park - RWA, Irrigation
 - J. Municipal Liaison – (Bruce Calderone, Seth Hershman) Corridor Study SCRCOG and sidewalks.
- 6) New Business: Public Comments on:
 - Proposed Ordinance from Sept 13th meeting and
 - Letter from 49 POA members
- 7) Office Manager: Peter Robinson Report - Tax Collection, building, Blackstone Library, Procedure's manual, ZBA update
- 8) Adjournment

Statement from Office Manager

Please note, all participants will be ***muted as they join*** the Zoom call. It is requested that your screen name not be an alias or email address but your ***first and last name***. If you wish to address the board during the ***Committee reports*** (Agenda item #5), please click on the ***reaction icon*** at the ***bottom of the Zoom screen*** and then click on ***raise hand***. The moderator will inform the Board of your desire to speak. When instructed, your microphone will be unmuted and allow to speak. You will have up to four minutes to speak.

**Rules Governing Public Comments for the meeting of
the POA Executive Board Nov 1, 2021**

The topic for Public Comment is:

- -Proposed Zoning Ordinance from the Sept 13 meeting & Letter from 49 POA members

Procedure:

- **Sign up to speak** and/or poses pre-written question to the board with the Office Manager NLT Monday Nov. 1st by 5PM at om@poa-ct.org
- The chair will **call names in order** from the provided list established with the Office Manager.
- When called, please **identify yourself** - name & address
- Each speaker can talk up to **4 minutes**
- A speaker **can talk only once**
- Please avoid making the same points made by a previous speaker
- As stated above, If you have prepared a written comment, please **submit it to the Office Manager** at om@poa-ct.org and it will be read into the record.
- As stated above, The hearing is not a Q&A session, however the board will respond to written questions submitted in advance.
- Please be respectful of the above process as outlined. If a speaker engages in disruptive or disrespectful behavior, their speaking privileges can be denied or the speaker may be removed from the meeting.

Note: 2021 – 2022 Regular Meeting Dates: Monday, January 03, 2022, Monday, March 07, 2022, & Monday, May 02, 2022, all @ 7:00PM either on Zoom™ or at the Pine Orchard office, lower level, 180 Pine Orchard Rd, Pine Orchard, CT.

Thank you for your cooperation.

Join Zoom Meeting [HERE](#)



Robert Dahill
President, POA Executive Board

PINE ORCHARD ASSOCIATION
EXECUTIVE BOARD MEETING
Minutes of
Monday, November 1st, 2021, Meeting
Conducted via Zoom

Board members present: Robert Dahill, Ray Seligson, Bruce Caldarone, Linda Sachs, Peg Taylor, Matt Barez, David Silverstone, Len Farber, Mark Law, John Grathwol, Seth Hershman

Agenda Item 1. **Call to order** at 7:01PM

Agenda Item 2. **Approved the minutes:** from September 13th, 2021, Board Meeting. **Bob Dahill** asked for a motion to accept the minutes as published. **Seth Hershman** so moved, seconded by **Peg Taylor**, no discussion, voice vote was taken, and the minutes were approved as posted.

3) Agenda Item 3 **Statement from Robert Dahill – President, POA Executive Board.** As a preliminary matter Bob addressed what transpired at the meeting on October 25th. He apologized for any misunderstanding that occurred after the Board came out of executive session. . He acknowledged that waiting on a call for an extended period of time to speak only to be told you can't speak was very frustrating. What the board did not know until after the meeting was adjourned, was that the Office Manager had inadvertently sent a notice at 8:59 P.M. indicating that the board was coming out of executive session and that members of the public would be allowed to comment on litigation strategy or other matters. The meeting of the board was a special meeting that was held for the sole purpose of reviewing litigation strategy in executive session with the Association's counsel. The only item for the board to consider was approval of litigation positions and strategy, concerning litigation to which the association is a party, as outlined in executive session. Pursuant to Connecticut's Open Meetings law, Conn. Gen. Stat. Section 1-225(d) "A notice of a special meeting shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by such public agency."

Therefore, when the Board came out of executive session on Monday, a number of people who wanted to speak understandably became very angry when the Board declined to hear from them. They felt they were being ignored, and nobody was listening to them. We understand how you felt, and we will learn from this - it was nothing more than a confluence of mistakes.

The combination of the misunderstanding regarding the rules applicable to special meetings and the office manager's honest miscommunication created a very difficult moment and the meeting was adjourned as expeditiously as possible. Bob apologized for the misunderstanding and said that he understood the frustration it had caused. understand your frustration and will learn from this.

Agenda Item 4, **Treasurer's report:** was presented by **Linda Sachs**. Taxes are 99% collected, and expenditures are tracking with the budget (report attached). There were no questions from the public or Board.

Agenda Item 5. **Committee Reports: By-Laws** no update. **Nominating** - no update.

Municipal/Community Liaison - **Seth Hershman** stated with the holidays coming, it's important for POA residents to collect packages at the front door promptly, lock your cars and doors to your homes. **Long Range Planning** (Linda Sachs & Bob Dahill) – no update. **Waterfront maintenance & Access** - **Ray**

Seligson said that a group investigated the beach access point at the end of Island View Avenue. They recommend hiring an independent expert/engineer to provide a report on what needs to be done, along with a maintenance schedule. The alternative would be to reach out to contractors, but the group is leaning towards hiring the independent expert/engineer, who has not yet been identified. **Linda Sachs** stated that she understood the long-term plan as presented but wanted to make sure that near term maintenance needs are being met. **Ray Seligson** suggested that the POA needs to identify shoreline residents who can report on damage to beach access points as they occur so immediate action can be taken. **Building Maintenance** – **John Grathwol** deferred to the Office Manager for an update. **Zoning** – no report. He expressed hope that the process can be improved based on lessons learned from the outcome of this meeting. **Tax Collection** – **Len Farber** – we have 485 homes in Pine Orchard and 330 are in tax district 4. We collected \$76K for a 99% collection rate. There is a little more than \$1,000 to be collected from four property owners. **Beautification** - (P. Taylor, B. Dahill) Triangle Park – RWA Irrigation will install the irrigation in the Spring. Public Works will work on the steps and landscaping at the end of Spring Rock Road also in the Spring. There were no questions from the public or Board.

