



PINE ORCHARD ASSOCIATION
Branford, Connecticut

**NOTICE: PINE ORCHARD ASSOCIATION
EXECUTIVE BOARD MEETING
MONDAY JANUARY 8TH 2024 AT 7PM
AGENDA NOTED BELOW**

At the call of the President, The Pine Orchard Executive Board will hold its January Executive Board Meeting at the POA offices at 180 Pine Orchards Road and via Zoom on Monday Jan. 8th, 2024, at 7PM. All are welcome to attend.

1) Call to order

2) Approve minutes from Nov, 6th, 2023 Executive Board Meeting

3) Officers and Committee Reports

- **By Laws** – David Scheer, bylaws draft presentation
- **Treasurer** – John Grathwol
- **Tax Collection** - John Grathwol
- **Zoning** - Matt Barez & Thomas Roche
- **Building** - Andrew Ruff
- **Waterfront** - David Silverstone, Karen Jubanyik, Vin Giordano: Crescent Bluff Stair Update (DEEP Directive).
- **Office Manager** - Peter Robinson
- **Other Issues**

4) Old Business – Crescent Bluff Update: Status of Motion for Summary Judgment (MSJ) Appeal.

5) New Business – (1) Rt.146 Corridor Management Committee report and approval to forward report. (View updated PDFs documents below). (2) Branford regulations impacting the POA. (3) Request for a Little Free Library in Triangle Park.

POA Response

Sketch (map) of area

6) Public Comments

7) Executive Session - (optional) to discuss POA issue in above items

8) Public Comments

9) Adjournment.

Meeting ID: 814 3645 2515

Passcode: 212233

PINE ORCHARD ASSOCIATION
MINUTES OF THE REGULAR MEETING OF THE EXECUTIVE BOARD
Monday, January 8, 2024, at 7:00 p.m.
180 Pine Orchard Avenue and via the Zoom Application

Agenda Item 1: Call to order. The meeting of the Pine Orchard Executive Board was called to order at 7:03 p.m. The following members were present: Vincent Giordano, John Grathwol, Karen Jubanyik, Matt Barez, Andy Ruff, Tom Roche, Peggy Haering, David Silverstone. Absent: Curtis O'Connor, David Scheer, Niall Ferguson, and Seth Hershman.

Agenda Item 2: Approval of Minutes. Upon motion and second, the board unanimously approved the minutes from the November 6, 2023, Executive Board Meeting.

Agenda Item 3: Officer and Committee Reports

By Laws –John Grathwol reported that the amendments to the bylaws were approved and posted on the Association's website.

Budget Report–John Grathwol presented the Association's budget report and reviewed the budget process. Tax revenues of approximately \$97,000 have been collected. Our anticipated rental income is \$5200 per year, with \$3600 collected to date. For shoreline maintenance, we budgeted \$51,750. Approximately 53% of the budgeted amount is remaining. Expenditures to date include the work on Island View Avenue and stabilization of beach access at Crescent Bluff Avenue. Building maintenance was budgeted at \$9000; however, a racoon got into the building and caused \$14610 in damage, of which \$8400 was covered by insurance. The remaining large items on the budget for the year are legal expenses and shoreline maintenance.

Tax Collection: John Grathwol reported that 99% of taxes have been fully collected. The slight variance between the budgeted amount and the final number is due to the fact that bills were based on assessments before application of exemptions.

Zoning - Matt Barez reported that there has been no activity in the Whibey matter. There has been no action on the appeal of the summary judgment decision in Beachcroft vs. McBurney. The Zoning Enforcement Officer (ZEO) sent out three notices for violation of the short term rental ordinance. The complaint affecting one of the properties has been resolved, and the remaining two property owners pursuing appeals. The POA received six zoning applications: two for generators, three for additions and one special permit application, which was approved on Dec. 11, 2023.

Building Maintenance. Andy Ruff provided a summary of the operating expenses for the POA headquarters building. The average annual operating cost for the premises is \$13,500, which works out to \$1125 per month. From that amount, we would subtract the \$5200 annual rent paid by the Town of Branford, leaving a balance of \$8300 for the year. Andy estimated that it would cost the Association \$250-300 per month to lease offsite storage of documents and files, The monthly cost of leasing office space for the office manager and ZEO would be approximately \$700. The cost of arranging space for meetings (for the Board and ZBA) has not been factored in. Vin Giordano observed that this investigation had been undertaken as part of an inquiry whether it made sense for the Association to

retain ownership of the headquarters building. Matt Barez observed that there did not appear to be any cost savings for getting rid of the headquarters building. Upon motion and second the board decided to curtail further consideration of this issue.

