



PINE ORCHARD ASSOCIATION  
Branford, Connecticut

**PINE ORCHARD ASSOCIATION  
EXECUTIVE BOARD MEETING NOTICE  
AND AGENDA  
MONDAY, January 9th, 2023 via Zoom**

At the call of the President, The Pine Orchard Executive Board will hold its' January board meeting via Zoom on Monday Jan.9th 2023 at 7PM. All are welcomed to attend.

**1) Call to order**

**2) Approve minutes** from Nov. 7th, 2022 Executive Board Meeting

**3) Officers and Committee Reports**

- **By Laws** – David Scheer
- **Treasurer** – John Grathwol
- **Zoning** - Matt Barez
- **Waterfront** – David Silverstone
- **Others** -

**4) Old Business** - Follow-up Report on Crescent Bluff.

**5) New Business** -

**6) Public Comments**

**7) Move to Executive Session** pertaining to Crescent Bluff and/or New Business as appropriate.

**8) Public Comments**

**9) Adjournment.**

**Public Comment Rules:**

1. Individual public comments are limited to 3 minutes.
2. Individuals shall identify themselves by name and address.
3. The public portion of the meeting shall be limited to 15 minutes in total.
4. Proper and respectful conduct is expected from any speaker during the public comment section of the meeting. Those not adhering to such guidelines will be given a warning, and absent restoration of orderly questions and/or comments the speaker's privilege to participate in the

public comment via this meeting site will be terminated.

## **Zoom meeting info**

Meeting ID: 861 1192 7434

Passcode: 612843

[Click Here to Join meeting](#)

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Vincent Giordano  
President, POA Executive Board

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**MINUTES OF THE MEETING OF THE EXECUTIVE BOARD OF THE PINE  
ORCHARD ASSOCIATION  
MONDAY, JANUARY 9, 2023, AT 7:00 PM  
Conducted via Zoom application**

**1) Call to order.** The meeting was called to order by Vin Giordano at 7:00 p.m. Board members present: Vin Giordano, John Grathwol, Peggy Haering, Bruce Calderone, Peggy Taylor, Mark Law, Niall Ferguson, David Scheer, Matt Barez, and Curtis O'Connor

Absent: Seth Herschman, David Silverstone

**2) Approval of minutes.** Upon motion and second the minutes of the Executive Board meeting on Nov. 7, 2022, were approved.

**3) Officers and Committee Reports**

- **Office Manager.** Robinson reported that all taxes were collected with the exception of amounts owed for one property at 34 Thimble Farms Road. The Association now has emails for 77% of its members. He had the internet connection for the headquarters upgraded and arranged for maintenance of the generator to be done. The Town has taken over the maintenance of the plantings made by the Association at Triangle Park and is paying for watering the plants.
- **By Laws –** David Scheer reported that the current members of the committee are himself, John Grathwol, Peggy Haering and Bob Buckholz. A report will be prepared for the board by the Committee. He thinks it is unlikely that the committee will recommend proceeding with charter revision. However, he hopes that the committee's report will point out weaknesses or inconsistencies in the Charter and Bylaws and provide insights for the community.
- **Treasurer –** John Grathwol stated that the Association has \$222,783.79 in funds on hand. Expenditures for shoreline maintenance are just under the \$30,000 budget. We have unpaid legal bills of approximately \$28,000 and will face another \$6000 to \$10,000 in future expenses through the end of the fiscal year. He wants to adjust the budget for legal expenses and take some funds from savings to those bills. David Scheer recommended increasing the legal expense budget to \$50,500 for the year. Niall felt that it was important to show that the legal budget was adjusted by \$30,000. Upon motion and second, the board voted to increase the legal budget to \$50,500 for the year and to use savings to pay that amount.
- **Zoning -** Matt Barez had nothing to report. It was suggested that the Zoning Enforcement Officer be asked to review outdoor lighting at a recently renovated house overlooking the Golf Club.
- **Waterfront –** David Silverstone was not present. Vin Girodano reported that repairs at the end of Island View Avenue are progressing slowly due to

temperature. For Crescent Bluff Avenue the Association got an estimate of \$3800 for obtaining a DEEP permit for stairway repairs. Vin also got two estimates for replacing the railing: \$7500 for galvanized metal and \$10,000 for stainless steel.

- The Association paid \$1500 for tree removal in the pathway at Crescent Bluff and will incur another \$4400 in expenses for delineating the path. John Grathwol asked if any further work was planned. Vin said that the access point at Waterside Avenue seems okay. Peggy Haering reported that the top wooden step at Chapel Avenue needs to be replaced.
- **Others** – Peg Taylor wants to add 2 bushes at either side of the water source in the Triangle.

**4) Old Business** - Follow-up Report on Crescent Bluff. Vin reported that the POA finalized documents for the settlement. They were recorded on December 15<sup>th</sup>. This should conclude the Wheeler litigation. The POA is also a party in the case of Beechcroft v. McBurney. McBurney has made a claim for adverse possession of part of path conveyed to the POA by Beechcroft; he also claims an implied easement over the whole of the Lawn owned by Beechcroft. Due to the conveyance of the path to the POA by Beechcroft, the Association is now aligned with Beechcroft's position in the litigation. The judge is due to rule on a motion for summary judgment in the McBurney matter on January 19, 2023. The Association attempted to reach a settlement of the adverse possession with McBurney, but was unable to do so.

**5) New Business – None.**

**6) Public Comments—None.**

**7) Public Comments—None.**

**9) Adjournment** Upon motion and second, the Board voted to adjourn the meeting at 7:55 p.m.

Respectfully submitted,

Margaret Haering, Clerk

Documents received: POA Budget

## Office Manager Report for Nov/Dec. 2022

1) **POA Tax Collection:** One outstanding bill for 34 Thimble Farms Road (empty lot) in the amount of \$90. I have sent a Demand letter to the agent listed on the Town TAX database (trust account). If I do not receive payment by Feb. 1<sup>st</sup> 2023 I will file a lean on the property.

2) **Zoning: Defer to Matt Barez**

3) **POA Office:**

**Outreach:**

- a. We have a 77% coverage via email for all POA residences (499 emails).
- b. I continue to get back to 90% of the POA inquiries within 24 hours.
- c. Sent out 1 welcome letter this period

**Building:**

- a. I upgraded the Frontier internet access from DSL to fiber/cable at a savings of \$6/month. Frontier will discontinue DSL in 2023.
- b. Maintenance for generator – DONE
- c. Set mouse traps in garage – ten down and sprayed for crickets.

**Community:**

No new action

**Pine Orchard Association Treasurer's Budget Report FY22-FY23**  
**as of 12/31/2022**

	Approved Budget 1-Jul-22	Budget Activity YTD	Budget Remaining YTD	% of Budget Used YTD
<b>RECEIPTS</b>				
Tax Collections	\$ 77,348	\$ 76,843	\$ 505	99%
Rent	\$ 5,200	\$ 4,000	\$ 1,200	77%
Building & Permit Fees	\$ 8,800	\$ 3,250	\$ 5,550	37%
Other (Interest, Moorings)	\$ 55	\$ 378	\$ (323)	688%
Use of Capital Savings	\$ -	\$ -	\$ -	-
<b>Total</b>	<b>\$ 91,403</b>	<b>\$ 84,471</b>	<b>\$ 6,932</b>	<b>92%</b>
<b>DISBURSEMENTS</b>				
Security	\$ -	\$ -	\$ -	-
Shorefront Maintenance*	\$ 30,000	\$ 7,815	\$ 22,185	26%
Building Maint/Utilities	\$ 9,000	\$ 3,777	\$ 5,223	42%
Property Improvements	\$ -	\$ -	\$ -	-
Office/General	\$ 18,000	\$ 8,774	\$ 9,226	49%
Insurance	\$ 7,800	\$ 3,309	\$ 4,491	42%
Legal**	\$ 20,000	\$ 3,591	\$ 16,409	18%
Zoning	\$ 6,000	\$ 2,250	\$ 3,750	38%
PO Web	\$ -	\$ -	\$ -	0%
Acctg Annual Review	\$ 5,600	\$ 4,064	\$ 1,536	73%
Beautification Committee	\$ 1,000	\$ -	\$ 1,000	0%
Sidewalks	\$ -	\$ -	\$ -	-
<b>Total</b>	<b>\$ 97,400</b>	<b>\$ 33,580</b>		<b>34%</b>
<b>NET INCOME (LOSS)</b>	<b>\$ (5,997)</b>	<b>\$ 50,891</b>		

Account Balance as of 10/31/22	
BOA checking	<b>\$94,477.02</b>
BOA Savings	<b>\$128,306.77</b>
<b>BOA total balance</b>	<b>\$222,783.79</b>

- 1.) **Shoreline maintenance:** No change in allocation, but page 2 shows expected expenses which have not all been fully incurred.
- 2.) **Office/General** an increase of \$2,100 reflecting the increase in the Office Managers salary from \$250/week to \$300/week.
- 3.) **Legal Fees;** An increase in legal fees above what was budgeted of \$28,000, reflecting Crescent Bluff related legal expenditures in excess of the budget amount through the end of December plus a forecast of legal fees through the end of the year.
- 4.) **Final Point:** Page 2 includes a sub-total line showing total expenses less Legal and Shoreline Maintenance. This demonstrates that the sums of all the other categories, at this point in the year, are more-or-less on budget across all these categories.

**Pine Orchard Association Treasurer's Budget Report FY22-FY23**  
**as of 12/31/2022**

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Beautification Committee	\$ 1,000	\$ -	\$ 1,000	0%
Sidewalks	\$ -	\$ -	\$ -	-
<b>Total</b>	<b>\$ 97,400</b>	<b>\$ 33,580</b>	<b>\$ -</b>	<b>34%</b>
<b>NET INCOME (LOSS)</b>	<b>\$ (5,997)</b>	<b>\$ 50,891</b>		

Account Balance as of 10/31/22	
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PINE ORCHARD ASSOCIATION  
Branford, Connecticut

**PINE ORCHARD ASSOCIATION  
EXECUTIVE BOARD MEETING NOTICE  
AND AGENDA  
TUESDAY, March 14th, 2023 via Zoom**

At the call of the President, The Pine Orchard Executive Board will hold its' March board meeting via Zoom on Tuesday March Nov. 14th 2023 at 7PM. All are welcomed to attend.

- 1) **Call to order** - Mark Law presiding
- 2) **Approve minutes from Jan 9th, 2023 Executive Board Meeting**
- 3) **Officers and Committee Reports**
  - **By Laws** – David Scheer
  - **Treasurer** – John Grathwol
  - **Nominating Committee** - Mark Law
  - **Office Manager** - Peter Robinson
  - **Others** -
- 4) **Old Business** - Update on Crescent Bluff
- 5) **New Business** - Discussion of establishing a POA Kayak storage point at the end of Island View Ave.
- 6) **Public Comments**
- 7) **Executive Session** - (optional) to discuss POA Kayak issue as noted in item #5
- 8) **Public Comments**
- 9) **Adjournment.**

**Public Comment Rules:**

1. Individual public comments are limited to 3 minutes.
2. Individuals shall identify themselves by name and address.
3. The public portion of the meeting shall be limited to 15 minutes in total.
4. Proper and respectful conduct is expected from any speaker during the public comment section of the meeting. Those not adhering to such guidelines will be given a warning, and absent restoration of orderly questions and/or comments the speaker's privilege to participate in the public comment via this meeting site will be terminated.

**Zoom meeting info**

Meeting ID: 842 6708 9006

Passcode: 812263

[Click Here to Join meeting](#)

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Mark Law  
POA Executive Board

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**MINUTES OF THE MEETING OF THE EXECUTIVE BOARD OF THE PINE  
ORCHARD ASSOCIATION  
TUESDAY, MARCH 14, AT 7:00 PM  
Conducted via Zoom application.**

**1) Call to order.** The meeting was called to order by Vice President Mark Law at 7:01 p.m. Board members present: Mark Law John Grathwol, Peggy Haering, Niall Ferguson, David Scheer, Matt Barez, Seth Herschman, and David Silverstone  
Absent: Vin Giordano, Peg Taylor, Curtis O'Connor, and Bruce Calderone

**2) Approval of minutes.** Upon motion and second the minutes of the Executive Board meeting on January 9, 2023, were approved.