Agenda Item 6 **New Business**: Proposed Zoning Ordinance from the Sept 13 meeting & Letter from 49 POA members

Public Comments

Niall Ferguson - 15 Spring Rock Road:

On October 15th, 49 Association members, collectively, wrote, and signed a letter outlining their serious concerns and problems with Bob Dahill continuing to serve in the POA Board. He felt that it's important for the Board to understand that there's been a serious loss of trust as a result of Bob's efforts to put forward a proposed zoning change. He and others have major concerns about the process and how it all came about, and how it was pursued. He felt that Bob had been evasive about the zoning initiative and explained to Bob how terribly wrong, it would be. Bob said the goal of the zoning change was to benefit waterfront property owners. As an example, he referenced the Scheers' hedges at the end of Spring Rock Road and indicated that the proposed change would prevent such a thing in the future. In Niall's view, the proposed zoning change would be for the benefit of non-Waterfront owners.

Long before the September meeting, Niall said that he told Bob, very clearly that at least he was vehemently opposed to this proposal, and it would be a big mistake for him to pursue it.

Niall finds it telling that not one single waterfront property owner supported the proposed zoning change. Nor did anyone submit anything in writing, in support of it. If this proposal had been for the benefit of Waterfront owners, Niall would have expected for it to have been initiated by large group of waterfront owners, bringing the idea to the Board and asking for it to be pursued. It was clear at the September 13th meeting that everyone disagreed with the substance of the zoning proposal and people were really offended by Bob's statement that *"It's not the intent of the board to infringe on people's property rights or their privacy or to tell people what they could or couldn't do with their private property."* Niall felt that this was not an accurate statement *and said that it was* clear that there had been zero prior board discussion on this.

Niall said that Bob seems to have independently authorized to pay money to the Shoreline Times for a legal notice to be published, for legal services and filing with the office of the Town-Clerk of Brantford.

As a former Board member, Niall felt that his was not the normal process. He called on the Board to make a motion for a vote to remove Bob Dahill from the Board.

David Scheer - 2 Spring Rock Road:

I think it's very important that we distinguish between the events of recent times including those reviewed by Niall and a pattern of behavior that's gone on for years. I think we also must recognize that one of the biggest issues and challenges we have in Pine Orchard is that we've been known as a community plagued with litigation, conflict, discourse and divisiveness. This has been an issue for years with POA leadership. My family have been victimized by harassment, intimidation, and vilification over many years. We now come together as homeowners in Pine Orchard to seek a change in leadership to bring together the various factions of this community as opposed to keeping them in conflict with each other, including those in the waterfront versus those that are not. When this letter about the zoning proposal came out, it was mischaracterized as the "Scheer letter", which we viewed as an attempt to deliberately vilify one family, namely ours. We have maintained our walkway for the benefit of our neighbors on Spring Rock Road and beyond for many years. We had a major storm. Not that long ago. We had to rebuild some of this walkway, which we own. As this was being reconstructed, our contractor had secured oral approval for putting in a new decorative retaining wall. We then heard from the town that there was a complaint about it, which led to months of delays and ultimately caused a lot of angst on our street. Our contractor went to Bob Dahill and asked whether he had filed this complaint. He said, absolutely not; I believe that was a lie. That's another example of behavior that really concerns me. As a family, we are sensitized to this whole abuse of power thing because when Pat Kaplan was President; we felt that she tried to utilize her power to litigate for personal gain.

We are concerned that Bob may utilize his position on the POA Board against others in our community, which is not something that we feel is supportive of the role of the POA or the leader of the POA. For these reasons, we believe that it is essential that Bob Dahill either resign or the POA Board put forth a motion to remove him from this position and from the board. When you have 49 people who feel he is no longer credible and where there are some real issues over a pattern of behavior for many years.

Bob Dahill –**I think it's always easier to respond** when there are specifics, such as the date when I supposedly lied to a contractor. The zoning process often starts is when a community member or fellow Board member has a specific question about a subject that they would like the Board to address. In some cases, community members don't want their names mentioned, and to comment on construction on or near the waterfront. They do ask about general zoning regulations about fences, etc. There's a section on the website on what we call the yellow zoning ordinance book that Pine Orchard very similar to Sachem Head and that they're an association of about a 160 to 180 homes with a very robust charter. Someone asked, what do they do about views down at the shoreline? They have language that the fence between properties on the waterfront must be limited to 3 feet, to preserve your neighbor's, water view. Essentially, you can maintain your privacy while maintaining everyone else's water view. That was it. Now, the language of the proposed ordinance would include shrubs and trees and all the other things. But if we had ever had that discussion, that all would have been grandfathered. I spoke to other Board members and to a number of neighbors. It was felt that the topic would be of interest to the community and so it was placed on the agenda for discussion. As provided by the zoning law, the proposed ordinance was posted in the paper on September 2nd. This is the same process every time there's a zoning ordinance change, whether it's a patio setback or something else. We posted it so everybody could see it. But the basic idea of reducing the height of any fence between properties on the

waterfront building line from 6 to 3 feet was based on the Sachem Head association ordinance Section. 8. That section gives a wealth of information and guidelines; We're not going to discuss it here, but I just wanted to give some perspective for have this discussion.

Bob Wheeler - 29 Crescent Bluff Avenue:

I have lived on Crescent Bluff Ave. for 55 years. On February 4th of 2020, the parties involved in the long-standing dispute concerning ownership of Crescent Bluff Avenue agreed to settle the case instead of going to trial.. Barbara Saggese, owner and manager, Beachcroft LLC, agreed to a settlement with the Pine Orchard Association, the town of Branford and the owners of property on Crescent Bluff Avenue. I cannot say enough good things about the Board and the Pine Orchard Association in helping us over these years to try to come to a resolution. On August 11th, 2020, the court ordered to the parties to complete the settlement. Beachcroft LLC then appealed that decision on October 27, 2020.