Waterfront - David Silverstone reported that the railing at the end of Island View Avenue has now been replaced. Vin Giordano reported that based upon the complaint of a neighbor the DEEP had sent a notice of violation about the temporary steps that that Association installed on the Crescent Bluff access point to make entry to the beach safer. The Association has asked DEEP for a meeting to address the complaint and to seek an extension of time until June 1st for removal of the steps.

Office Manager – Peter Robinson reported that he installed the television in the meeting room and will seek to repair the system for meetings.

Agenda Item 4--Old Business Crescent Bluff update previously covered by Matt Barez under zoning).

Agenda Item 5--New Business (1) Route 146 corridor management—the State has set aside funds to enhance Route 146 between Branford and Guilford. There have been two public hearings thus far. The POA will submit comments to the State Department of Transportation (DOT) and will share this with the Town of Branford. In addition, the Association emphasize other areas that require attention.

This will include a proposal for installation of sidewalks between:

1.) Intersection of Elizabeth St at Pine Orchard Rd to Blackstone Ave; 2.) Intersection of Elizabeth St. at Spring Rock Rd to Yowago Avenue; 3.) Intersection of Pine Orchard Rd. at Blackstone Avenue to Young's Park; and 4) Youngs Park to Stony Creek Road.

The sightline issues to be addressed include: 1.) Reconfigure existing triangular intersection of Totoket Rd, Damascus Rd. and Stony Creek Road to improve difficult sightline up Stony Creek Road.

2.) Reconfigure Triangular Intersection at Totoket Rd. and Blackstone Ave. to a single T Intersection.

3.) At the Intersection of Pleasant Point Road and Totoket Rd., initially install parabolic mirrors in both directions. Additionally, consider realignment and straightening of the two directional curves.4.) The Intersection of Griffing Pond Road to Totoket Road.

We will propose reconfiguration of Totoket Rd. And Blackstone Avenue intersections and making Spring Rock Road near the Triangle one-way to improve turning onto Pine Orchard Road. We will also recommend addressing drainage issues that result in flooding in Pine Orchard. These would include repairing a pipe where Totoket Road meets Pleasant Point Road, installing new catch basins where Fillsmere Rd. meets Griffing Pond Road and at the foot of Blackstone Avenue to prevent flooding. We will also propose installation of cross walks at Spring Rock Road to address speeding.

Jean Miles, 22 Blackstone Avenue says that there is serious ponding at her house during storms. It is unknown whether the pipe that was installed to direct water away from her property is clogged or broken.

Neil Goodlad, 8 Pine Wood Avenue, says that he is a commissioner of Branford's Engineering and Conservation Committee. He is available to work with the Association on environmental issues arising from the work proposed.

Maura Sullivan, 7 Pleasant Point Road said that she has experienced water bubbling up from her basement during storms. The catch basins that were installed near her property do not appear to be

connected and her yard is filled with stagnant water following heavy rains. She has two sump pumps, and it has become intolerable to deal with all the water. .

(2) Branford regulations applicable to Pine Orchard. Vin Giordano read into the record Branford regulations applicable to dog owners who let their dogs roam at large.

(3) Stephanie Farber asked the Board to consider placement of a little free library in the Triangle. Stephanie said that she was willing to put up money for the structure and that she and others can provide books for the library. Peggy Haering said that she had researched the idea and that kits or fully built structures were available for as little as \$500. Board member Tom Roche offered to cover the cost of a structure and donate his services to build and install it. Peggy Haering asked whether we needed to seek any approval from the Town of Branford, as it is the owner of the park. Susan Dahill, the RTM member for the 7th District, volunteered to approach the Town of Branford to see whether permission might be needed. Upon motion and second the Board voted unanimously to proceed with the project.

Agenda Item 6, Public Comments. Neil Goodlad asked about recent arrests of children/adolescents involved in car thefts. Vin Giordano said that we asked the Police Chief about car thefts in Pine Orchard. The Chief said that there had been only one such theft in Pino Orchard during the prior year.

Agenda Item 7—Executive Session, Optional) [None]

Agenda Item 8--Public Comments Barbara Sagesse, 1 Crescent Bluff Ave. asked a question about dogs on the beach.