**3) Committee Reports**

- **By Laws** – David Scheer reported that the current members of the committee are himself, John Grathwol, Peggy Haering and Bob Buckholz. The committee has prepared a report and received advice from Peter Berdon. We are not quite ready to submit our report to the Board.
- **Treasurer** – John Grathwol presented the Treasurer's report as of 2/28/2023. He reviewed expenditures for legal expenses related to the Crescent Bluff litigation, which included a recent bill for \$36,804. Remaining costs for the year for shorefront maintenance and legal expenses are presently unknown. However, there are sufficient funds in the Association's checking and savings accounts. Niall Ferguson asked whether John will prepare a draft budget for next year in anticipation of the annual meeting. John responded that it was his plan to do so.
- **Nominating**—Seth Herschman indicated that four members of the Board are finishing their first term and he will encourage community participation in the nominating process. Matt Barez asked whether there were any terminations on the ZBA and questioned the process for their nomination and membership. Mark Law said that he would raise the issue with Vin Giordano. Matt said that he thought that 2 terms were expiring and 2 terms on the ZBA were over.
- **Office Manager's Report**—Peter Robinson could not be present. His written report indicates that all property taxes have been collected. We now have email addresses for 76% of the population. The Association's website was hacked; we acquired new software to address the issue.
- **Zoning** - Matt Barez reported that there were 4 applications for generators. The ZBA recently approved a variance to install a permanent generator in the setback. It was asked what the setback requirements for generators. Laura Magarucci, our zoning enforcement officer, said that the Branford building code has constraints on placement of generators. They must be 2 feet from a window and source of ignition. Under Branford's building code anything that requires a permit must have zoning approval. Mark Law said that there was a concern about the noise levels for generators if placed within setbacks.

**4) Old Business** - Follow-up Report on Crescent Bluff. Mark reported that there is ongoing work to ensure the safety of the stairs on Crescent Bluff and that the Association has applied for DEEP approval to carry out work on the stairs. McBurney has appealed the judgment of the Court in the Beachcroft v. McBurney litigation. The POA is also a party in that case and concluding the appeal could be a long process.

**5) New Business** – The office manager has been researching whether the Association can install racks for kayak storage at the beach access point at the end of Island View Avenue now that we have ceased offering moorings. Peggy Haering is opposed to installing kayak racks there. The site frequently floods, and water completely covers the sand several times per year. She feels it would not be a safe place to store kayaks. Matt Barez suggested that perhaps we could store kayaks at the end of the street. David Silverstone wondered about the safety of storing kayaks on the street and whether the town would allow the association to make use of the street for that purpose. Mark Law said that more research is required.

**6) Public Comments on Kayak Proposal**—Linda Sachs of 57 Island View Avenue said that she is opposed to the installation of a kayak racks on the beach access point. She lives at the end of the street and it has flooded about 20 times in the 5 years. The problem is getting worse. Also, it is a tight road, and she cannot imagine how cars could be accommodated. Karen Jubanyik (47 Griffing Pond Rd.) offered the opinion that boats are intended to get wet and she cannot imagine how water could harm them.

**7) Public Comments—None.**

**8) Adjournment** Upon motion and second, the Board voted to adjourn the meeting at 7:49 p.m.

Respectfully submitted,

Margaret Haering, Clerk

Documents received: POA Treasurer's Report

**Pine Orchard Association Treasurer's Budget Report FY22-FY23**  
as of 12/31/2022

	Approved Budget 1-Jul-22	Budget Activity YTD	Budget Remaining YTD
<b>RECEIPTS</b>			
Tax Collections	\$ 77,348	\$ 76,843	\$ 505
Rent	\$ 5,200	\$ 4,000	\$ 1,200
Building & Permit Fees	\$ 8,800	\$ 3,250	\$ 5,550
Other (Interest, Moorings)	\$ 55	\$ 378	\$ (323)
Use of Capital Savings	\$ -	\$ -	\$ -
<b>Total</b>	<b>\$ 91,403</b>	<b>\$ 84,471</b>	<b>\$ 6,932</b>
<b>DISBURSEMENTS</b>			
Security	\$ -	\$ -	\$ -
Shorefront Maintenance	\$ 30,000	\$ 7,815	\$ 22,185
Building Maint/Utilities	\$ 9,000	\$ 3,777	\$ 5,223
Property Improvements	\$ -	\$ -	\$ -
Office/General	\$ 18,000	\$ 8,774	\$ 9,226
Insurance	\$ 7,800	\$ 3,309	\$ 4,491
Legal**	\$ 20,000	\$ 3,591	\$ 16,409
Zoning	\$ 6,000	\$ 2,250	\$ 3,750
PO Web	\$ -	\$ -	\$ -
Acctg Annual Review	\$ 5,600	\$ 4,064	\$ 1,536
Beautification Committee	\$ 1,000	\$ -	\$ 1,000
Sidewalks	\$ -	\$ -	\$ -
<b>Total</b>	<b>\$ 97,400</b>	<b>\$ 33,580</b>	<b>\$ 63,820</b>
<b>NET INCOME (LOSS)</b>	<b>\$ (5,997)</b>	<b>\$ 50,891</b>	

Account Balance as of 12/31/22	
BOA checking	<b>\$94,477.02</b>
BOA Savings	<b>\$128,306.77</b>
<b>BOA total balance</b>	<b>\$222,783.79</b>

**Y23**

% of Budget Used YTD
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99%

77%

37%

688%

-

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92%

-

26%

42%

-

49%

42%

18%

38%

0%

73%

0%

-

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34%

## Pine Orchard Association Treasurer's Budget Report FY22-FY23

as of 2/28/2023

	Approved Budget 9-Jan-23	Budget Activity YTD	Budget Remaining YTD	% of Budget Used YTD
<b>RECEIPTS</b>				
Tax Collections	\$ 77,348	\$ 76,851	\$ 497	99%
Rent	\$ 5,200	\$ 4,000	\$ 1,200	77%
Building & Permit Fees	\$ 8,800	\$ 5,011	\$ 3,789	57%
Other (Interest, Moorings)	\$ 55	\$ 387	\$ (332)	704%
Use of Capital Savings	\$ 30,500	\$ 30,500	\$ -	-
<b>Total</b>	<b>\$ 121,903</b>	<b>\$ 116,749</b>	<b>\$ 5,154</b>	<b>96%</b>
<b>DISBURSEMENTS</b>				
Security	\$ -	\$ -	\$ -	-
Shorefront Maintenance	\$ 30,000	\$ 11,315	\$ 18,685	38%
Building Maint/Utilities	\$ 9,000	\$ 3,891	\$ 5,109	43%
Property Improvements	\$ -	\$ -	\$ -	-
Office/General	\$ 18,000	\$ 11,204	\$ 6,796	62%
Insurance	\$ 7,800	\$ 3,309	\$ 4,491	42%
Legal**	\$ 50,500	\$ 40,395	\$ 10,105	80%
Zoning	\$ 6,000	\$ 2,250	\$ 3,750	38%
PO Web	\$ -	\$ -	\$ -	0%
Acctg Annual Review	\$ 5,600	\$ 4,064	\$ 1,536	73%
Beautification Committee	\$ 1,000	\$ -	\$ 1,000	0%
Sidewalks	\$ -	\$ -	\$ -	-
<b>Total</b>	<b>\$ 127,900</b>	<b>\$ 76,428</b>	<b>\$ 51,472</b>	<b>60%</b>
<b>NET INCOME (LOSS)</b>	<b>\$ (5,997)</b>	<b>\$ 40,320</b>		

Account Balance as of 02/28/2023	
BOA checking	<b>\$82,833.75</b>
BOA Savings	<b>\$97,814.06</b>
<b>BOA total balance</b>	<b>\$180,647.81</b>

## Pine Orchard Association Treasurer's Budget Report FY22-FY23

as of 2/28/2023

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Account Balance as of 02/28/2023	
BOA checking	<b>\$82,833.75</b>
BOA Savings	<b>\$97,814.06</b>
<b>BOA total balance</b>	<b>\$180,647.81</b>

## Office Manager Report for Jan/Feb. 2023

1) **POA Tax Collection:** All POA property taxes have been collected.

2) **Zoning:** Defer to Matt Barez

3) **Executed a ZBA ruling for 5 Blackstone Ave.**

4) **POA Office:**

### **Outreach:**

- a. Did a state filing of 5003E UNITED STATES BANKRUPTCY COURT Notification
- b. We have 76% coverage via email for all POA residences (496 emails).
- c. I continue to get back to 90% of the POA inquiries within 24 hours.
- d. Sent out 2 welcome letters this period.

### **Building:**

- a. Our POA website got hacked. I had to upgrade WordPress to the latest version, remove two offending applications and install SiteLock™ to prevent future attacks at a cost of \$300/yr.
- b. Have Scheduled Spring Clean-up with lawn care company for late March.
- c. Replaced external lights.

### **Community:**

Did a background study on installing to Kayaks racks at the end of Island View Ave.

1. Inform the POA Board via email that there is an expressed need for Kayak storage for residence within Pine Orchard. Historically, the POA has provided small boat moorings. However, the polls and pullies are no longer safe to use, and sand has washed into the mooring area making the area too shallow to use. Ask the board if there are any objections to looking into installing a kayak rack at the end of Island View on POA property.
2. Conduct an outreach to the three homes adjacent to the proposed area for kayak storage (seawall at the end of Island View Ave.) Make sure we have no reasonable objections to placing the two proposed storage units along the seawall.
  - a. 61 Island View – Michael & Joyce Schiavone
  - b. 57 Island View – Howard & Linda Sachs
  - c. 50 Island View – Nick and Emily Fisser
3. Solicit the Greater POA to see how many residents are interested in storing their Kayaks and only Kayaks at the proposed locations with the following restrictions.
  - a. No parking of vehicles along Island View.
  - b. Parking bicycles is permitted.
  - c. The POA assumes no liability for theft or damage of units stored on the proposed rack.
  - d. The annual fee for storage is \$50/season (Saturday May 27<sup>th</sup> Memorial Day weekend to Sunday Oct 9<sup>th</sup> (Columbus Day weekend).
  - e. You must own property in Pine Orchard to be considered.
  - f. If selected, the renter must sign an agreement indemnifying the POA for all liability, loss or damage of property stored on the proposed rack.
  - g. If there are more POA residence requesting space then what is available, we will have a lottery.
4. The recks will only be up during the stated timeframe (3d) and will be stored at the POA office during the off season. The office manager will ensure the process is carried out.

If the above procedure yields a positive result, the issue will be presented and voted on during the March Executive Board Meeting. The cost for two units (4-Kayaks per unit @ \$500 each) is ~\$1000.