Stacy Ruwe 19 Waterside Road: She wished to thank all her friends willing to talk about our neighborhood. She would like for us to be able to trust the association, as we have for decades and generations, and to have open transparent communications about proposed zoning changes. She found it disheartening that it has taken so long to have this conversation. She can't imagine something of this magnitude going forward without having the Board's engagement. She hopes that we can pull back on the strength of this community to right this ship. We need to trust our neighbors and our Board, and we again need to restore transparent and open communication.

Tom Kelleher - 20 Ozone Road: I would also like to thank the Board for showing up and doing what they do in general. I know the charter is a little old, but I know the people on the Board have good intentions. I have a neighbor that interferes with me with all the time. The reason I bring her up is because she was appointed to the POA ZBA. I don't want a rule change that affects my privacy and possibly my safety. I don't want to have a different set of rules where my yard must be exposed where other people get the choice to fence it in. I understand Sachem Head because I looked there. I chose to live in Pine Orchard. If you want to go to Sachem Head, then go there. In a past POA meeting few meetings ago Peter Berdon talked about bundle of rights that goes with real property ownership. If you're going to take away, our bundle of rights there should be a conversation about compensating us for that. When 49 people on the waterfront are all saying the same thing, then something must happen. I think that's compelling. Personally, I don't like to live with conflict, but I also don't like to be bullied. I've been bullied before, but at this point don't get in the ring unless you want to box and when I think of the few hundred dollars it costs for the POA taxes each year - that's nothing. But if you get 20 lawsuits from determined people, you, (The POA) are going to feel it.

Edward Kelleher – 14 Halstead Lane: I'm not a waterfront owner and wasn't affected by the zoning proposition. I respectfully suggest Bob Dahill should resign, now. Does this board have a procedure to cause the removal of an officer or board member? If not, can I respectfully suggest one of you make a motion to remove him? I asked the board to please consider removing Bob Dahill immediately or better yet; Bob, do the right thing and resign.

Joyce Schiavone – 61 Island View Ave.: I just wanted to say that I agree with Niall's' presentation. I personally must tell you how disconcerting it was to open up the Shoreline Times to see a legal notice saying that the zoning laws at Pine Orchard Association were going to be changed. I I contacted a bunch

of people. Everyone said they never heard anything about this proposed zoning change,. I asked myself, did I miss a meeting? So that's the reason why I believe that Bob Dahill needs to step down. You live in a community, and you're not even notified about something as important as this.

Michael Schiavone – 61 Island View Ave.: It's difficult to cover a meeting like this in an hour. It's obvious that Bob does not want to step down and I think it's incumbent on the POA Executive Board to decide what they want to do. They are the ones living with this, and they work for us. So, if they think he's doing a good job then they should take a vote.

Elizabeth Ferguson - 15 Spring Rock Road: Niall and I have of a history of speaking up for all sorts of disenfranchised people, underdogs, and what we think is right. As much as it bothers me, as a waterfront owner, to think that there would be this view easement that was going to happen, I'm way more bothered when the correct process was not followed. I agree with everyone that in the interest of community cohesiveness and what the POA is meant to do, that Bob Dahill needs to resign or the Board needs to make a motion and do the right thing.

Richard Colbert – 2 Halstead Lane: The following is an edited transcription of the narrative.

I've had an uneasy feeling all day about this meeting. I'm concerned with how this Association will be governed if Bob Dahill refuses to resign So many people have asked for such action. It simply can't be that the 50 or more people calling for his resignation are unreasonable. I am convinced that there is no other alternative, assuming this Association wants to be moving forward peacefully. We've provided Bob with clear documentary evidence from the Pine Orchard Association's own records, showing that Halstead is a private street. Until recent leaders, Robin Sandler and now, Bob Dahill, the Board has never taken the position[that Halstead is not private]. My point here is not to convince anyone that our street as a private street but rather to show that Bob has no problem disregarding evidence that stands in the way of getting what he wants. Bob and Peter Robinson (office Manager), contacted my Halstead friends and neighbors and claimed that I had intentions of taking over the grassy area at the end of my street and to deny access to the people on my street. I see This is, of course, complete nonsense. I've never had that intention whatsoever. I implore this board to remove Bob Dahill this evening as a member of this board.

[Bob Dahill] I haven't been down to Halstead Lane for a year and a half. I Know Rich is the attorney for Barbara Saggese and they are in court against Peter Berdon on November 9th. All we've done is try to present what's best for the community. If (recommending that fences be limited to) 6 feet, and 3 feet near the water, is interpreted as an infringement on personal property rights, we apologize for that. If that was presented in a way that was inappropriate, that was certainly our mistake. Putting the notice in the newspaper is part of the zoning process; it has to be done. It's the law, and the zoning proposal was up for discussion. I thought we set up the meeting to talk about the September 13th meeting, which are doing in part. Things like Halstead, and others, I'm not sure are related. We will continue to listen and learn as we go. Thank you.

Tracey Scheer – 2 Spring Rock Road:

I want to protest the way this meeting is being run. Bob should not preside over a meeting where the topic is his removal. The vice president of the Board should be running this portion of the meeting and Bob should only be allowed to respond for only four minutes, like everybody else. Number two. We are

not Sachem Head. I wouldn't live in Sachem Head if you paid me a million dollars because I don't like the neighborhood, it's full of discontented and hatred and rife. I moved to Pine Orchard because I thought this was a nice community and people here can be kind. My husband and I were the object of two lawsuits brought on almost immediately upon our taking possession of our property. I want to talk about Bob Dahill because all these things are related. I want to talk about something Bob did when I was home alone.