Agenda Item 9)--Adjournment. Upon motion and second the meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Margaret Haering, Clerk

Upcoming Board meetings

- Monday, March 4th, 2024
- Monday, May 6th, 2024
- POA Annual Meeting, Monday July 8, 2024

Documents received: Pine Orchard Association Budget

Pine Orchard Association Budgets - FY22/23 and FY 23/24

as of 6/26/2023

	FY 22/23	FY 23/24	
	Budget 4/10/2023	Budget 6/26/2023	<< Approval date
RECEIPTS			
Tax Collections	\$ 77,348	\$ 97,509	<< Reflects Mil rate 5
Rent	\$ 5,200	\$ 5,200	
Building & Permit Fees	\$ 8,800	\$ 8,800	
Other (Interest, Moorings)	\$ 55	\$ 55	
Use of Capital Savings	\$ 60,500	\$ 16,486	<< Transfer not yet made
Total	\$ 151,903	\$ 128,050	
DISBURSEMENTS			
Security	\$ -	\$ -	
Shorefront Maintenance	\$ 60,000	\$ 51,750	<< June-2023 estimates.
Building Maint/Utilities	\$ 9,000	\$ 9,000	
Property Improvements	\$ -	\$ -	
Office/General	\$ 18,000	\$ 18,000	
Insurance	\$ 7,800	\$ 7,800	
Legal**	\$ 50,500	\$ 28,900	<< Attorney estimate.
Zoning	\$ 6,000	\$ 6,000	
PO Web	\$ -	\$ -	
Acctg Annual Review	\$ 5,600	\$ 5,600	
Beautification Committee	\$ 1,000	\$ 1,000	<<< Lawn mowing, etc. Cresct. Bluff
Sidewalks	\$ -	\$ -	
Total	\$ 157,900	\$ 128,050	
NET INCOME (LOSS)	\$ (5,997)	\$ -	

Account Balance as of 12/31/2023*	
BOA checking	\$84,623.58
BOA Savings	\$67,838.86
BOA total balance	\$152,462.44

* Transfer of \$16,486 from BOA saving, to BOA checking, remains to be made.
The transfer, once made, will reduce BOA savings to \$51,352.86

Pine Orchard Association Treasurer's Budget Report FY22-FY23
Current Approved Budget vs. Expenditure Activity YTD
as of 12/31/2023

	Approved Budget 26-Jun-23	Budget Activity YTD	\$ Remain. YTD	% Remain. YTD
RECEIPTS				
Tax Collections	\$ 97,509	\$ 96,222	\$ 1,287	1%
Rent	\$ 5,200	\$ 3,400	\$ 1,800	35%
Building & Permit Fees	\$ 8,800	\$ 2,803	\$ 5,997	68%
Other (Int., Moorings)	\$ 55	\$ 14	\$ 41	75%
Use of Capital Savings	\$ 16,486	\$ -	\$ 16,486	100%
Total	\$ 128,050	\$ 102,439	\$ 25,611	20%

DISBURSEMENTS

Security	\$ -	\$ -	\$ -	-	
Shorefront Maintenance	\$ 51,750	\$ 24,530	\$ 27,220	53%	<< On pause
Building Maint/Utilities	\$ 9,000	\$ 10,988	\$ (1,988)	-22%	<< Tot. racoon net costs \$6,239
Property Improvements	\$ -	\$ -	\$ -	-	
Office/General	\$ 18,000	\$ 11,954	\$ 6,046	34%	<< Other one-time costs \$2,339
Insurance	\$ 7,800	\$ 3,475	\$ 4,325	55%	
Legal**	\$ 28,900	\$ 6,549	\$ 22,351	77%	<< Attorney estimate.
Zoning	\$ 6,000	\$ 3,580	\$ 2,420	40%	(Incl. - 11/3/23 Inv.)
PO Web	\$ -	\$ -	\$ -	0%	
Acctg Annual Review	\$ 5,600	\$ 2,620	\$ 2,980	53%	
Beautification Com.	\$ 1,000	\$ 327	\$ 673	67%	
Sidewalks	\$ -	\$ -	\$ -	-	
Total	\$ 128,050	\$ 64,024	\$ 64,026	50%	

NET INCOME (LOSS) \$ - \$ 38,415

Account Balance as of 12/31/2023*	
BOA checking	\$84,623.58
BOA Savings	\$67,838.86
BOA total balance	\$152,462.44

* Transfer of \$16,486 from BOA saving, to BOA checking, remains to be made.
The transfer, once made, will reduce BOA savings to \$51,352.86



NOTICE OF NON-COMPLIANCE
#LIS-2023-4736-V

Sent Via Certified Mail

To: Vincent Giordano, President
Pine Orchard Association
180 Pine Orchard Road
Branford, CT 06405