Proposed Kayak locations

**MINUTES OF A SPECIAL MEETING OF  
THE EXECUTIVE BOARD OF THE PINE ORCHARD ASSOCIATION  
MONDAY, APRIL 10, 2023, AT 7:00 PM  
Conducted via Zoom application.**

- 1) **Call to order.** The meeting was called to order by President Vincent Giordano at 7:02 p.m.
- 2) **Roll Call Board** members present: Vincent Giordano, Mark Law John Grathwol, Peggy Haering, Niall Ferguson, David Scheer, Matt Barez, Bruce Calderone, Peg Taylor, and David Silverstone  
**Absent:** Curtis O'Connor, and Seth Hershman.
- 3) **Kayak Storage.** Vin Girodano asked Mark Law to summarize the discussion of the prior meeting's review of a request to store kayaks at the end of Island View Avenue. Mark said that due to traffic concerns and considerations about flooding, there was no real momentum to proceed with that plan. Vin said that he had received a letter from Feldman, Perlstein & Greene to the effect that its clients, who live adjacent to the beach access point, strongly oppose the storage of kayaks on Island View Avenue and fear that it would create a nuisance. Vin read his response to the attorney's letter. Vin said that the best place for accessing the water with a kayak was town-owned property near the Pine Orchard Club; however, there is no obvious place for storage of kayaks there.
- 4) **Discussion of need for seawall repair at Island View beach access point.**  
Vin reported that the seawall at the end of Island View Avenue has been deteriorating for years. Josh Brooks, who has been conducting repairs says that one portion of the seawall is beyond repair. Vin has received estimates for carrying out the work needed. The proposal is to install rebar and to encapsulate the portion of the seawall that has failed. The estimate for the work is \$28,000. The proposed contractor is Gary Lyon, who is available to do the work now. No DEEP approval required as long as we stay within the confines of the existing wall. Bruce Calderone commented that the price seems good, but he wanted to know about the longevity of the repair. Josh Brooks said that the repair would outlive him. Vin thinks the proposal is solid. John Grathwol said that the shoreline maintenance budget about \$14,000 remaining. He said that the addition to the budget for legal fees required the expenditure of about f \$30,000 from the Association's savings. Niall Ferguson stated that the seawall repair not an anticipated expense and that the Association needs savings for this very purpose. Vin believes the contractor will stand up to his work. Encapsulation is a new process, and this seems like a workable solution.  
Mark Law (seconded by David Silverstone) made a motion to spend up to \$30,000 to authorize this repair. The motion carried unanimously.
- 5) **Short Term Rentals.** Peter Berdon, the Association's counsel, recited the history of the litigation involving Francis Wihbey's property at 3 Crescent Bluff Avenue. He has been using the property as a short term rental, which has generated

numerous complaints. The Zoning Enforcement Officer issued a cease and desist order, which Wihbey appealed to the ZBA, claiming that he had a valid non-conforming use. The ZBA ruled against him, and Wihbey appealed to the Superior Court. That court found for Wihbey, and the Association and intervenors, Michal Hopkins and Jacqueline Wolff, who live next to the Wihbey property, appealed. The Appellate Court recently upheld the trial court's decision that the use of the property for short term rental did not violate the POA's 1994 zoning ordinance but ruled that Wihbey must return to the ZBA to prove that he rented only to single families. Michael Hopkins and Jacqueline Wolff will appeal this ruling and the issue is whether the POA will join in the appeal.

6. **Public Comment.** Neil Goodlad of 8 Pine Wood Road wanted to know what chemicals would be used on the encapsulation. He is a marine biologist and wanted to ensure that there will be no impact on flora/fauna. He also asked whether the Association could revise its regulations to resolve the short term rental question. Vin said that he will get more details on the encapsulation process and the materials used. Karen Jubanyik, of 57 Griffin Pond Road asked about the timing of the work on Island View Ave. Vin said that the work could start within the next 2 weeks and that it should take 3-4 weeks to complete. Ryan Smith owns 5 Waterside Avenue. He used his own property as a short-term rental and feels that it is a tremendous waste of time and money for the Association to appeal the ruling.
7. **Executive Session.** Upon motion and second, the Board voted to go into executive session to discuss the Wihbey litigation. The Board came out of executive session 8:23 p.m.

Upon motion and second, the board voted unanimously to proceed with an appeal to the CT Supreme Court in the Wihbey matter.

8. **Adjournment.** There being no further public comment, the meeting was adjourned at 8:26 p.m.



PINE ORCHARD ASSOCIATION  
Branford, Connecticut

**PINE ORCHARD ASSOCIATION  
EXECUTIVE BOARD MEETING NOTICE  
AND AGENDA  
MONDAY, May 8th, 2023 via Zoom**

At the call of the President, The Pine Orchard Executive Board will hold its' May board meeting via Zoom on Monday May 8th 2023 at 7PM. All are welcomed to attend.

**1) Call to order**

**2) Approve minutes from March 14th, 2023 Executive Board Meeting**

**3) Officers and Committee Reports**

- **By Laws** – David Scheer
- **Treasurer** – Budget Report; John Grathwol, set mill rate for 23/24
- **Zoning** - Matt Barez
- **Nomination Committee** – Seth Hershman and Mark Law
  - Report on vacancies for coming year and proposed candidates
  - *Special Note:* Any community member who wishes to come forward to be a candidate for the Executive Board please contact the office Manager, Peter Robinson, at [om@poa-ct.org](mailto:om@poa-ct.org)
- **Waterfront** - David Silverstone and Vincent Giordano – Progress on Island View Seawall and Crescent Bluff Stairs
- **Office Manager** - Peter Robinson
- **Other Issues**

**4) Old Business** - Update on Crescent Bluff, Kayak rack for POA

**5) New Business - A)** State Transportation Committee related to safety and beautification of Rt. 146. **B)** Crescent Bluff lawn work \$660 (remove existing matting, bring in top soil, seed, cut back and taper the lawn at drain). Weekly lawn upkeep \$35/Week for Crescent Bluff.

**6) Public Comments**

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

**8) Public Comments**

**9) Adjournment.**

**Public Comment Rules:**

1. Individual public comments are limited to 3 minutes.
2. Individuals shall identify themselves by name and address.
3. The public portion of the meeting shall be limited to 15 minutes in total.
4. Proper and respectful conduct is expected from any speaker during the public comment section of the meeting. Those not adhering to such guidelines will be given a warning, and absent restoration of orderly

questions and/or comments the speaker's privilege to participate in the public comment via this meeting site will be terminated.

## Zoom meeting info

Meeting ID: 810 0903 2176

Passcode: 290196

[Join Zoom Meeting HERE](#)

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Mark Law  
POA Executive Board

---

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

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**MINUTES OF PINE ORCHARD ASSOCIATION  
EXECUTIVE BOARD MEETING  
TUESDAY, May 8th, 2023 at 7:00 p.m. via Zoom**

**Agenda Item 1**--The meeting was called to order at 7:02 p.m. Board members present: Vin Giordano, Mark Law, John Grathwol, Peggy Haering, Seth Hershman, David Scheer, Niall Ferguson, David Silverstone, Bruce Calderone, Peg Taylor, Matt Barez. Absent: Curtis O'Connor.

**Agenda Item 2**—Upon motion and second, the board voted to approve the minutes of the March 14th, 2023 Executive Board Meeting.

**Agenda Item 3--Officers and Committee Reports**

- **By Laws** –David Scheer detailed the work of the by-laws committee including consideration of whether to recommend that the Board consider Charter revision. David said that the committee would not recommend a Charter revision. He said that the presence of unclear language in the 1973 Charter revision initially suggested there may be some restriction on voting applicable to Board members from the untaxed district of Pine Orchard. However, after further research, including review of Board minutes closer in time to the 1973 change in language, he said the committee concluded that there was no need for a change in governance. Bob Buckholz will summarize the committee's findings in a report to the Board.
- **Treasurer** –John Grathwol, reviewed the Budget Report for FY 23. During the fiscal year the association accessed savings to pay for larger than expected legal fees and costs for shoreline maintenance and repairs. The repairs addressed deterioration of the seawall on Island View Avenue and expenses associated with the access point on Crescent Bluff Avenue. The legal fees arose from the Crescent Bluff litigation and the Wihbey appeal. John next presented the proposed budget for FY 24. The overall budget for next year, while lower, would require transfer of another \$45,000 from the savings account to cover anticipated legal fees and shorefront maintenance costs. John recommended that the Association maintain a mil rate of 4 for the upcoming year. There was a discussion of what the mil rate should be for next year and whether it would be sufficient to replenish savings. Niall Ferguson said that while the association had no set savings target, it was important to have savings that can be used for unanticipated expenses like the ones encountered this year. Vin Giordano commented on the anticipated repairs that were needed on Island View Avenue and Crescent Bluff. It was proposed to have Lyons complete the work on Island View Avenue now while he is available to do so; the railing on Island View is in bad shape as is the one on Crescent Bluff. Following discussion of the cost of conducting repairs and the value of addressing the work now, Matt Barez, seconded by Mark Law moved to accept the proposed budget as presented and to set the mil rate for the upcoming year at 5.0. The motion carried, with Niall Ferguson voting nay.

- **Zoning**-- Matt Barez reported that a new subdivision application has been filed for 66 Totoket Road. Peter Berdon said that the application must go through a special exception process and that a public hearing will be required.
- **Nomination Committee** – Seth Hershman and Mark Law reported on Board vacancies for the coming year. There are four vacancies and the following four candidates will be presented: David Scheer, 2 Spring Rock Road, Thomas Roche, 14 Spring Rock Road, Andrew Ruff, 67 Sunset Hill Drive, and Karen Jubanyik, 47 Griffing Pond Road.
- **Waterfront** -David Silverstone reported on the progress of repairs at the beach access on Island View Seawall. He said that Lyons did a good job on the seawall and expressed gratitude for Vin Giordano's close monitoring the course of work there and on Crescent Bluff. It was proposed that Lyons' work should be continued, with 2/3 to be paid in this fiscal year and the remaining 1/3 paid after July 1<sup>st</sup>. The stairs on Crescent Bluff are to be repaired. The association has hired John Lusk to work with DEEP on the approval for the work. It was initially intended that we turn the lower part of the stair westward; however, Jim McBurney does not want us to extend the stairway toward his property.
- **Office Manager's report** Peter Robinson reported on landscaping and maintenance activities at the Headquarters building and on Crescent Bluff Avenue.

**4) Old Business** - There was a consensus that the POA should not pursue installing kayak racks at beach access points in Pine Orchard.

**5) New Business** Vin Giordano reported that a State Transportation Committee has been formed to improve safety and beautify State Route 146 as it passes through Branford and Guilford. John Grathwol and Peggy Haering volunteered to monitor the study.

**6) Public Comments:** None

**7) Executive Session:** -Upon motion and second, the Board at 8:53 p.m. voted to go into executive session to discuss legal matters with counsel. The Board came out of executive session at 9:27 p.m. Vin Giordano reported that in view of a homeowner's objection he will ask the engineer to consider a redesign of the bottom of the stairway on Crescent Bluff Avenue.

**8) Public Comments:** None

**9) Adjournment.** Upon motion and second, the Board voted to adjourn the meeting at 9:39 p.m.

Respectfully submitted,

Margaret Haering, Clerk

Documents received: Proposed Budget, Office Manager's Report









# POA - Shoreline Maintenance Expenditures Jul -Apr \_ FY 20222/2023

Date	Description	Amount	Transaction Type	Category	Notes
07/11/22	Brooks Stone Bill Payment	\$ 2,750.00	debit	2023 Shorefront Maintenance	For repairing steps for Seldon Ave Statement June 24th, 2022
07/11/22	Branford Building Supplies Bill Payment	\$ 415.44	debit	2023 Shorefro	44124 Invoice dated 06/23/2022
08/05/22	Fedus Engineering, LLC Bill Payment	\$ 2,000.00	debit	2023 Shorefront Maintenance	07/27/2022 Sea Wall Analysis Retainer
10/12/22	Check 1017 1017	\$ 2,650.00	debit	2023 Shorefront Maintenance	9/8/2022 Fedus Engineering.
01/09/23	Check 1049 1049	\$ 1,500.00	debit	2023 Shorefront Maintenance	12/21/2022 - J. Witkowski & Sons - Tree removal at Crescent Bluff. POA 50% share.
01/23/23	Check 1056 1056	\$ 2,000.00	debit	2023 Shorefront Maintenance	John Lust - retainer, deposit for CT DEEP-AEOC permitting at Crescent Bluff.
04/12/23	John Lust ; ID: B14BZYAXCZUAH5D	\$ 4,115.00	debit	2023 Shorefront Maintenance	John Lust Jr. Crescent Bluff Stair project.
04/17/23	CRISCUOLO ENGIN; ID: B14KESCJKVM	\$ 900.00	debit	2023 Shorefront Maintenance	
Current Month Cum Total		\$ 16,330.44			
Prior Month		\$ 11,315.44			
Incremental Additional Expenditures		\$ 5,015.00		Change from prior montg equal last two payments 900 + 4115	
Current Shoreline Maint. Budget		\$ 60,000.00		1st \$30K approved in July budget / 2nd \$30 approved in Apr Special Meeting.	