We had a storm a while back and two pieces of driftwood floated up on our beach. I promised those two pieces of driftwood to a friend of mine, who's an artist to use in a piece. Sometime over the weekend, Bob Dahill went across my property and onto my beach with a chainsaw and cut that driftwood into little pieces. He and other neighbors humped it across my property and dumped cut wood at the end of Spring Rock Road. I asked him, "*Bob, what are you doing*"? He said, "*I'm cleaning up the beach*". My husband, David, has told Bob that the public property ends at the terminus of Spring Rock Road. That walkway is private property. There is no way that Bob Dahill has ever stopped calling our private property and access points the property of Pine Orchard Association. The fact that we let everybody go across the walkway, reflects not his designation of it as a Pine Orchard beach access point, but because my husband and I believe that people should have a right to enjoy the beauties that we have the good fortune to live on, and we like to see people enjoying the beach, that's why we do it. Not everybody who passes our property is friendly; not everybody who passes over our property acknowledges us, but we do it because that's what we do. Not because it's Association property. I have lived now for 20 years, with undue pressure. When somebody is giving you something freely and with love and all they get back is resistance, lawsuits, threats, and now this attempt to make us cut down our hedge, the only thing that gives us any privacy. Don't forget; that's a public street right next to our backyard. We're entitled to privacy the same as anybody else. This is United States of America.

What bothers me is not the fact that Bob tried to pass this very ill-conceived of thing, but that he was disingenuous about it. He called it a proposal to change the definition of "front yard". It was a proposal that established view easements across all the 54 waterfront properties in Pine Orchard. That was not the change in the definition of our front yard. It was deceptive.

I have a right to be heard. Bob Dahill should save his response for the end because there are a lot of citizens here who haven't had a chance to speak. Bob Dahill should not be running this meeting and he should not be allowed to comment.

Bob Dahill —: Yes, I think Tracey deserves a response; I think the community deserves a response, The driftwood came off Flirtation Point about two weeks after the storm. It was a huge safety hazard. So, we did cut it up and we dumped it on the end of the street. Joey then backed up his truck and we removed it. If Tracey's really interested in giving driftwood to her friend, that's grand. Currently, there's a log that is 42-foot by two feet in diameter sitting in front of her neighbor's house, on the beach, which he's aware of because she told me we shouldn't try to take it away.

[Tracey Scheer] ... my friend wanted the smaller pieces that had washed up and you stole them Bob, you came on my property with a power tool, used it on my beach, and left a ton of wood shavings and on my beach. You walked away with my friends' pieces of wood. And you had no right, because it's not your beach. It's not your beach. It's not your beach.

[Mark Law to Bob Dahill] I'm sorry to interrupt but you really should save your comments to the end to give everyone here an opportunity to talk, and I think we should have everybody speak first. And then maybe the Board can talk after. Otherwise not everyone will have an opportunity to talk.

[Bob Dahill] We didn't want to cut down anybody's hedges. I just use it as an example. There was no interest in cutting down people's hedges or destroying anything on anybody's property. That's all I wanted to say.

Len Farber –: I know people on both sides of this discussion, many of whom I consider my friends, and I consider Bob Dahill one. I think Bob has admitted that he made errors, some significant. But what I'm trying to get at, is there a way of acknowledging the errors, learning from them and going ahead as a community? No matter what, if a vote is taken and one side wins, the other side is not going to be happy, There doesn't seem much in statements made at this meeting that would lead me to believe that this would be a unifying process. I'm trying to figure out if the punishment meets the crime or not. I think that it doesn't warrant the extreme measures so many of you are proposing. I hope we can find some way to allow Bob to finish the remaining six months of his term as president and then have a vote as to whether he should continue beyond that.

David Silverstone –: I'm a relatively a new member of the board, having been on the Board since the annual meeting in July of 2021. Bob Dahill, said earlier tonight that he had discussed the ordinance with Board members. He did email it to me (but only shortly before the meeting on Sept 13th) and I told him that I thought it was a bad idea. In short, it should have been discussed by the Board but it didn't. I'd like to thank everyone who spoke this evening. I would hope that those of you who spoke become more involved in the Board by attending future meetings and running for the executive Board, but clearly, we've had a serious problem in Pine Orchard. It's been emotional. It's divided the community and we need to heal. I certainly can understand the anger of the 49 Pine Orchard residents, who signed the email in response to the proposed zoning ordinance. The points made in that email were significant; fortunately, the regulations we adhere to, worked and we prevented the ordinance from being passed. That was good news. Unfortunately, the episode incited anger and needs to be resolved. I can understand why the signers of the letter want the President to resign. If The charter of the pine Orchard Association states that *"the objective of the association is to provide for the Improvement of the lands and said district and for the health Comfort protection and convenience of persons living there in"*. I think what the president proposed in that ordinance was in that spirit. Unfortunately, I think it was done in a way that was haphazard and went against the process that we usually have in place, for suggested changes to zoning ordinances. The Board had never met to discuss it, and there was no input from the residents, it would affect. It was clear at the September meeting that it was supported by none of the homeowners it would affect, and it was defeated by a unanimous Board vote. The system worked, but we now have a greater problem. The community is wounded and needs to heal. We need to learn from this incident and move forward in the spirit of language that I quoted before. We need to act in a positive, not a negative way. We need to heal and not to act in a knee-jerk fashion. We need to do better than that. What I would propose that we set up a committee to develop a careful system proposing, discussing, and finally acting on any proposal for any zoning change in the future.

Paul Saggese - 1 Crescent Bluff: I'm starting to feel Deja vu from some of the other meetings, where Bob Dahill is speaking and people are being muted or not allowed to comment back to him. I believe the POA should be an association that brings people together. Bob Dahill caused dissension between waterfront

and non-waterfront owners. His main agenda is to gain beach access over every beach access point in Pine Orchard and control how [residents'] private property is used. The association has spent tens of thousands of dollars litigating against my family. The POA teamed up with our neighbors against us. As a means of trying to settle all this litigation with the POA and our neighbors, my family donated an 11-foot wide foot-path to the shore. There was no thanks at all from the Board for this. In fact, they were supposed to give us a letter of donation, and Peter Berdon reneged on that. It's been a very long litigation and I'm just letting you know that Bob Dahill is now trying to get us to renege on our original agreement. We went through the courts and it's now under appeal. He's costing the POA money and he's colluding with another POA member to change our agreement. As far as we're concerned, Bob Dahill needs to stay out of private property litigation. I urge the POA Board to remove him as President.