Re: Notice of Non-Compliance #LIS-2023-4736-V

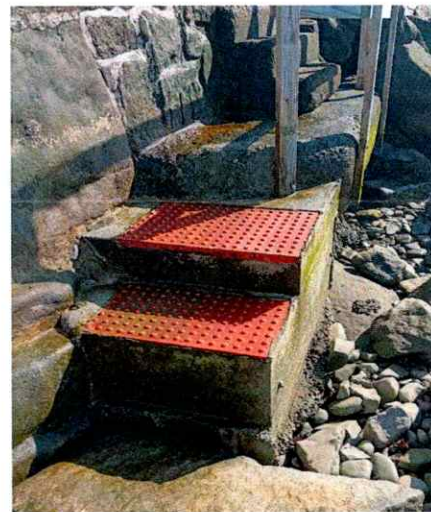
Site: Terminus of Crescent Bluff Ave, Branford, CT

Dear Mr. Giordano:

On October 3, 2023, the Department of Energy & Environmental Protection ("DEEP") Land and Water Resources Division ("LWRD") conducted a site inspection at the above-subject property in response to a complaint. Based upon that inspection, LWRD staff identified that a new set of concrete steps with a rubber surface, measuring approximately 2' high by 4.5' long by 2.5' deep, were installed at the western side of an existing concrete landing and stairway. DEEP License #202303146-COP (copy attached) was issued on July 10, 2023 to the Pine Orchard Association to relocate the aforementioned concrete landing and stairway to the east, but did not authorize the new concrete stairs to the west. The associated plans show the new concrete steps were constructed below the Coastal Jurisdiction Line elevation of 4.3' NAVD88 and with the apparent littoral area of 2 Crescent Bluff Avenue. Therefore, the new steps were constructed out of compliance with DEEP License #202303146-COP and without authorization as required by Connecticut General Statutes Section 22a-361.



*Existing site conditions as shown in permit application
202303146-COP*



*Unauthorized concrete steps with
rubber surface*



We are seeking your cooperation in bringing the site into compliance by performing the following actions:

- (1) Within thirty (30) days of issuance of this Notice, please remove by hand the unauthorized concrete steps and relocate all materials to a location landward of the CJL. Within fifteen (15) days of removal, submit photographic evidence to Katharine.Becker@ct.gov showing the concrete steps have been removed.
- (2) Within thirty (30) calendar days of issuance of this Notice, please sign and submit the enclosed Compliance Statement. Please send the Compliance Statement and supporting documentation by email to Katharine Becker at Katharine.Becker@ct.gov. Until DEEP has received such statement and documentation, the Department will presume the sites remains in violation.

In addition, you should be aware that any work in tidal wetlands or waterward of the state's coastal jurisdiction line in tidal, coastal or navigable waters of the State without proper authorization is a violation of state law and is subject to enforcement actions by the Department of Energy and Environmental Protection and the Office of the Attorney General.

Failure to take these actions may result in further enforcement action by the Department, including, but not limited to the suspension of DEEP License #202303146-COP pursuant to Regulations of Connecticut State Agencies Section 22a-3a-5 (d).

If you have any questions regarding this notice, **please contact Katharine Becker**, Environmental Analyst III of the Land and Water Resources Division at (860) 424-3763 or at Katharine.Becker@ct.gov.

Sincerely,

Jeffrey Caiola, Assistant Director
Land and Water Resources Division
Bureau of Water Protection and Land Reuse

Date of Issuance: 12/13/2023

Enclosures: Compliance Statement
Guidance to Recipients of Notices

cc: Kevin Kotelly, USACE Kevin.R.Kotelly@usace.army.mil
John Lust, johnblustjr@gmail.com
Emily Herz, DEEPLWRD, Emily.Herz@ct.gov



COMPLIANCE STATEMENT

This Compliance Statement shall be signed by: (I) You (if an individual-the individual signs); (if a corporation or partnership-by a responsible corporate officer/general partner or a duly authorized representative of such person, as those terms are defined in Section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies); or (if a municipality-chief elected official or principal executive officer) and (II) if different, by the individual responsible for actually preparing such statement, each of whom shall read and sign the certification regarding false statements on the Compliance Statement.

Within fifteen days of the date you become aware of a change in any information in the Compliance Statement, or that any information was inaccurate or misleading or that any relevant information was omitted, submit the correct or omitted information to the staff contact identified on the Notice of Violation.

Notice of Non-Compliance No. LIS-2023-4736-V
Land and Water Resources Division
79 Elm Street
Hartford, CT 06106-5127

In accordance with the directions in the above-referenced Notice of Non-Compliance, I certify that the noted violations have been corrected or will be corrected in the following manner:

Attach additional sheet(s) as needed
(Enclose supporting documentation demonstrating compliance)

Certificate of Accuracy

I certify that the information in this Compliance Statement and any attachments thereto are true, accurate and complete, and I understand that any false statement may be punishable as a criminal offense under Connecticut General Statutes Section 22a-6 and 53a-157.