**Pine Orchard Association Treasurer's Budget Report FY22-FY23**  
**Current Approved Budget vs. Expenditure Activity YTD**  
**as of 5/01/2023**

	Approved Budget 10-Apr-23	Budget Activity YTD	\$ Remaining YTD	% Remaining YTD	
<b>RECEIPTS</b>					
Tax Collections	\$ 77,348	\$ 76,851	\$ 497	99%	
Rent	\$ 5,200	\$ 4,600	\$ 600	88%	
Building & Permit Fees	\$ 8,800	\$ 6,886	\$ 1,914	78%	
Other (Interest, Moorings)	\$ 55	\$ 387	\$ (332)	704%	
Use of Capital Savings	\$ <b>60,500</b>	\$ <b>60,500</b>	\$ -	-	
<b>Total</b>	\$ 151,903	\$ 149,224	\$ 2,679	98%	
<b>DISBURSEMENTS</b>					
Security	\$ -	\$ -	\$ -	-	
Shorefront Maintenance	\$ <b>60,000</b>	\$ <b>16,330</b>	\$ <b>43,670</b>	27%	<<< YTD June expected to be \$38,840, for yr. totaling \$54,170.
Building Maint/Utilities	\$ 9,000	\$ 8,111	\$ 889	90%	
Property Improvements	\$ -	\$ -	\$ -	-	
Office/General	\$ 18,000	\$ 14,398	\$ 3,602	80%	
Insurance	\$ 7,800	\$ 3,309	\$ 4,491	42%	
Legal**	\$ <b>50,500</b>	\$ <b>40,395</b>	\$ <b>10,105</b>	80%	<<< YTD-June expected to be \$3,500
Zoning	\$ 6,000	\$ 4,360	\$ 1,640	73%	
PO Web	\$ -	\$ -	\$ -	0%	
Acctg Annual Review	\$ 5,600	\$ 4,064	\$ 1,536	73%	
Beautification Committee	\$ 1,000	\$ -	\$ 1,000	0%	
Sidewalks	\$ -	\$ -	\$ -	-	
<b>Total</b>	\$ 157,900	\$ 90,967	\$ 66,933	58%	
<b>NET INCOME (LOSS)</b>	\$ (5,997)	\$ 58,256			

Account Balance as of 04/30/2023*	
BOA checking	<b>\$100,729.70</b>
BOA Savings	<b>\$67,820.60</b>
<b>BOA total balance</b>	<b>\$168,550.30</b>

\* Transfer fo \$30,000 from BOA saving, to BOA checking, occurred on 5/3/2023 but is reflect as completed 4/30/23.

**Pine Orchard Association Treasurer's Budget Report FY22-FY23**  
**Proposed Budget for FY 23/24 - Analysis**  
as of 5/01/2023

	4 Mil*		4.25 Mil		4.5 Mil		5.0 Mil
	Current & Not Recom.		Not Recommend		Not Recommend		Adopted By Exec. Com.
<b>RECEIPTS</b>							
Tax Collections	\$ 78,007		\$ 82,882		\$ 87,758		\$ 97,509
Rent	\$ 5,200		\$ 5,200		\$ 5,200		\$ 5,200
Building & Permit Fees	\$ 8,800		\$ 8,800		\$ 8,800		\$ 8,800
Other (Interest, Moorings)	\$ 55		\$ 55		\$ 55		\$ 55
<b>Tax Collections</b>	\$ 92,062		\$ 96,937		\$ 101,813		\$ 111,564
	<b>Tax Changes &gt;&gt;&gt;</b>	>>>	\$ 4,875		\$ 9,751		\$ 19,502
Use of Capital Savings	\$ 45,000		\$ -		\$ -		\$ 45,000
<b>Total</b>	\$ 137,062						\$ 156,564
<b>DISBURSEMENTS</b>							
Security	\$ -						\$ -
Shorefront Maintenance	\$ 60,000						\$ 60,000
Building Maint/Utilities	\$ 9,000						\$ 9,000
Property Improvements	\$ -						\$ -
Office/General	\$ 18,000						\$ 18,000
Insurance	\$ 7,800						\$ 7,800
Legal**	\$ 28,900						\$ 28,900
Zoning	\$ 6,000						\$ 6,000
PO Web	\$ -						\$ -
Acctg Annual Review	\$ 5,600						\$ 5,600
Beautification Committee	\$ 1,000						\$ 1,000
Sidewalks	\$ -						\$ -
<b>Total</b>	\$ 136,300		\$ -		\$ -		\$ 136,300
<b>NET INCOME (LOSS)</b>	\$ 762						\$ 20,264

\* Propose POA mainttain current 4 Mil rate on property assesed value.

Notes:

- 1.) Town of Branford assesses property values on a 5 year cycle. Last reassessment was FY 19/20. Next cycle occurs FY 24/25 and may capture signicant value increases seen over the last 5 years.
- 2.) Exec. Board members should evalutate the appropriate "prudent reserve" level for savings.

**Pine Orchard Association Treasurer's Budget Report FY22-FY23**  
**Proposed FY 23/24 Budget**  
as of 5/01/2023

	<b>FY 22/23</b>		<b>FY 23/24</b>	
	Approved		Proposed	
	Budget		Budget	
	10-Apr-23		5/8/2023	
<b>RECEIPTS</b>				
Tax Collections	\$ 77,348		\$ 97,509	<< Reflects Mil rate 5
Rent	\$ 5,200		\$ 5,200	Adopt. by Exec. Bd.
Building & Permit Fees	\$ 8,800		\$ 8,800	
Other (Interest, Moorings)	\$ 55		\$ 55	
Use of Capital Savings	\$ 60,500		\$ 45,000	<< Transfer will reduce
<b>Total</b>	\$ 151,903		\$ 156,564	BOA saving to \$22,820
<b>DISBURSEMENTS</b>				
Security	\$ -		\$ -	
Shorefront Maintenance	\$ 60,000		\$ 60,000	<< V. Giordano ests.
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	<< Berdon ests.
Zoning	\$ 6,000		\$ 6,000	
PO Web	\$ -		\$ -	
Acctg Annual Review	\$ 5,600		\$ 5,600	
Beautification Committee	\$ 1,000		\$ 1,000	<<< Lawn mowing
Sidewalks	\$ -		\$ -	Crescent Bluff
<b>Total</b>	\$ 157,900		\$ 136,300	
<b>NET INCOME (LOSS)</b>	\$ (5,997)		\$ 20,264	

Account Balance as of 04/30/2023*	
BOA checking	<b>\$100,729.70</b>
BOA Savings	<b>\$67,820.60</b>
<b>BOA total balance</b>	<b>\$168,550.30</b>

\* Apr. 10, 2023 authroized transfer of \$30,000 from savings, to checking account occurred on 5/3/23 but is reflect as completed on 4/30/23 balance. Additional transer authorized May 8,2023 (\$45K) will reduce savings to \$22,820.

**Pine Orchard Association Treasurer's Budget Report FY22-FY23**  
**Current Approved Budget vs. Expenditure Activity YTD**  
as of 5/01/2023

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Building & Permit Fees	\$ 8,800	\$ 6,886	\$ 1,914	78%	<<< < -- Last 2 mo -\$1,875
Other (Interest, Moorings)	\$ 55	\$ 387	\$ (332)	704%	
Use of Capital Savings	\$ 60,500	\$ 60,500	\$ -	-	
<b>Total</b>	\$ 151,903	\$ 149,224	\$ 2,679	98%	
<b>DISBURSEMENTS</b>					
Security	\$ -	\$ -	\$ -	-	
Shorefront Maintenance	\$ 60,000	\$ 16,330	\$ 43,670	27%	<<< YTD June expected to be \$38,840, for yr. totaling \$54,170. = \$5,830 unspent.
Building Maint/Utilities	\$ 9,000	\$ 8,111	\$ 889	90%	
Property Improvements	\$ -	\$ -	\$ -	-	
Office/General	\$ 18,000	\$ 14,398	\$ 3,602	80%	
Insurance	\$ 7,800	\$ 3,309	\$ 4,491	42%	
Legal**	\$ 50,500	\$ 40,395	\$ 10,105	80%	<<< YTD-June expected to be \$3,500 = \$6,605 unspent.
Zoning	\$ 6,000	\$ 4,360	\$ 1,640	73%	
PO Web	\$ -	\$ -	\$ -	0%	
Acctg Annual Review	\$ 5,600	\$ 4,064	\$ 1,536	73%	
Beautification Committee	\$ 1,000	\$ -	\$ 1,000	0%	
Sidewalks	\$ -	\$ -	\$ -	-	
<b>Total</b>	\$ 157,900	\$ 90,967	\$ 66,933	58%	
<b>NET INCOME (LOSS)</b>	\$ (5,997)	\$ 58,256			

Account Balance as of 04/30/2023*	
BOA checking	\$100,729.70
BOA Savings	\$67,820.60
<b>BOA total balance</b>	<b>\$168,550.30</b>

\* Transfer fo \$30,000 from BOA saving, to BOA checking, occurred on 5/3/2023 but is reflect as completed 4/30/23.

# Pine Orchard Association – Zoning Committee Update

## Executive Board Meeting - 5/8/23

### Revenue/Expenditure Summary

<u>Zoning</u>		<u>19/20</u>	<u>20/21</u>	<u>21/22</u>	<u>22/23</u>	<u>23/24</u>
Revenue	Budget	\$5,000	\$4,000	\$10,000	\$8,800	\$8,800
Revenue	Actual *	\$3,950	\$14,500	\$7,200	\$6,886	
Expense	Budget	\$5,000	\$5,500	\$10,000	\$6,000	\$6,000
Expense	Actual *	\$5,215	\$7,826	\$5,023	\$4,360	

\* Actual through 4/30/23 for current year

<u>Application Category:</u>	<u>21/22</u>	<u>22/23</u>
Additions	5	6
Garage	1	3
Generator	10	5
New Const	1	1
Pool/HT/Deck	3	2
Shed/GH	3	0
Solar	4	4
Unknown	<u>4</u>	<u>3</u>
FY Totals	31	24

### Current Updates:

Recent application filed with the town for a subdivision at 66 Totoket Road  
 Application is to subdivide 1 lot into 4 and create a public road to access  
 Needs to be reviewed by Town P&Z, POA Zoning, and Public Hearing before confirmed, more to follow

**From:** [James McBurney](#)  
**To:** [Pine Orchard Association](#)  
**Subject:** Re: NOTICE - May 8th, 2023 POA Executive Board Meeting Agenda  
**Date:** Friday, May 5, 2023 8:25:07 AM

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Dan,

As noted previously, Vin Giordano, Pine Orchard Association president, is hoping to tie new POA stairs into our seawall (plan A) even though it would require DEEP permitting and our explicit permission, neither of which he has.

We think it might be appropriate for you to communicate to Peter Berdon prior to the POA Monday evening meeting that our preference is for the POA to run their stairs to the east; that under the circumstances (the POA is suing us), we will oppose Giordano's plan A and B—running the stairs west and adjacent to our seawall, but not connected—as either option will cause erosion and damage our seawall.

For background, the POA used to install wooden stairs seasonally (indeed many beach access points east of Crescent Bluff do this now). Lowlicht built cement stairs down to the beach in 1996 (without permit or permission) and they have washed away regularly ever since.

Also, we will be painting the house in June and will have painters using the Lawn to paint a twenty foot lower section of our porch. We assume that we can give a heads up to the POA and the police that we will be doing so and that Saggese/Beachcroft cannot block our access.