Barbra Saggese – 1 Crescent Bluff: My family and I have been in litigation with the Pine Orchard Association pretty much since we bought our property in 2003. I don't want to reiterate what many of the other waterfront homeowners have said. On June 9th, 2019, months after my family and I generously donated an 11-foot path, to the Pine Orchard Association, Bob Dahill came onto my property and asked me if I was ready for the amusement park that the Pine Orchard Association was planning on building on my property. Can anyone here on this Zoom meeting, even imagine a Board member coming onto their property, and saying that? My property is private. Numerous Supreme Court rulings have defined my property rights and those of the interior lot owners. The Pine Orchard Association continued to harass us for years. We finally agreed to give them a path. Instead of saying thank you, they come onto my property and harass us. Bob tried to attack all the waterfront owners by creating a new zoning ordinance, which limited how high fences and bushes, could be. We believe the Pine Orchard Association has gone too far, and Bob must resign or be removed. I also believe that the Pine Orchard Association should create a by-law that states, it will no longer get involved in private property rights. That's the issue that has divided interior lot owners and waterfront owners over the last 20 years. The atmosphere that Bob and some other board members have created must end for all of us to live peacefully in this community. The POA needs to respect both interior and waterfront owners' rights, and they should stay out of the business of controlling them. I think we would all get along now. I do want to say that I understand there are some zoning issues going on with VRBO rentals. That is something that the Association should be involved with because some of the short-term rentals are disrupting our community and interfering with our peaceful enjoyment, but private property rights? No.

John Lapidés – 1 Halstead Lane: I appreciate the opportunity to address all of you as neighbors, many of you as friends, and others who I'd like to meet. The POA is a municipality (and based on its Charter) has the right to tax and to change zoning. It should represent all 450 member families with an even-handedness and that's a public trust. In the POA Charter, it does say that if you have a conflict of interest you should recuse yourself from a vote. The POA tends to get involved in zoning issues, whether it be the definition of a structure or a patio, or the most egregious one that I've seen so far is this is 3-foot height limitation, which Tracey Scheer noted was tantamount to granting a view easement over our properties. I guess you could say that it's effectively an unlawful taking of our property by eminent domain without just compensation. I don't think that the POA should be in the business of granting what effectively is a deed restriction on property owners who are on the shore or anywhere else. One gentleman spoke about the fact that we should over the next six months give Bob a chance to change his ways, but, I don't really agree because I think this has become entirely too contentious. I think judgment is an important part of leadership quality for this municipality, and at the very least this

meeting is a testament to the fact that Bob has made mistakes in terms of his judgment and how to handle things. I do, reluctantly that I think Bob should step down. which I think would be an act of some healing or alternatively that the Board really should decide that we'd be better off with maybe somebody else in the leadership role.

Jeffrey Raup - 18 Halstead Lane: We're not waterfront property owners, but we do respect the rights of waterfront property owners and we respect the prices they pay to own waterfront property owners. I personally object to any type of taking, which is what it sounds like to me.

I think that some action needs to be taken formally as a vote of confidence, if nothing else, as to his role on the Board. Now, I pay my dues and I bet of the 450 people that pay their dues, less than 20% pay attention to what you're doing. Okay, they paid their dues because I had to, and I probably wouldn't be paying attention if this hadn't come up and touched the nerves of my friends and neighbors. So, I respect the work that members on the Board do. I recognize the challenges and the difficulties of holding those positions, but I think the Board should recognize that you have a fiduciary responsibility to operate properly. You are not following due process if you are allowing one person to dictate the way this board operates, and I would be concerned that we would subject ourselves as an entity to much more liability. What does the Board need to take action? Do you want a petition signed by a large percentage in order to actually just deal with this question? Then, I'll spearhead that. I don't have an axe to grind either way, but I can see what this divisiveness can do to neighbors, to a board, to its operating function, and I'm deeply concerned on my side.

Sarah Colbert – 2 Halstead Lane: I joined tonight to express my opinion that Mr. Dahill should resign due to his multiple failures to ensure process is followed. As John Lapidés said, things are beyond reconciliation at this point. We need a change so we can move forward as a community. It really saddens me to hear what Mr. Dahill had to say about our street here on Halstead Lane. So much so, that I've pleaded with my husband to move. We have a six-year-old and a one-year-old. I don't want to live in a place where I can't put my head on the pillow at night and sleep. I want to get along with our neighbors. I want to feel like I'm fairly represented by the Association that we pay taxes to. I see no other way, but for Bob Dahill to resign.

Jeffery Sonnenfeld – 2 Blackstone Ave.: I want to just start by saying that I thought that when Stacy Ruwe celebrated turnout tonight that was terrific. It's fantastic to have 80 people--more than 10% of the Association on the call--for a meeting. It's a great little village. It's a beautiful setting. It's a gorgeous landscape, beautiful homes, and frankly, wonderful people. Clarky and I don't have any grievance with anybody in Pine Orchard. We haven't had the troubles that other people have had. I've showed up at meetings because Schiavone, Lapidés, Ruwe, Ferguson, McBurney and others had issues and I thought they deserved to be heard. We have no plans for fences or bushes, or anything around us here, but the process is what concerns us. I think it's nice to have people who want to volunteer service on this Board. However, circling the wagons makes the Board complicit. That's not a great response. When Len Faber said that if you have a vote, some people are going to be unhappy. Then he asked whether the punishment fits the crime? I don't know that we have a villain here. What we have is misguided actions. We have miscommunications and we have mismanagement, and David, I love you, but this is not a training ground. We can't have probationary periods.. This is not a lawsuit or a criminal investigation; this is a vote of no confidence by a huge cross-section of the community, and people feel very strongly now. What does the Pine Orchard Association bring us? Does it provide security? No, it failed on that