Date

Signature: Vincent Giordano

Telephone

Address

Email

Date

Preparer's Signature, if different from above

Telephone

(Type name and Title)

Email

Address



ADVICE TO RECIPIENTS OF NOTICES OF NON-COMPLIANCE

Read the Notice of Non-Compliance: It tells you:

- ! what activity you have conducted or what condition on your property is causing or may result in damage to the environment;
- ! the environmental laws you are not complying with;
- ! in some cases, what action you need to take to address the environmental problem;
- ! how quickly DEEP expects you to take action; and
- ! who to contact if you have a question or problem.

Do Not Cause Additional Problems: Make sure that you do not engage in activity that might result in further environmental harm.

Follow the Deadlines: If you can't meet the deadlines provided in the Notice of Non-Compliance, call the contact person. Explain why you can't meet the deadline. Staff will explore with you the feasibility of alternate deadlines.

Cooperate with DEEP: Generally, DEEP's first attempt to resolve the types of violations alleged in this case is through the issuance of a Notice of Non-Compliance. If you disregard this notice, it will be assumed you do not wish to cooperate and you should expect that DEEP will take more formal enforcement action. This can include issuing a notice of violation, administrative order, and/or filing suit to obtain an injunction and penalties as provided by law. The most important thing to remember is to call DEEP if you have any questions.

Call if you don't Understand: A DEEP staff name and telephone number are given at the end of the Notice of Non-Compliance. Staff is there to try to answer your questions and work with you to resolve the environmental compliance issue. In some cases you may need to obtain the services of a professional consultant to plan and implement effective corrective measures. DEEP staff can discuss with you the kind of professional help you may need to address the alleged violation cited in the notice.

Should you want to contact the Supervising Analyst of the Land and Water Resources Division about this matter, please contact Brian Golembiewski at (860) 424-3867 or brian.golembiewski@ct.gov.

***The Notice of Non-Compliance does not necessarily specify all environmental violations which may exist at your property regulated by the Department. Nothing in the Notice relieves you of other obligations under applicable federal, state and local law.**



PINE ORCHARD ASSOCIATION
Branford, Connecticut

January 5, 2024

Connecticut
Department of Energy & Environmental Protection
79 Elm Street
Hartford, CT 06106

Attn: Jeffrey Caiola, Assistant Director
Land and Water Resource Division
Bureau of Water Protection and Land Resources

Re: Response to DEEP directive to remove steps

Dear Mr. Caiola,

We are in receipt of the DEEP Compliance Issuance dated December 13, 23023 to remove the POA temporary steps to the beach and Long Island Sound at the end of Crescent Bluff.

Please note the explanation below:

Crescent Bluff access to the beach and Long Island Sound has been in litigation for over 20 years. In December of 2021 a significant aspect of the final judgment was ratified by all the residents party to the agreements put forth. There was one notable exception in that the resident at 2 Crescent Bluff refused to be party to the agreement.

- The resident at 2 Crescent Bluff refused to become party to the agreement and he continued separate litigation with the resident at 1 Crescent Bluff. The Pine Orchard Association (POA) was drawn into this litigation due to his claim to encumber a portion of the Pine Orchard Association 11' access to the beach.
- One of the significant mandates to the judgment is that the POA as owner of the accessway including the stairs, repair and maintain the stairs as safe access to the beach at all times.
- The Association takes this mandate very seriously and retained consultant, John Lust, to design and permit new stairs to the beach. This was completed late last summer and for the following reasons, the installation has been deferred.
 - Our contractor was committed to the fall and could not commit to this project until this spring.
 - Litigation with the adjacent residents at 1 and 2 Crescent Bluff was still ongoing. We assumed this would have been concluded last year with the Motion for Summary Judgment (MSJ) determination but the resident at 2 Crescent Bluff filed for appeal.

- The rail and steps in question are intended as a temporary measure for safe access until the permanent permitted stair can be installed.
- There was a dangerous 30" step off to the eroded beach which caused a very unsafe situation.
- Since the execution of the Judgment, the POA now owns the stairs and is liable for any claim for injury resulting from the condition present. Our insurance company covers all of our access points and the POA is obligated to keep them repaired and safe.
- The actions then taken by the POA to ensure safe access until the new stair project were completed are as follows:
 - Temporary safe handrail access was provided by replacing the deteriorated rail with a temporary rail.
 - The dangerous 30" step off from the last step to the eroded beach was initially mitigated by providing a large boulder step offs to the beach. These measures were continually dislodged by the tidal action causing a more dangerous step off conditions.
 - The POA interpreted a quick temporary fix by encapsulating the stones with concrete to ensure more permanency to the step off access.
 - It was intended that these temporary measures could be undertaken to keep the access safe until replacement without jeopardizing our permit.