Your thoughts/recommendations are welcome!

Jim & Erin

James McBurney | [jas.mcburney@icloud.com](mailto:jas.mcburney@icloud.com) | +1 203.606.5597 | +44 (0) 7760.172.796

On May 4, 2023, at 10:57, Pine Orchard Association <[om@poa-ct.org](mailto:om@poa-ct.org)> wrote:

---

## Office Manager Report for March/April. 2023

- 1) **POA Tax Collection:** As reported in March, all POA property taxes have been collected.
  - a. The mill rate is unchanged at 4 mills. The treasurer sends letter to QDS stating same.
  - b. Current Grand List transmitted to POA treasurer. (DONE)
  - c. Verified that the POA has envelopes to send our tax bills. (DONE)
  - d. Week of June 1<sup>st</sup>, submit the **Final Posted Rate Book Transmittal form** for the current Oct. 1<sup>st</sup> assessment to QDS.
  - e. In June, I will transmit to POA treasurer the new 2023/24 estimated revenue from taxes.
  - f. Tax bills received and sent before June 30<sup>th</sup> (typically sent by June 15<sup>th</sup>.)
  - g. On or about May 30<sup>th</sup> and again on June 30<sup>th</sup> the **legal notice** will be published.
  - h. Tax collection begins on July 3<sup>rd</sup>.
  - i. First delinquency notices go out Aug. 1<sup>st</sup>.

### 2) Zoning: Defer to Matt Barez

### 3) POA Office:

#### Outreach:

- a. We have 76% coverage via email for all POA residences (496 emails).
- b. I continue to get back to 90% of the POA inquiries within 24 hours.
- c. Sent out 2 welcome letters this period.

#### Building:

- a. Replaced broken latch and removed gate at Island View for contractor.
- b. Maintenance for generator – DONE.
- c. Grounds cleanup for POA office completed. 4% price increase over last year.
- d. Received quote from Perfect Turf for path at Crescent Bluff - \$660 (onetime fee):
  - a. Remove matting,
  - b. Drop 1 yd of topsoil,
  - c. Rake and seed,
  - d. Cut down lawn at beginning of access-way, rake, and seed,
  - e. Fee to mow weekly - \$35

#### Community:

Supporting the Union Chapel with email announcement of their 2023 events.

**MINUTES OF PINE ORCHARD ASSOCIATION  
EXECUTIVE BOARD MEETING NOTICE  
TUESDAY, June 26, 2023, at 7:00 p.m. via Zoom**

**Agenda Item 1**--The meeting was called to order at 7:03p.m.

**Agenda Item 2**, Roll call of members: Board members present: Vin Giordano, Mark Law, John Grathwol, Peggy Haering, Seth Hershman, David Scheer, Matt Barez, Curtis O'Connor, and Peg Taylor (*arrived after roll call*). Absent: Niall Ferguson, David Silverstone, Bruce Calderone

**Agenda Item 3, Officers and Committee Reports**

**By-laws committee.** David Scheer detailed the by-laws committee's consideration of whether to recommend that the Board consider Charter revision. The committee members included David Scheer (chair), John Grathwol, Peggy Haering, and Bob Buckholtz. Al DeFillipo and Peter Hugret participated in the Committee's work through November 2022. The committee does not recommend a Charter revision. The committee prepared a lengthy report detailing its analysis of the Charter and the resources it considered in reaching its conclusion. Charter revision is a lengthy process and community polarization could be an issue. David said that he hopes these materials will provide a resource should others wish to consider Charter revision in the future. The committee intends to make recommendations for revisions to the by-laws. John Grathwol then presented an executive summary of the Committee's observations and research of the Charter provisions. Vin Giordano expressed appreciation for the Committee's efforts. Peter Hugret said that he agreed with David's comments and agreed with the Committee's result.

**Treasurer.** John Grathwol asked for the Board's approval to make final payments for completion of the Island View Avenue stair repairs and replacement railing. (This encompasses Agenda Items 4 and 6.) These improvements were approved at the Board's meeting on 5/8/2023 and were to be included in the FY 2024 budget. However, because the work is now finished John wants to pay the following amounts,

\$5,000 to Lyon Construction  
\$3,250 to Goodyfab for the stair railing.  
\$5,940 for the remaining balance of railing replacement.

The checks will be written during the last week of June but will likely not be cashed until after 7/01/2023. For that reason, these expenses will be counted against the FY 2024 Shoreline Maintenance budget.

**Agenda Item 4.** Upon motion and second, the Board voted unanimously to pay the contractors noted above (Agenda Item 4) for completion of the work noted above.

John then discussed updating the FY 2024 budget. He stated that the expected tax revenues for FY 2024 will be \$97,509. Based on that amount we would end the year with \$20,264. (The budget approved on 5/08/2023 assumed that we would use \$45,000 from Capital Savings to pay for shoreline maintenance.) However, because of the expected surplus, John proposed to reduce

the amount taken from Capital Savings in next year's budget. A discussion ensued about the need to recast the budget to take into account changes of this nature. David Scheer observed that taking an advance from Capital Savings should not be counted as a revenue item.

**Agenda Item 5. Crescent Bluff update.** Vin Giordano reported on the proposed improvements to the stairs and pathway. The redesign of the stairs has been sent to DEEP for approval,, which is needed because the stairs go below the high water mark. We have added the Town Engineer to the process because the Town's culvert runs through the property deeded to the Association.

**Agenda Item 6. 2023 Budget Update.** Upon motion and second, the board voted (8-1) in favor of updating the budget as presented by the Treasurer, with Matt Barez voting nay.

**Agenda Item 7, Correspondence.** Vin Giordano referenced an exchange of correspondence with Jim McBurney regarding ongoing litigation.

**Agenda Item 8 Public comments,** Frank Cirillo of 13 Crescent Bluff Avenue asked for clarification of the usage of the pathway on Crescent Bluff. He referenced complaints about children playing on the path. Vin Giordano said that the path was to pass and re-pass to the beach and that there was no provision allowing "recreating" on it. Vin also noted there had been an objection about children playing on the path. Barbara Saggese of 1 Crescent Bluff Avenue said that there is a court order the prohibits anyone from recreating on the path. She said that the deal she made with the Association had that restriction and that it was very upsetting to hear people talking about allowing kids to play on the path. Paul Saggese said that the path should be used only for passing and re-passing to the beach.

**Agenda Item 9, Executive Session.** Upon motion and second the Board voted to go into executive session at 8:10 p.m. The Board came out of executive session at 8:31 p.m. Vin Giordano said that the parents of the children involved had been notified not allow their children to play in or occupy the path and to make sure that their dog does not lie on the path. He further indicated the Board's intention to comply with the court order and added that the Association will add signage about proper use of the path.

**Agenda Item 10. Public comments.** Barbara Saggese voiced her concern about noise on the pathway and her objection about the dog that was lying in the path. David Scheer reiterated that the Association is seeking peace with respect to the path.

**Agenda Item 11. Adjournment.** Upon motion and second, the Board voted to adjourn the meeting at 8:53 p.m.

Respectfully submitted,

Margaret Haering, Clerk

Documents received: Report of By-Laws Committee on Charter Revision and Treasurer's Proposed Budget updates.



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PINE ORCHARD ASSOCIATION  
Branford, Connecticut

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**PINE ORCHARD ASSOCIATION**

**ANNUAL MEETING NOTICE  
AND AGENDA**

**MONDAY, July 10, 2023 @ 7:00 PM**

At the call of the President, The Pine Orchard Executive Board will hold its' annual meeting at the Union Chapel on Monday July 10th 2023 at 7PM. All are welcomed.

1. **Call to order**
2. **Approval of Minutes from previous annual meeting**
3. **President's Report.**
4. **Treasurers' Report**
5. **Committee Reports**
6. **Nominating Committee**
7. **Election of New Executive Board Members**
8. **Public Comments**
9. **Adjournment.**

**Public Comment Rules:**

1. Individual public comments are limited to 3 minutes.
2. Individuals shall identify themselves by name and address.
3. The public portion of the meeting shall be limited to 15 minutes in total.
4. Proper and respectful conduct is expected from any speaker during the public comment section of the meeting. Those not adhering to such guidelines will be given a verbal warning. If they persist, they will be asked to leave.

**2022/2023 POA meeting Schedule (Zoom)**

Monday September 4th 2023

Monday November 6th 2023

Monday January 8th 2024

Monday March 4th 2024

Monday May 6th 2024

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Vincent Giordano Jr.  
President, POA Executive Board

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PINE ORCHARD ASSOCIATION  
Branford, Connecticut

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**PINE ORCHARD ASSOCIATION**  
**ANNUAL MEETING NOTICE**  
**AND AGENDA**  
**MONDAY, July 11, 2022 @ 7:00 PM**

At the call of the President, The Pine Orchard Executive Board will hold its' annual meeting at the POYCC on Monday July 11th 2022 - all are welcomed.

1. **Call to order**
2. **Approval of Minutes from previous annual meeting**
3. **President's Report.**
4. **Treasurers' Report**
5. **Committee Reports**
6. **Nominating Committee**
7. **Election of New Executive Board Members**
8. **Public Comments**
9. **Adjournment.**

**Public Comment Rules:**

1. Individual public comments are limited to 3 minutes.
2. Individuals shall identify themselves by name and address.
3. The public portion of the meeting shall be limited to 15 minutes in total.
4. Proper and respectful conduct is expected from any speaker during the public comment section of the meeting. Those not adhering to such guidelines will be given a warning, and absent restoration of orderly questions and/or comments the speaker's privilege to participate in the public comment via this meeting site will be terminated.

**NOTE: Remote Option** currently expires 4/30/2022, PA 21-2, Section 149  
(May be extended by CT legislature soon.)

**2022/2023 POA meeting Schedule (Zoom)**

Monday September 5th 2022

Monday November 7th 2022

Monday January 2nd 2023

Monday March 6th 2023

Monday May 1st 2023

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Mark Law  
President, POA

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**PINE ORCHARD ASSOCIATION  
MINUTES OF ANNUAL MEETING  
MONDAY, July 11, 2022**

At the call of the President, The Pine Orchard Executive Board convened the annual meeting at the Pine Orchard Yacht and Country Club.

Agenda Item 1. Call to order. The meeting was called to order by Mark Law at 7:03 p.m.

Board members present: Mark Law, Peggy Taylor, Matt Barez, Linda Sachs, Peggy Haering, Bruce Calderone, John Grathwol, David Silverstone, David Scheer, Vin Giordano, Seth Herschman

Absent: Len Farber

Agenda Item 2. Approval of Minutes. Upon motion and second the minutes from the Annual Meeting on July 12, 2021, were approved.

Agenda Item 3. President's Report. Mark Law reported that the Association was financially sound. We kept the mil rate the same for this year and collected all taxes due. The irrigation has now been installed in the Triangle and we are waiting for planting of additional bushes. The Association's appeal of the Superior Court decision on our short term rental ordinance has been fully briefed and is awaiting argument. The Crescent Bluff litigation is approaching the July 15, 2022, deadline for resolution of the settlement reached by the parties. Mark indicated that waterfront repairs are being addressed.

Agenda Item 4. Treasurers' Report. Linda Sachs reported that the Association took in \$88,676 in income last year and expended \$69,606, leaving us with a balance of \$19,069 to the positive. The Association's cash on hand is \$44,209, with savings of \$128,089, for a total of 172,379.