front. There were four efforts in the last hundred eighteen years on the security front. All four of them failed for various reasons. Infrastructure? No, over the last hundred eighteen years it's failed on zoning. Every major zoning issue will be resolved by Branford. On the legal issues, it goes on and on. What do we get out of this municipality duplication? We get paralysis. This Association was formed in 1903; at that time these were land beautification initiatives. They happened across the country as part of the original progressive spirit, and there are still five thousand of them that exist in municipalities here and there run by volunteers. Why do we need the Pine Orchard Association? My wife Clarky and I wonder about that. All we see is adversarial, feelings, a lot of redundancy and red tape, and satires. There have been 22 satires in the local media over living in Pine Orchard, and people want to leave here That's what the Pine Orchard Association produces. We'd love to see it dissolved, now.. People are asking for a change of leadership because of a loss of legitimacy to lead. That is a modest position. It's not in the charter to supersede private rights? So that's our concern. I work with a hundred-twenty mayors around the country each year. I've worked in city planning, and urban development in Pennsylvania, Georgia, Massachusetts, and Connecticut, and I've seen that municipal service is often the subject of a lot of attack. Many mayors call their city councils city clowns. But, they're fighting over legitimate things. We're fighting over nonsense here. We're fighting over encroachment of private property rights. We have is the most precious thing that a community can have. DeTocqueville in 1840 talked about social capital. We've lost social capital here. I think we need a change of leadership, and I celebrate the 80 people on this call tonight.

Bob Wheeler – 29 Crescent Bluff Ave.: I would like to make a small correction. Barbra Saggese accused Mr. Dahill of trespassing on her property. That simply isn't true. He was a guest of mine, and by law he had the right to pass and repass across the lawn at the end of Crescent Bluff Avenue. The second thing, she offered the steps to the Pine Orchard Association as a part of the settlement, but she's now challenging the settlement in the Appellate Court.

Richard Colbert – 2 Halstead Lane: I think that Barbra Saggese's point was that when Bob he came onto her property, he acted not as a professional person who should be leading this organization. Finally, about the appeal. There's not enough time on this call to talk about why that appeal is pending and so I would ask people to not just accept a comment by Mr. Wheeler at face value. As Bob pointed out I do represent Beachcroft in litigation, but that has nothing to do with why I'm here. I'm a waterfront owner.

David Scheer – 2 Spring Rock Road: I celebrate that we have had this level of neighborhood engagement. We have actually brought it together, at least our group of 49, to try to make this community better, but I find it extremely critical that this board does its job. When there is a groundswell of discord and where many instances of misconduct or a lack of candor are cited, you have to protect the organization not the individual. I suggest that the board show courage and not become part of the problem. Do the right thing for this community. This is not going to get solved by just burying your heads in the sand. The 49 of us are going to continue until we get this, right. So again, this is your job as fiduciaries. You do not work for Bob Dahill you work for us, and if you don't want to work for us, then each of you who doesn't want to do it should resign.

POA Board comments.

Seth Hershman -(Nominating)

This is a community of 458 members and no matter how small or how large a group is, when I've heard from a few people that said they are uncomfortable here, and they thought about listing their property, that's disheartening. That's got to be the worst thing that you can hear as a Board member. I moved into this community four years ago and who would love to spend 50 years here. I'd love to be Bob Wheeler saying, I've lived here 55 years. I would give everything to say that and there's a problem. No one should be at their home nervous and or thinking about selling their home based upon something as silly as the Pine Orchard Association. It's not right. Also, we need to address the fact that there were slurs directed at Mr. Kelleher for selection of an alternate on the zoning board of appeals commission. There is a zero tolerance for stuff like that on the Pine Orchard Board Association. So, before I move on that needs to be addressed and whoever that person was, I think as the Board, we should open up an investigation and have that person suspended until we figure what exactly happened. It seems like we have 49 members who continue to fight for their rights, as they should in this in the situation. So, we're going to have to address these issues right now before wrapping up.

Mark Law – (Vice President): Mark follow-up on Seth's comments

- The comments presented are heard and understood by the Board
- The Board has a responsibility to discuss and act on the comments presented
- The Board must figure out how to move forward

Bruce Caldarone - (Municipal community Liaison)

- Agreed with Mark and Seth's comments
- Appreciated the participation of the community at the Zoom meeting
- Not sure if "now" is the time to put forth a motion to remove Bob
- The procedure to put-forth a motion is unknown to the Board at this time
- We need time to discuss this internally and with our attorney

David Silverstone – (Waterfront Maintenance):

- As a Board, legally, we must have a discussion concerning this issue, which has to be public
- There are few things we can do in executive session, so it might have to be in public
- We can discuss between each other privately
- We need to see if Bob is willing to resign before the board goes forward

Bob Dahill – (President):

- I commented during the discussion because all the comments were in one direction and thought it would be good to interject my perspective.
- I have been accused of "going rogue" and the board should review and consider the comments and then decide
- I also would like the input of board member we haven't heard from yet, Peggy [Taylor] and John.
- I will also give my opinion because that's what I should do

Seth Hershman - (Nominating)

- If we choose to postpone a decision to remove Bob, then a date must be stated this evening
- I believe 49 residents on this Zoom call thought you would resign
- If Bob doesn't resign, we must set a date to conclude this issue or we will lose the trust of the community

Bob Dahill – (President):

- Seth makes good points if you want to pick a date that will work
- Having a follow-up Zoom call will not serve the entire community only the folks who commented tonight.
- Nov. 15th is two weeks away, which will give the Board time to discuss.

John Grathwol –(POA Building and Grounds):

- Those of you who are putting up signs please respect the process. You were given your time to speak. We are now in a Board only discussion. Please respect that.
- This evening there were many negative comments about Bob's management style and his desire to push through an unpopular zoning ordinance. I would ask the Board to step-back from the emotion of the moment and make a decision based on the facts and perspective.
- There were many negative comments about the zoning ordinance and historical behavior which is a lot to digest as a new Board member.
- The Board should take some time, compile a list of the complaints, and make sure we have a clear understanding of the facts.
- We need to hear both sides of the case before we rush to judgement.
- I agree with David Silverstone that we need to beef-up our zoning process and make sure the community can comment on a pending zoning change before it is posted.