Please understand that these measures were intended as temporary but necessary for safety until the permanent stairs can get built. It is also important to note the following:

- The steps do not extend further than the existing step into LIS.
- Additionally, our permit allows for new construction within the same tidal reach as the temporary stairs.

Conclusion:

With the letter compliance directive from DEEP and with further consultation with John Lust, we understand that the temporary stairs should have been permitted separately.

- The POA requests a stay of the temporary steps or some reasonable alternative to them be approved for continued safe access. **The POA is requesting an extension of the deadline for compliance.**
- We would appreciate **administrative consideration** for any agreeable safe measures to assure safe access until new stairs are built.
- We believe that the DEEP is equally vested in safe access to LIS as well as proper permitting, so **we request a meeting on site** to best ascertain an agreeable method to provide safe access until the stairs are rebuilt.

Please let us know when representatives from DEEP can meet us on site. I am out of the office from January 20th and back on February 5th.

Sincerely,



Vinent S. Giordano, Jr.
President, Pine Orchard Association

CC: (by email) Karen Jubanyik, David Silverstone (Waterfront Committee), John Lust, Attorney, Peter Berdon, Katherine Becker, Kevin Kotelly, Emily Herz



Town of Branford – Town Clerk
Town Hall- 1019 Main Street- Branford, CT 06405
Phone (203) 315-0678

Dog Licensing Information

License Regulations

- All resident dog owners are required to license their dog(s).
- All dogs six months or over must be licensed and wear collar and tag at all times.
- A dog without a tag is presumed to be unlicensed and is not protected by law.
- A tag must not be used on any dog other than the dog described in the license bearing corresponding number
- You are liable for damage done by your dog, including damage to shrubs, flowers or trees.
- Owners of roaming dogs are liable to prosecution.
- When a spayed or neutered dog is licensed for the first time, a certificate from a licensed veterinarian must be presented.
- All dogs must be vaccinated against Rabies and owners submit a certificate to the Town Clerk when licensing their dog.
- Dog licenses expire on June 30th each year.

Licensing Fees

Neutered male, spayed female	\$8.00 (of which \$2.00 is sent to the State Animal Population Control Fund)
Male, Female	\$19.00 (of which \$6.00 is sent to the State Animal Population Control Fund)
Late Licensing Penalty	\$1.00 per month or fraction thereof
Transfer of ownership	\$1.00 for new license/tag if already licensed
Lost Tag	.50¢
Change of residence	.50¢ for new license/tag
Kennel license	\$50.00 plus .10¢ per tag for 10 tags \$100.00 plus .10¢ per tag for more than 10 tags
Guide Dog	FREE



Article I Dogs

§ 118-1 Licensing of dogs six months or older by new owners; fees.

§ 118-1.1 **Dogs roaming at large restricted.**

No owner or keeper of any dog shall allow such dog to roam at large upon the land of another and not under control of the owner or keeper or the agent of the owner or keeper, nor allow such dog to roam at large on any portion of any public highway and not attended or under control of such owner or keeper or his agent, provided nothing in this section shall be construed to limit or prohibit the use of hunting dogs during the open hunting or training season. The unauthorized presence of any dog on the land of any person other than the owner or keeper of such dog or on any portion of a public highway when such dog is not attended by or under the control of such owner or keeper shall be prima facie evidence of a violation of the provisions of this section. Violation of any provision of this section shall be an infraction.

§ 189-5. Noise levels; exceptions.

A. It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his/her premises in excess of the noise levels established in these regulations.

B. Noise level standards.

(1) No person in a residential zone shall emit noise beyond the boundaries of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial and industrial zones:

Emitter's Zone	Receptor's Zone			
	Industrial	Commercial	Residential/Day	Residential/Night
Residential	62 dBA	55 dBA	55 dBA	45 dBA

(2) No person in a commercial zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones:

Emitter's Zone	Receptor's Zone			
	Industrial	Commercial	Residential/Day	Residential/Night
Commercial	62 dBA	62 dBA	55 dBA	45 dBA

(3) No person in an industrial zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones:

Emitter's Zone	Receptor's Zone			
	Industrial	Commercial	Residential/Day	Residential/Night
Industrial	70 dBA	66 dBA	61 dBA	51 dBA

C. High background noise levels and impulse noise.

(1) In those individual cases where the background noise levels caused by sources not subject to these regulations exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by five dBA, provided that no source subject to the provisions of this chapter shall emit noise in excess of 80 dBA at any time and provided that this section does not decrease the permissible levels of other sections of this chapter.