Agenda Item 5. Committee Reports. Waterfront: David Silverstone reported that Vin Giordano did an incredible job in monitoring the status of access repairs. Last year we had to do emergency repairs and the seawall on Brown's point is in danger of collapse. The steps leading down from the Selden Avenue beach access were also in need of repair. The steps on the Island View Avenue access point at the end of Waterside Drive were destroyed in a storm and need to be replaced. A question was raised about responsibility for repairs on Selden Ave. David said that the Town owns the right-of-way but that ownership of the stairs was unclear. For the coming year we expect major repairs to be required on Island View Avenue to Brown's Point. The Club is now repairing the breakwater, but the seawall and steps leading to Long Island Sound need repair. David predicted that this will be a large job and needs to be done properly. The plan is to put out an RFP to get an engineering report and then to solicit bids for the construction. Ed Crowley of 10 Island View Avenue asked about the location of surveyor's stakes for the beach access point on the end of Chapel Avenue and encouraged the Board to look at all access points.

By-Laws, John Grathwol reported on the activities of the By-Laws committee and its investigation of whether or not to recommend that the board pursue a revision of the Association's Charter. The committee is reviewing the Charter with a view of identifying issues for consideration. The Committee has met with two attorneys from two law firms familiar with the process. David Scheer will take over as chair of that committee in the upcoming year.

Zoning. Matt Barez said that we have increased the charges for review of Building plans and filing of appeals with the Zoning Board of Appeals to \$275, each. The Association took in \$7450 in income last year from zoning/building permit applications, mostly from placement of generators and condensers. The State enacted legislation requiring municipalities to permit accessory apartments as of right unless the municipality elects to opt out. The Town of Branford has elected to opt out of this. The Board will be conducting public meetings concerning this issue. Public notices will be forthcoming.

Municipal Liaison. Bruce Calderone had no updates on municipal issues.

Agenda Item 6. Nominating Committee, Seth Herschman reported that the nominees for four open Board seats were Curtis O'Connor, Niall Ferguson, Vin Giordano and John Grathwol. He asked whether there were any nominations from the floor. Hearing none, the Board meeting took a brief recess for tallying of the ballots.

Agenda Item 7. Election of New Executive Board Members. Following the count of the votes, Mark Law announced that Curtis O'Connor, Niall Ferguson, Vin Giordano and John Grathwol were elected as Board members for the upcoming year. He also thanked Linda Sachs for her service on the Board.

Agenda Item 8. Public Comments. Jeanne Hughes of 39 Meadow Wood Road asked about proposed changes to the Charter. John Grathwol pointed out the Charter had some archaic provisions, such as the right to regulate the keeping of swine or authority to hire our own police office. He said that the committee is raising issues to be considered should Charter revision proceed. He said there was no change to zoning. David Scheer pointed out any Charter review would be interactive and require involvement primarily from the community. Michael Cronin of 10 Crescent Bluff Avenue expressed his appreciation for the Association's support during the years of litigation and helping to bring it to a close

9. Adjournment. Upon motion and second, the Board voted to adjourn the meeting at 7:35 p.m.

Respectfully submitted,

Margaret Haering, Clerk

### **2022/2023 Meeting Schedule**

Monday, September 5, 2022

Monday, November 7, 2022

Monday, January 2, 2023

Monday, March 6, 2023

Monday, May 1, 2023

# Request for Design Proposals

July 12, 2022

From: Pine Orchard Association  
180 Pine Orchard Road  
Branford, Ct 06405

To: RACE Costal Engineering  
611 Access Road, Stratford CT 06615

Fedus Engineering  
70 Essex Street 2c Mystic CT 06355

GNCB Engineering  
1358 Boston Post Road Old Saybrook, CT 06475

K-2 Infrastructure  
60 Newell Lane Glastonbury, CT 06033

Pinder Construction  
27 Old Post Road Clinton CT 06413

Proposers,

The Pine Orchard Association owns approximately 300 lineal feet of wall, walkway, and stairs, beginning at the end of Island View and ending at the Pine Orchard harbor breakwater. The wall, walkway, and stairs are in varying degrees of disrepair (photos attached). It is our intention to retain a consultant to assess the condition and specify the repairs. On Wednesday July 20<sup>th</sup> at 10:30 we will meet at the Pine Orchard Yacht and Country Club in the parking lot west of the tennis courts and walk to the site from there. By return email to Vincent Giordano [vsg@giordano.build](mailto:vsg@giordano.build) and David Silverstone [david13@snet.net](mailto:david13@snet.net), please indicate your interest and plan to attend the design pre-bid on the 20<sup>th</sup>.

The schedule for the project is as follows:

- July 12<sup>th</sup> Notice to Proposers
- July 20<sup>th</sup> at 10:30 AM Design pre-bid Walkthrough
- July 22<sup>nd</sup> by COB Design proposals Due
- July 27<sup>th</sup> Award
- August 12<sup>th</sup> Documents Due
- August 15<sup>th</sup> Out for Bid
- Aug 18<sup>th</sup> at 10:30 AM Contractor pre-bid Walkthrough
- August 26<sup>th</sup> Bids Due
- August 31<sup>st</sup> Awards
- Sept 5<sup>th</sup> to Oct 28th Construction Period

Sincerely,

David Silverstone  
Vincent S. Giordano Jr.

Co-chairmen  
Pine Orchard Association  
Waterfront Committee



# PINE ORCHARD ASSOCIATION

## Branford Connecticut

Dear Neighbors,

As we approach our Annual Meeting at 7PM on Monday July 10th at the Pine Orchard Union Chapel, I would like to offer a review of the past year and discuss some of the outstanding challenges that we will face in 2023/24.

**Neighborhood Safety** continues to be a focus for the POA and the Branford Police. Please report all incidents to the office manager ([om@poa-ct.org](mailto:om@poa-ct.org)) as well as to the Branford Police.

The **Community Notification** system was enhanced thanks to our Office Manager, Peter Robinson. This allows us to support programs that impact the Branford community. It also keeps neighbors informed of a potential emergency situation, such as car thefts, bear, and bobcat sightings (although these sightings are fortunately infrequent).

**Triangle Park** continues to be maintained in a high state of care by the Town's Public Works Department.

**Kayaks:** For launching and use of Kayaks, the POA encourages residents to use the access alongside the Pine Orchard Yacht and Country Club. Kayak storage is not permitted at any of the POA access points.

**Beach Access Improvements:** This past year's improvements mainly consisted of new concrete stairs at the Island View seawall access. Additionally, we have formally acquired access to the beach at Crescent Bluff.

**\*Crescent Bluff Access:** The bulk of the litigation on Crescent Bluff beach access has been successfully resolved. There have been some remaining questions and concerns regarding the use of the 11-foot -footpath that the POA acquired as part of the settlement among all parties. The Board met and decided to reaffirm and clarify publicly the permitted use of the access point and the 11-foot path which the POA now owns. Accordingly, the court-mandated settlement permits access across the path to the stairs and beach exclusively for pass and repass. The POA will post appropriate signage to this effect. For details pertaining to all the conditions of the settlement, please visit the POA website at ([poa-ct.org](http://poa-ct.org)). You can click to a copy of the entire August 11<sup>th</sup>, 2020, Order Summarily Enforcing Settlement.

For the benefit of all association members, the Board remains committed to working with all parties to find workable solutions for those designated access points which are under POA control or ownership.

**POA Litigation:** There are two remaining lawsuits which the Association is party to:

**First**, finalizing over 20 years of litigation, the Crescent Bluff path has been conveyed to the POA. However, the POA is now party to a separate litigation between the owners of #1 Crescent Bluff and #2 Crescent Bluff. This past winter, the court granted summary judgment in favor of the POA and the owner of #1 Crescent Bluff finding that the owner of #2 Crescent Bluff has no interest in the Lawn or the Path. The owner of #2 Crescent Bluff has appealed this decision.

**Secondly**, the appeal of the enforcement of the 2018 POA's Zoning Regulation prohibiting short term rentals remains pending before the CT State Supreme Court. We believe that this is an important example of where the POA needs to be prepared to enforce zoning ordinances relating to quality of life in our community.

The **Bylaws Committee** has met over the past year and a half to review the POA's By-laws and Charter. This was particularly focused on whether or not to recommend to the board the establishment of a Charter Revision Commission to evaluate potential changes in the Charter. The committee report will provide more of its feedback for its work, but on a top-line basis, has recommended not to pursue Charter Revision at this time..

The Pine Orchard Association Executive Board [through its Charter, By-Laws, and Ordinances] seeks to 'provide for the ... health, comfort, protection, and convenience of persons ... ' who have chosen to make Pine Orchard their home. The board is made up entirely of your neighbors in the community. Please let us know if you have community concerns that you feel should be addressed by the Board.

Looking forward to continuing to serve,



President  
Pine Orchard Association Executive Board

\*Personal Note: As President, our committee and Board has led a highly successful effort to finalize documents to the court ordered 2020 settlement which provides all POA residents access to Long Island Sound at Crescent Bluff. I would like to especially thank our ad hoc committee members consisting of Niall Ferguson, Margaret Hearing, and Peter Berdon for assisting in this endeavor as well as the support of the entire board along the way. I would also like to thank David Scheer who has also tirelessly promoted peace in the neighborhood. While few such settlements leave everyone fully satisfied with the result, it is our hope that the residents of Crescent Bluff and of the POA at large can enjoy access to the path, while staying within the constraints associated with the settlement.

**POA Treasurer Report - FY22/FY23**  
**Approved Budget vs. YTD Expenditures**  
**Annual Meeting - 7/10/23**

<b>as of 6/30/2023</b>	<b>Approved Budget</b>	<b>Budget Activity</b>	<b>\$ Surplus/ Shortfall</b>	
	<b>10-Apr-23</b>	<b>YTD</b>		
<b>RECEIPTS</b>				
Tax Collections	\$ 77,348	\$ 76,851	\$ 497	Due to exemptions
Rent	\$ 5,200	\$ 5,800	\$ (600)	
Building & Permit Fees	\$ 8,800	\$ 7,850	\$ 950	<< Actuals, ~\$1K LT plan
Other (Interest, Moorings)	\$ 55	\$ 523	\$ (468)	<< Book sales, exp. refund
Use of Capital Savings	\$ 60,500	\$ 60,500	\$ -	
<b>Total</b>	<b>\$ 151,903</b>	<b>\$ 151,524</b>	<b>\$ 379</b>	

**DISBURSEMENTS**

Security	\$ -	\$ -	\$ -	
Shorefront Maintenance	\$ 60,000	\$ 63,420	\$ (3,420)	<< Reflects advanced FY23/24 expenses of \$8.25 K
Building Maint/Utilities	\$ 9,000	\$ 9,238	\$ (238)	
Property Improvements	\$ -	\$ -	\$ -	
Office/General	\$ 18,000	\$ 17,001	\$ 999	
Insurance	\$ 7,800	\$ 7,846	\$ (46)	
Legal**	\$ 50,500	\$ 41,872	\$ 8,628	<< \$8.6K LT expected.
Zoning	\$ 6,000	\$ 4,960	\$ 1,040	
PO Web	\$ -	\$ -	\$ -	
Acctg Annual Review	\$ 5,600	\$ 4,064	\$ 1,536	
Beautification Committee	\$ 1,000	\$ 1,019	\$ (19)	
Sidewalks	\$ -	\$ -	\$ -	
<b>Total</b>	<b>\$ 157,900</b>	<b>\$ 149,421</b>	<b>\$ 8,479</b>	

**NET INCOME (LOSS)**      \$ (5,997)      \$ 2,103      \$ 8,100 << Est. Net Income \$2.1 K

<b>Account Balance as of 06/30/2023</b>			
BOA checking	\$ 45,662		
BOA Savings	\$ 67,825		
BOA total balance	\$ 113,488		

**POA Treasurer Report FY22-FY23**  
**Proposed FY 23/24 Budget**  
**Annual Meeting - 7/10/23**

as of 7/10/2023

	<b>Prior Yr</b>	<b>Current Yr</b>	
	<b>FY 22/23</b>	<b>FY 23/24</b>	
	Approved 10-Apr-23	Approved 26-May-23	
<b>RECEIPTS</b>			
Tax Collections	\$ 77,348	\$ 97,509	<< Reflects Mil rate of 5
Rent	\$ 5,200	\$ 5,200	
Building & Permit Fees	\$ 8,800	\$ 8,800	
Other (Int., Moorings)	\$ 55	\$ 55	
Use of Capital Savings	\$ 60,500	\$ 16,486	<< Recommend use
<b>Total</b>	<b>\$ 151,903</b>	<b>\$ 128,050</b>	savings + mill rate increase to balance FY 23/24 budget.
<b>DISBURSEMENTS</b>			
Security	\$ -	\$ -	
Shorefront Maintenance	\$ 60,000	\$ 51,750	<< Shorefront Committee estimate.
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	<< Attny. Berdon estimate.
Zoning	\$ 6,000	\$ 6,000	
PO Web	\$ -	\$ -	
Acctg Annual Review	\$ 5,600	\$ 5,600	
Beautification	\$ 1,000	\$ 1,000	<< Grounds keeping - Crescent. Bluff
Sidewalks	\$ -	\$ -	
<b>Total</b>	<b>\$ 157,900</b>	<b>\$ 128,050</b>	
<b>NET INCOME (LOSS)</b>	<b>\$ (5,997)</b>	<b>\$ -</b>	

<b>Account Balance as of 06/30/2023</b>			
	Before Withdrawal		After Withdrawal*
BOA checking	<b>\$45,662.36</b>		<b>\$ 45,662.36</b>
BOA Savings	<b>\$67,825.20</b>		<b>\$ 51,339.20</b>
<b>BOA total balance</b>	<b>\$113,487.56</b>		<b>\$ 97,001.56</b>

\* Reflects savings after **planned** withdrawal of \$16,486.