Len Farber – (Tax Collector):

- There is no content in the by-laws that addresses the removal of a Board member or the resignation of a Board member regardless of their position
- The by-laws only speak to health restrictions, which would limit a board member's ability to serve.

Bob Dahill – (President):

- I believe it's a valid point, made by David Scheer, that the organization takes precedence over any one individual.
- However, there must be some time to absorb the information before any action is taken.
- If you want to pick a date to discuss this publicly, then let's do that.
- We need to understand that if I step down, how will the Board manage all the activities in motion, such as pending legal issues.
- And we need to make a decision that doesn't seem to serve anybody's purpose.
- Pick a date down the road to have a public meeting, and we need to discuss who going to do all things I do and has the time to do it.

Seth Hershman - (Nominating)

- It appears that the Board does not want to address the removal of Bob tonight.
- I would suggest we plan a follow-up public meeting in the next two weeks
- In that time, the Board should meet with Bob and the public – Nov 8th or Nov 15th.

David Silverstone – (Waterfront Maintenance):

- He agrees that we should not go for more than a week or two.

Bruce Caldarone - (Municipal community Liaison)

- Agreed with David and Seth’s comments to schedule within two weeks

Mark Law – (Vice President): Following up on Seth’s comments

- There was a suggestion to have the Zoom call on a Friday. That would lead to very low attendance and we should go for Monday the 15th.
- Mark would like to first take this discussion to our attorney to understand the limitation as outlined in our charter and by-laws and do this within the next two weeks.

Seth Hershman - (Nominating)

- Agreed that the 15th was good, and that Mark should engage Peter Berdon; the Board commented at this point that they all agreed with this path.

Peg Taylor – (Community Beautification):

- Made a motion for the board reconvene in a public Zoom™ meeting on Monday, November 15th at 7 P.M. or earlier, after Mark Law and Seth Hershman have consulted with counsel (Peter Berdon) to determine next steps. Len Farber seconded the motion, and a voice vote was taken;; The motion passed, with Ray Seligson and Bob Dahill abstaining.

Agenda Item 7 **Officer Manager’s Report – Peter Robinson** – All has been thus reported. A copy of the Office Manager’s report went out as an email attachment to the Board and will be attached to the minutes.

Agenda Item 8 **Adjournment:** Len Farber of 13 Ozone Road moved to adjourn, seconded by Bruce Caldarone. A vote was taken and passed unanimously. The meeting was adjourned.

Respectfully submitted,

Peter Robinson on behalf of Margaret Haering, Clerk

Attachments: Treasurer’s Report

Office Manager’s Report

Future Meetings

Monday, January 03, 2022,

Monday, March 07, 2022, &

Monday, May 02, 2022,

All future meetings will be held at 7:00 PM at the Pine Orchard Association office,
180 Pine Orchard Rd.

From: Tracey Scheer <tzscheer@gmail.com>

Date: Fri, Oct 15, 2021 at 4:54 PM

Subject: Letter to POA Board

To: <marklaw8@gmail.com>, <Islam8@aol.com>, HAERING MARGARET <Mehaering@outlook.com>, Leonard Farber <leonardrfarber@gmail.com>, <Answermanynot@hotmail.com>, <hershmanseth@gmail.com>, <jgrathwol@gmail.com>, <squidmama22@gmail.com>, <matt.k.barez@lmco.com>, Bob Dahill <rdahill@gmail.com>, <hello@calderonechiropractic.com>, <david13@snet.net>

Please forward to any board member inadvertently omitted.

October 15, 2021

To the Executive Board of the POA,

We write to protest POA President Bob Dahill's effort to push through a vote on a proposed change in zoning rules affecting many POA residents, without due process or fair notice.

Moreover, the proposed change targeted a subset of POA members, but the agenda item published failed to indicate that this was a change in zoning rules to affect only some POA members. Any attempt to single out a subset of members for especially prohibitive or limiting changes should be clearly and openly disclosed in the interest of transparency and avoiding discriminatory practices by the POA. The proposed ordinance was simply described as an amendment to "modify the definition of front yards." We believe this title was a disingenuous attempt to make this ordinance change appear benign to allow it to pass under the radar of those whose property rights it would affect.

At the meeting no one on the board supported this proposed change, so it appeared that Mr. Dahill conceived of, drafted, advertised, and scheduled the vote without involvement of the rest of the Executive Board and without knowledge of members of the Committee on Planning and Zoning which is in violation of our Bylaws. According to the POA Bylaws, the "*committee on Planning and Zoning ... shall act as a liaison between the Executive Board and the Zoning Boards and oversee the zoning issues concerning Pine Orchard*" (**Paragraph 6C**). Other notices provided in CT Gen Statutes Section 8 were also ignored.

We further object to Mr. Dahill spending tax monies on legal, advertising and filing fees in furtherance of this rogue zoning change without the support of the rest of the Board. Mr. Dahill's position as President does not empower him to act on behalf of the POA without public input and the cooperation of his fellow board members and without proper recording of all proceedings that are required during the conduct of municipal business. The POA is a municipality with record keeping, disclosure and statutory requirements.

Mr. Dahill acted in gross violation of the public trust of the tax-paying members of the POA. Board members, as stewards of public trust, must always act for the good of the organization, rather than for the benefit of themselves. We therefore urge the board to obtain his immediate resignation or termination as soon as possible, but certainly no later than November 1, 2021 to avoid any further appearance of lack of due care from the executive board.

We also object to the proceedings of the special meeting of the POA on August 19, when Mr. Dahill picked, and the board approved two individuals to fill vacancies in the executive board and the Zoning Board of Appeals. We believe that the Nominating Chair should always solicit interest from all POA members for vacancies on the board, committees etc. Board members need to be mindful that they carry a fiduciary duty of care and diligence in running the affairs of the POA.

We are also concerned that the Association Charter is out of date and that the board is not in compliance with many aspects of it. We would like to ask the board to set up a group to study this topic including some of us below who have researched this topic.