- (2) No person shall cause or allow the emission of impulse noise in excess of 80 dB peak sound pressure level during the nighttime to any residential noise zone.
 - (3) No person shall cause or allow the emission of impulse noise in excess of 100 dB peak sound pressure level at any time to any zone.
- D. Exclusions. These levels shall not apply to noise emitted by or related to:
- (1) Natural phenomena.
 - (2) Any bell or chime from any building clock, school or church.
 - (3) Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation; provided, however, that burglar alarms not terminating within 30 minutes after being activated shall be unlawful.
 - (4) Warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.
 - (5) Farming equipment or farming activity.
- E. Exemptions. The following shall be exempt from these regulations subject to special conditions as spelled out:
- (1) Noise generated by any construction equipment which is operated during daytime hours, provided that the operation of construction equipment during nighttime hours shall not exceed the maximum noise levels as specified in § 189-5B.
 - (2) Noise created as a result of or relating to an emergency.
 - (3) Noise from domestic power equipment such as but not limited to power saws, sanders, grinders, lawn and garden tools or similar devices operated during daytime hours.
 - (4) Noise from snow removal equipment.
 - (5) Noise from demolition work conducted during daytime hours, provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this regulation.
 - (6) Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration.

- (7) Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the Town, including but not limited to parades, sporting events, concerts and firework displays.
- (8) Noise created by blasting other than that conducted in connection with construction activities shall be exempted, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time at specified hours previously announced to the local public or provided that a permit for such blasting obtained from local authorities.
- (9) Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours.



POA Executive Board,

Below is a summary of a response intended to be sent by the Association to the Rt. 146 Corridor Management Commission. To date they have had two public meetings and based on feedback from the various stakeholders along the 146 Corridor, they will be formulating responses as well as plans for some levels of implementation. Implementation was described as the “low hanging fruit” which could be acted on rather quickly and then the more extensively identified work that would be subject to a more rigorous process in preparation for some level of implementation.

These items will be on the agenda for the January 8th Executive Board Meeting. Board approval will be sought to forward them on to the Rt 146 Commission as well as the Town and State Representatives.

Rt 146 Corridor Management Plan

Pine Orchard Association items related to public safety concerns.

Proposed Sidewalks:

1. From the Intersection of Elizabeth St at Pine Orchard Rd to Blackstone Ave.
2. Pine Orchard Rd at Blackstone Avenue to Young’s Park.
3. Intersection of Elizabeth St at Spring Rock Rd to Yowago Avenue.

Site Lines:

1. Reconfigure existing triangular intersection of Totoket Rd, Damascus Rd and Stony Creek Rd to improve sight lines for safety.
2. Reconfigure Triangular Intersection at Totoket Rd and Blackstone Ave to a Tee Intersection.
3. At the Intersection of Totoket Rd and Pleasant Point Road. Initially, Install parabolic mirrors in both directions. Additionally, consider realignment and straightening of the two directional curves.
4. At the intersection of the Spring Rock Road segment and Pine Orchard Road. When traveling north on this Spring Rock Road segment to the intersection of Pine Orchard Rd., the site line looking to the east is extremely awkward. That coupled with occasional simultaneous speeding vehicles heading south on Pine Orchard Road, makes this intersection hazardous.

The recommendation for correction is threefold:

First, the section of Spring Rock Road from Rt 146 (Elizabeth Street) to Pine Orchard Road should become one way heading south.

Second, cars heading east on Elizabeth Street, wanting to go north on Pine Orchard Rd., would go to the intersection of Elizabeth Street and Pine Orchard Rd. and then turn north.

Thirdly, this intersection, at Elizabeth Street and Pine Orchard Road should be modified in order to enable a smoother and safer transition turning north onto Pine Orchard Rd. when traveling east on Elizabeth Street.

Correct Drainage Issues:

1. Connect storm drain dry wells on Totoket just north of the intersection with Pleasant Point Road to watercourse under Totoket south of Pleasant Point Road (at low point). See Don Ballou report.
2. Install catch basins on the corner of Fellsmere Rd. and Griffin Pond Roads to intercept water from Stony Creek Road. These drains can be directed to the existing outlets to the Griffin Pond watershed.

3. Under the Amtrak bridge, maintain outlet of double catch basin to alleviate flooding. This drainage system outlets to the Youngs Pond watershed.

4. Install a catch basin on the southwest corner of Blackstone Avenue and Elizabeth Street. This new catch basin can outlet directly across Rt. 146 to the existing structure on the northwest corner of Blackstone Avenue and Elizabeth Street. This installation would intercept water flowing from Elizabeth St. south on Blackstone Avenue which currently exacerbates flooding at the south end of Blackstone.