## **POA Tax Collector Report Annual Meeting – 7/10/23**

- Last year's tax collections reached 100% – finished by November – 2022
- Tax bills for 2023/24 went out on June 25<sup>th</sup>
- There are 344 taxable properties within District 5 (taxable POA district).
- Total revenues expected to be collected in 2023/24 is \$97,509.
- To date, 110 bills received, totaling \$32,490 in collections.
- Normally we have received about:
  - 70% of billed tax revenues by the end of July;
  - 94% of billed tax revenues by the end of August;
  - 98% of billed tax revenues by the end of September;
- The mill rate was increased from 4 mills to 5 mills:
  - The mill rate increase will increase tax collections by \$19,502 in FY23/24.
  - The average tax bill / taxable lot will have increased by \$45.

# Pine Orchard Association – Zoning Committee Update

## Executive Board Meeting - 7/10/2023

### Revenue/Expenditure Summary

<u>Zoning</u>		<u>19/20</u>	<u>20/21</u>	<u>21/22</u>	<u>22/23</u>	<u>23/24</u>
Revenue	Budget	\$5,000	\$4,000	\$10,000	\$8,800	\$8,800
Revenue	Actual	\$3,950	\$14,500	\$7,200	\$7,850	\$550
Expense	Budget	\$5,000	\$5,500	\$10,000	\$6,000	\$6,000
Expense	Actual	\$5,215	\$7,826	\$5,023	\$4,960	\$0

<u>Application Category:</u>	<u>21/22</u>	<u>22/23</u>	<u>23/24</u>
Additions	5	6	1
Garage	1	3	0
Generator	10	6	0
New Const	1	1	0
Pool/HT/Deck	3	4	0
Shed/GH	3	0	0
Solar	4	6	1
Unknown	4	3	0
FY Totals	31	29	2

### 2022/2023 Action:

10/11/2022 – POA voted to opt out on PA 21-29 regarding affordable housing plan.

### Current Updates:

4/20/2023 - Application filed with the town for a subdivision at 66 Totoket Road

Application is to subdivide 1 lot into 4 and create a public road to access

6/15/2023 - Initial Public Hearing, continued until 7/20/2023

No zoning ordinance conformity application received to date by POA

# Pine Orchard Association – Zoning Board of Appeals (ZBA) Status Executive Board Meeting - 7/10/2023

## 2022/2023 Action:

8/19/2022

Approved setback variance application for greenhouse

3/3/2023

Approved setback variance application for generator

## Current Membership Status:

8 member board selected by the Executive Board for 5-year terms, 5 regular and 3 alternate. Executive Board is presently delinquent on reappointing terms that have expired and would like to solicit other association participation for membership. Appointments to take place at next POA meeting (September 4, 2023).

Marshall Gibson – 2022 (President) **would like to remain**

Jeremy Zimmermann – 2023 (Secretary) **wishes to step down**

Jeanne Hughes – 2023 **would like to remain**

Eric Rose – 2023 **no contact yet**

James Killelea – 2022 **would like to remain**

Vining Bigelow – 2024 (Alternate)

Maureen Herbert – 2024 (Alternate)

Judith Liebmann – 2024 (Alternate)

POA

# By-Laws Committee

Summary of Findings and Recommendations

# Committee Membership

- David Scheer, Chair
- John Grathwol, Co-Chair
- Peggy Haering
- Peter Hugret (withdrew from the committee after 11/15/22)
- Allan DeFilippo (withdrew from the committee after 11/15/22)
- Bob Buckholz

# Objective

- To consider, investigate and study whether or not to recommend to the Executive Board of the Pine Orchard Association that it convene a charter revision commission pursuant to state law and if appropriate make said recommendation.

# Executive Summary

- The By-Laws Committee met throughout 2022 and the 6 months of 2023, completed a detailed review of the POA's Charter and By-laws, consulted with outside resources, experienced in the charter process executed by other local governments in CT and identified certain issues determined to be significant enough to merit being brought to the Executive Board's attention.
- Presented below is a summary of the most significant issues. *The Charter was first enacted in 1903 and was revised in 1973. Through our analysis and discussion over the past year or more, we have come to the conclusion that no action needs to be taken.*

# Executive Summary -- Recommendations

- The Committee does not recommend the POA Exec. Board engage in a Charter Revision process at this time because:
  - It would likely require significant effort by the board /community, entail significant legal costs, and may raise policy decisions that are polarizing;
  - The summary slide deck and markup of the POA Charter, Appendix – A, and the other Appendices remain a resource to provide clarity on Charter issues and for any future re-examination of the Charter;
  - Community members have not expressed to the committee a current desire for Charter reform; and
  - A number of issues raised by the Committee may be resolved by a By-laws update:
    - Electronic Notification – implement where practical
    - Committee Memberships - Full Committees or Individual Executive Committee members? Agree upon a term to describe the role of an individual performing duties, and cease to refer to these roles as a committee. Rename these roles appropriate to their function.
- Voting - The Committee has analyzed the issue and has concluded that no change is necessary. In addition, the Committee has prepared a specific memorandum reflecting how we have reached this recommendation, and it will be made available for review by the Executive Board.

# Executive Summary – Issues Explored

- **Section 1: Incurring Debt:** The POA has the authority to borrow money and issue bonds in order to carry out the POA purposes. Section 17 sets an annual limit on additional annual borrowing (7 mils of the value of the real estate within the POA (about \$136,512 in 2023).
- **Issue:** There a question of limits, or whether such indebtedness is needed, given the issues with authorities as described below. Under CT Statutes there are debt limits for municipal entities. Some provisions in this Section are not entirely clear as to their effect. Debt service and security for such indebtedness would be via tax revenues of the POA, and there would be no encumbrances on individual properties.

# Executive Summary – Issues Explored

- **Section 1: Eminent Domain:** The association may take any land within the limits of said association, as hereinafter specified, when required for fire protection, the constructing or maintaining sewers or sewage disposal plants, upon paying the owner just compensation.
- **Issue:** There is a question of whether such eminent domain authority should be retained? Originally, the POA founders envisaged carrying out a large number of authorities which the town of Branford or the State of Connecticut currently provide. The Committee sees no reason to change this now.

# Executive Summary – Issues Explored

**Section 4: POA Voting Rights:** “Every member of the association of the age of eighteen years or over so long as he or she continues to own real estate within the limits of said association, shall be entitled to vote at any meeting of said association”

- **Issue:** Property owners, only, are allowed to vote - one property/one vote. Joint owners in one household are only allowed one vote. Renters in POA are not allowed to vote. An owner of multiple properties in POA is only allowed one vote. We see no reason to change this now.

# Executive Summary – Issues Explored

- The Charter provides authority for the POA to perform a long list of activities which are currently not being performed by the POA but are being performed by Branford or the State of CT:
  - Maintenance of Fire Department and Fire Apparatus (**Section 9**) .
  - Establishment of Wells or Cisterns and Waterworks (**Section 9**).
  - Regulate, telegraph, telephone and electric light posts and wires (**Section 9**).
  - Regulate the construction of cesspools, drains, sewers, and privies (**Section 9**).
  - Regulate/prevent pigpens and the deposit of rubbish (**Section 9**).
  - Prevent/regulate the removal of offensive manure, swill, nightsoil (**Section 9**).
  - Maintenance of public and private thoroughfares – order the owner(s) to construct or repair sidewalks, curbs, gutters adjacent to such public street. (**Section 10**).
  - Act as a board of public health (**Section 13**).
  - Appoint police officers to act within the limits of the association. (**Section 14**)
- Although these are not being used, there is no affirmative reason to change any of them.

# Executive Summary – Issues Explored

- **Section 20 : Taxation:** The POA may levy a tax up 7 mills on the dollar of the total value of the real estate shown the assessment list. But real estate within the POA north of the railroad tracks, shall not be taxed except for sanitary purposes. Only two POA members from north of the railroad tracks can serve on the POA executive board at the same time.
- **Issue:** The Committee did discuss the ambiguous language in the third sentence of this Section but concluded that this language can be read literally, and therefore does not affect Executive Board voting or procedures, so that no action is required. See memorandum.

## NOTES ON SECTION 20 OF THE POA CHARTER

In its review of the existing POA charter, the Committee had an extended discussion of Section 20, titled “Taxation”, and in particular, the meaning of the third sentence of that section. Section 20 authorizes the executive board to lay an annual tax on real estate, specifies procedures for collecting that tax, and exempts properties “north of the tracks” from any such taxes not assessed for sanitary purposes. The third sentence reads as follows:

“Members of the association who are assessed only for sanitary purposes shall not be eligible to vote on any question which involves the taxation or expenditure of association funds for any purpose other than sanitary purposes; and two but not more than two of such members shall serve on the executive board at the same time.”

The principal question discussed by the Committee was whether this sentence was intended to restrict voting by members from “north of the tracks” when acting in the capacity of executive board members, or only when acting in the capacity of POA members.

The Committee was initially advised that the Charter had been enacted by the Connecticut General Assembly in 1903 and not revised since. That led some Committee members (applying conventional principles of construction) to think that the section should be read as a whole; and that since the main thrust of the section was authorization of the Executive Board to impose taxes, the better reading of the third sentence was as a limitation (albeit awkwardly drafted) on voting by the specified executive board members in their capacity as executive board members. It was also noted that POA members are not, so far as the Committee is aware, ever called to vote on questions of taxing and spending, meaning that a limitation on such votes did not seem particularly meaningful.

Other Committee members felt the language of the third sentence should be read literally, to limit voting by POA members in that capacity. It was noted that, so far as the Committee is aware, the Executive Board had always conducted business on a basis consistent with such a literal reading (i.e., had never treated the third sentence as limiting voting by members of the Executive Board).

The Committee subsequently learned that the third sentence of Section 20 had in fact been added to the Charter only in 1973, and as one of a number of changes specifically focused on voting by POA members in their capacity as POA members (other changes limited voting to taxpayers, lowered the voting age to 18, and introduced staggered elections of executive board members). In light of this new information, which really undercuts the notion that Section 20 has to be read as one logical whole, the Committee has come to a consensus view that the third sentence should be read literally, as a limitation on voting by POA members in that capacity, and not as a

limitation on voting by members of the Executive Board, consistent with what it understands to have been past Executive Board practice.