Sincerely,

Carole Brown - 3 Selden Ave
MaryBeth Canavan - 1 Selden Ave
Rich Colbert - 2 Halstead Lane
Sarah Colbert - 2 Halstead Lane
Ron DeSantis - 200 Totoket Rd
Sylvia DeSantis - 200 Totoket Rd
Lisa Donofrio - 345 Pine Orchard Rd

Brian Valzania -345 Pine Orchard Rd
Niall Ferguson 15 Spring Rock Rd
Liz Ferguson - 15 Spring Rock Rd
Nick Fisser - 50 Island View Ave
Carol Gagliardi - 1 Island View
Tom Gagliardi - 1 Island View Ave
Sabet Hashim - 12 Ozone Road
Donna Hashim - 12 Ozone Rd
Don Herzog - 9 Blackstone Ave
Nancy Herzog - 9 Blackstone Ave
Michael B. Katz - 1 Halstead Lane
Ed Kelleher - 14 Halstead Lane
Kim Kelleher - 14 Halstead Lane
Thomas Kelleher - 22 Ozone Rd
Chip Kenna - 15 Waterside Rd
Kimberly Kenna - 15 Waterside Rd
Craig Landau - 38 Island View Ave
Maribeth Landau- 38 Island View Ave
John Lapides - 1 Halstead Lane
Roger Lowlicht - 6 Crescent Bluff Ave
Kay Haedicke - 6 Crescent Bluff Ave
Vin Lynch 26 Juniper Point Rd
Marcia Lynch - 26 Juniper Point Rd
Jeffrey Raup- 18 Halstead Lane
Mindy Schwarz-Raup - 18 Halstead Lane
Pat Ruwe - 29 Waterside Rd
Stacy Ruwe - 19 Waterside Rd
Barbara Saggese - 1 Crescent Bluff Ave
Paul Saggese - 1 Crescent Bluff Ave
David Scheer- 2 Spring Rock Rd
Tracey Scheer - 2 Spring Rock Rd
Joyce Schiavone - 61 Island View Ave
Michael Schiavone - 61 Island View Ave
Clarky Sonnenfeld - 2 Blackstone Ave
Jeff Sonnenfeld - 2 Blackstone Ave
Dolores Spivack - 5 Island View Ave
Kevin Visnic - 347 Pine Orchard Rd
Mary Margaret Visnic -347 Pine Orchard Rd
George Warnock- 60 Island View Ave
Lois Warnock - 60 Island View Ave

Pine Orchard Association Treasurer's Budget Report
as of 11/1/2021

	Approved Budget 1-Jul-21	Budget Activity Year to Date	Budget Remaining Year to Date	% of Budget Rec/Dsbmnts Year to Date
RECEIPTS				
Tax Collections	\$ 76,700	\$ 75,581	\$ 1,119	99%
Rent	\$ 6,400	\$ 3,600	\$ 2,800	56%
Building & Permit Fees	\$ 10,000	\$ 1,750	\$ 8,250	18%
Other (Interest, Moorings)	\$ 75	\$ 20	\$ 55	27%
Use of Capital Savings	\$ -	\$ -	\$ -	
Total	\$ 93,175	\$ 80,951	\$ 12,224	87%
DISBURSEMENTS				
Security	\$ -	\$ -	\$ -	
Shorefront Maintenance	\$ 7,500	\$ -	\$ 7,500	0%
Building Maint/Utilities	\$ 13,000	\$ 2,885	\$ 10,115	22%
Property Improvements	\$ -	\$ -	\$ -	
Office/General	\$ 17,850	\$ 6,396	\$ 11,454	36%
Insurance	\$ 11,000	\$ 3,361	\$ 7,639	31%
Legal	\$ 24,000	\$ 3,863	\$ 20,137	16%
Zoning	\$ 10,000	\$ 474	\$ 9,527	5%
PO Web	\$ 100	\$ -	\$ 100	0%
Acctg Annual Review	\$ 4,250	\$ 3,730	\$ 520	88%
Beautification Committee	\$ 4,725	\$ 1,852	\$ 2,873	39%
Sidewalks	\$ -	\$ -	\$ -	0%
Total	\$ 92,425	\$ 22,561		24%
NET INCOME (LOSS)	\$ 750	\$ 58,390		

Account Balance as of 11/1/2021	
BOA checking	\$84,126.63
Less outstanding checks	\$0
BOA net balance	\$84,126.63
BOA Savings*	\$128,246.85 Opened 12-2012
Total:	\$212,373.48

BOA 13-mo CD as of 3/11/21 \$50,836 Opened 2/20 Closed 3/21

*Includes Proceeds from CD as of 3/11/21

Office Manager Report for Sept & Oct 2021

- 1) **POA Tax Collection:**
 - a. See report by Len Farber
- 2) **Zoning:**
 - a. No ZBA activity in the past two months
 - b. Three zoning applications filed.
- 3) **POA Building:**
 - a. **Accomplished**
 - i. Branches removed
 - ii. Fix toilet (did not flush).
 - b. **Planned for 2021/2022**
 - i. Repair the parking lot - tar paint lines. Scheduled for Thursday Sept 23 – did not happen. Will have to put off until the Spring of 2022
 - ii. Waiting on vendor to clean gutters.
- 4) **POA Office:**
 - a. **Accomplished**
 - i. **Outreach:** We have a 72% coverage via email for all POA residences (482 email).
 - ii. **Response:** I continue to get back to 90% of the POA inquiries within 24 hours.
 - iii. **Equipment:** no change
 - iv. **Communication:** Sold 18 POA *100 Birthday Celebration* books
 - v. **POA Historic Records:** Received the MoU from Blackstone and approval from State Archivist to Transfer the Journal to Blackstone. Two of the three undigitized Journals are scanned. The POA Minutes from 1903 are too damaged to scan. Book have been ship back from Scanning firm in NH.
 - b. **Planned for 2021/2022**
 - i. nothing
- 5) **Community:**
 - a. No new activity