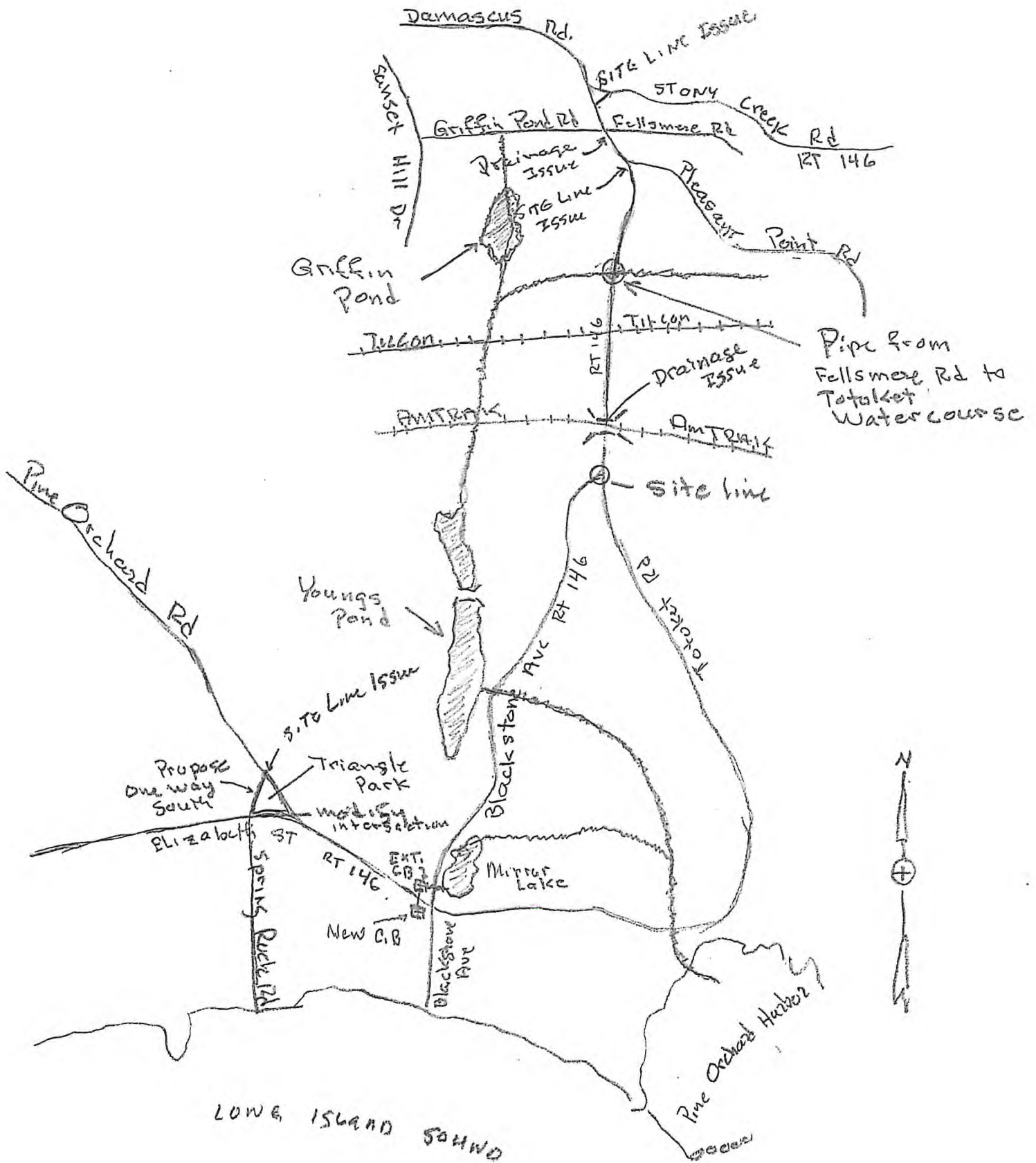
Signage and Speed Table:

1. Create a Speed Table with the existing crosswalk at the intersection of Spring Rock Road and on Elizabeth St.

2. Create a Speed Table with the existing crosswalk approximately 100 feet east of the intersection of Pine Orchard Road and Elizabeth Street.

Walking and Bike Paths: In addition to the identification of proposed sidewalks, the Pine Orchard Association supports walking and biking paths wherever appropriate.

Thanks, The POA Committee



Crescent Bluff 1/8/2024



Crescent Bluff 1/8/2024



Island View 1/8/2024