PINE ORCHARD ASSOCIATION

EXECUTIVE BOARD MEETING

MONDAY, JULY 10, 2023

At the call of the President, The Pine Orchard Executive Board convened its meeting at the Pine Orchard Chapel

Agenda item 1. **Call to order.** The meeting was called to order at 8:05 p.m. Board members present were Matt Barez, Niall Ferguson, Peggy Haering, John Grathwol, David Silverstone, David Scheer, Vin Giordano, Seth Hershman, Curtis O'Connor, Tom Roche, Andrew Ruff and Karen Jubanyik.

Agenda item 2. **Approval of minutes.** Upon motion and second, the minutes from the Board's May 23, 2023, meeting were approved.

Agenda item 3. **Election of Officers** of Pine Orchard Association. Vin Giordano announced the nominees for the Board's officers. They were: Vin Giordano as President, John Grathwol as Treasurer, Peggy Haering as Clerk, Seth Hershman as Vice President. Upon motion and second the slate of officers was approved.

Agenda item 4. **Treasurers' Report (waived)**

Agenda item 5. **Committee Reports (waived)**

Agenda item 6. **Old Business** – The Board briefly discussed appointments to the Zoning Board of Appeals and the need to reappoint members whose terms had expired. We may need to schedule a special meeting to do so. Vin Giordano said that we need to consider the use of the Association's headquarters building for something other than storage of documents and to determine whether in-person meetings will resume.

Agenda Item 7. **Office Manager's Annual Report (waived).**

**Agenda Item 8 (Public Comments)** None.

Agenda Item 9. **Adjournment.** Upon motion and second, the Board voted to adjourn the meeting at 8:20 p.m.

Respectfully submitted,

Margaret Haering, Clerk

**PINE ORCHARD ASSOCIATION**  
**Bylaws Committee**  
**Minutes of Special Meeting on**  
**July 31, 2023, at 7:00 PM**  
**Held using Zoom Application**

1. **Call to order:** The meeting was called to order by Vin Giordano at 7:01 p.m.
2. **Roll call of members:** The following members were present: Vin Giordano, Matt Barez, David Scheer, John Grathwol, Peggy Haering, David Silverstone, Andrew Ruff, Tom Roche, Karen Jubanyik, Niall Ferguson, and Seth Hershman. Absent: Curtis O'Connor.
3. **By-Laws Review.** The president asked for a report of the bylaw committee. David Scheer discussed proposed updates to the by-laws and a communications plan to make a final appeal for Association members to provide an email address to facilitate providing meeting notices. John Grathwol said that while email is preferred, he wanted to continue mailings to those members that do not provide an email address for certain meetings, like Nominations, By-laws, and Zoning. The by-laws committee is still considering how to designate certain board assignments, which are currently called 'committees' even though they may have only one member.

David Scheer said that he and John Grathwol recommended creation of an ad hoc procurements committee to conduct vendor searches for services likely to exceed \$10,000 on a periodic basis. Those might include insurance, zoning, landscaping, and legal services. David Sheer said that it was a matter of good governance, and he did not want to have any appearance of cronyism. Matt Barez said that the only service that was likely to be captured by David's description was legal services. Peggy expressed concern that creation of the proposed committee was focused on review/replacement of counsel and that it made no sense to pursue such an activity where the Association is engaged in ongoing litigation. Niall Ferguson spoke in favor of vetting long-term vendors like accountants, zoning and insurance. After further discussion, Vin said that he would be in favor of creating a provisional committee to review long-term vendor relationships, develop procedures for such review, and potentially to undertake procurements to ensure that we are getting the best value and quality of service. It was agreed that the proposed new committee would not be included in any by-laws revision. Peggy recommended that rather than continuing to discuss proposed changes, the by-laws committee get on with the task of drafting actual language that could be presented to the Board.

4. **Committee Assignments.** Vin Giordano said that he will shortly be issuing committee assignments for Board members. There was a brief discussion of nomenclature to be used.

5. **ZBA Appointments**. Matt Barez reported that an alternate member of the ZBA expressed interest in becoming a full-time member and that he would be making recommendations for ZBA appointments soon. Matt has scheduled a review with the Zoning Enforcement Officer to explore how the Board could improve oversight of zoning matters.
6. **Pending litigation**. The POA's attorney, Peter Berdon, was unable to attend the meeting due to a conflicting obligation. Vin Giordano reported that the POA's brief in the Wihbey appeal (involving short term rentals) is due in the CT Supreme Court on August 25, 2023. Peggy said that she checked the Appellate Court docket in the McBurney matter and that a briefing schedule has not yet been issued.
7. **POA Building status update**. Vin reported on damage to the Association HQ that was caused by a rabid raccoon that fell down the flue. The animal gnawed through doors and created a mess throughout the building. The Association will need to replace some interior doors, floor coverings, and undertake furnace repair. The damage is covered by insurance, but we have a \$5000 deductible. The insurance adjuster has surveyed the damage and confirmed that the amount of damage exceeds \$5000. David Sheer questioned whether the Association should continue ownership of the building in light of the cost of carrying it. Peter Robinson reported that we receive \$5200 in rental income for the building and total maintenance expenses come to \$13,667—for a net annual cost of approximately \$8000. Vin Giordano pointed out that the Association needs somewhere to keep its files and hold meetings. David Sheer said that there were other places where Association meetings could be held and felt that some members preferred Zoom rather than in-person meetings. Peggy recommended that we not make such a decision based on the experience of the past 3 years and expressed a preference for keeping the building for community meetings. She also said that the Board should not take any action on the disposing of the building without soliciting community input. Andy Ruff and Peter Robinson will prepare a brief study of different scenarios for the September 11 meeting, looking at strategies to accommodate the office manager and archive materials in the event the building is conveyed back to the Town of Branford.
8. **Review quotes for Crescent Bluff**. Vin reported that we have received DEEP permission to proceed with the replacement of the stairway leading to the beach. There is an ongoing debate about whether the Association is required by the judgment to reinstate access to the walkway. Vin observed that some people have been reaching the walkway, but current conditions are dangerous. Niall Ferguson and David Scheer opposed the Association taking any action to reconnect to the walkway at the end of Crescent Bluff. David Silverstone proposed the Association replace the stairway and not take any action to construct access to the walkway at the present time. Vin said that the cost of the proposed stairway replacement is approximately \$30,000 and that the quote does not include replacing the hand-railing, which is also costly. As the currently proposed work (in addition to funds

already expended) will consume most of the \$60,000 that was budgeted for shoreline maintenance for this year, Vin felt it was best to limit the present work to stairway replacement, which will be done in such a manner as to preserve our ability to undertake future work to preserve access if we so desire. He intends to solicit the views of residents of Crescent Bluff Avenue on the issue of walkway access.

9. **Public comments.** None.

10. **Adjournment.** Upon motion and second, the Board voted to adjourn the meeting at 9:15 p.m.

Respectfully submitted,

Margaret Haering  
Clerk



PINE ORCHARD ASSOCIATION  
Branford, Connecticut

**PINE ORCHARD ASSOCIATION  
EXECUTIVE BOARD MEETING NOTICE  
AND AGENDA  
MONDAY, SEPT 11th, 2023 via Zoom**

At the call of the President, The Pine Orchard Executive Board will hold its' Sept. board meeting via Zoom on Monday Sept. 11th 2023 at 7PM. All are welcomed to attend.

- 1) Call to order**
- 2) Approve minutes from July 10th, 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 and Karen Jubanyik
  - **Office Manager** - Peter Robinson
  - **Other Issues**
- 4) Old Business -**
- 5) New Business -**
- 6) Public Comments**
- 7) Executive Session** - (optional) to discuss POA issue in above items
- 8) Public Comments**
- 9) Adjournment.**

**Public Comment Rules:**

1. Individual public comments are limited to 3 minutes.
2. Individuals shall identify themselves by name and address.
3. The public portion of the meeting shall be limited to 15 minutes in total.
4. Proper and respectful conduct is expected from any speaker during the public comment section of the meeting. Those not adhering to such guidelines will be given a warning, and absent restoration of orderly questions and/or comments the speaker's privilege to participate in the public comment via this meeting site will be terminated.

**Zoom meeting info**

PINE ORCHARD ASSOCIATION  
REGULAR MEETING OF THE EXECUTIVE BOARD  
MONDAY, SEPT 11th, 2023, via the Zoom Application

Agenda Item 1: The meeting of the Pine Orchard Executive Board was called to order at 7:08 p.m. The following members were present: Vincent Giordano, John Grathwol, Karen Jubanyik, Matt Barez, Andy Ruff, Tom Roche, Niall Ferguson, Peggy Haering, Seth Hershman. Absent: David Silverstone, David Scheer.

Agenda Item 2: Upon motion and second, the board unanimously approved the minutes from the July 10th, 2023, Executive Board Meeting

Agenda Item 3: Officers and Committee Reports

By Laws – John Grathwol introduced the discussion of the proposed changes to the Association’s By-laws. Peggy Haering, a member of the committee, reviewed the language of the proposed changes, which include updating how notice of meetings will be made and posted, clarifying term limits for Board members, providing a mechanism for making a determination as to a conflict of interest, and separating Board committees and assignments. Upon motion and second the Board agreed to present the proposed By-laws revision at a public meeting to be scheduled in November 2023. Peggy Haering reviewed the procedures to be followed for By-laws amendment. She will prepare the draft with suggested changes for circulation prior to the meeting.

Treasurer –John Grathwol presented the Treasurer’s report based on the first two months of the fiscal year. The Association has \$67,830 in savings and \$103,225 in checking.

Tax Collection—John Grathwol reported that \$97,000 in taxes had been collected thus far. At the end of the month, we will send notices to the 14 households that are delinquent in payment of taxes.

Zoning - Matt Barez reported that we are still waiting on the subdivision application on Totoket Road. The ZBA has received a filing regarding a property on Crescent Bluff Avenue. There is a meeting scheduled with our zoning officer the following day. Matt plans to consult with the Town of Branford regarding approvals needed for installing steps to the beach. Karen Jubanyik asked whether there was any ordinance that applied to decrepit properties. In particular, she indicated concern about a property with two abandoned houses next to the Pine Orchard Club. Matt said that he would follow up with the Town of Branford about its blight regulations.

Building - Andrew Ruff said that one of the questions he was exploring was whether it made sense to continue operation of the POA headquarters building. The Board discussed the various uses that were made of the facility. These include storage of documents, providing office space for the Office manager, holding in-person Zoning Board of Appeals hearings, holding in-person Board meetings, providing a place for residents to drop off zoning applications and printing sets of zoning documents. It was suggested that the next Board meeting take place in person at the Association headquarters.

Waterfront - Karen Jubanyik reported that she had inspected the Crescent Bluff access point with David Silverstone and Vin Giordano. A new staircase will be constructed; however, it has been determined that the work on the steps will not be completed until the McBurney litigation is concluded. In the

interim, the Association has focused on improving safety by adding a new step to the beach at the bottom, installing plastic matting on the concrete step and replaced the rail. Some Crescent Bluff residents are using the access point to access the pathway.

Office Manager - Peter Robinson reported that he and Peggy Haering had conducted an initial review to determine whether some of the Association's older records could be discarded. The review is ongoing. There is a need for a new filing cabinet for the office.

Agenda Item 4--Old Business (None).

Agenda Item 5--New Business

Agenda Item 6--Public Comments (None).

Agenda Item 7—Executive Session, if needed (None)

Agenda Item 8--Public Comments (None)

Agenda Item 9)--Adjournment. Upon motion and second the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Margaret Haering, Clerk

Upcoming Board meetings

- Monday Nov 6th, 2023
- Monday, Jan 8th, 2024
- Monday, March 4th, 2024
- Monday, May 6th, 2024
- POA Annual Meeting, Monday July 8, 2024

Documents received: Treasurer's Report

**Pine Orchard Association Treasurer's Budget Report FY22-FY23**  
**Current Approved Budget vs. Expenditure Activity YTD**  
**as of 8/31/2023**

	Approved Budget 26-Jun-23	Budget Activity YTD	\$ Remaining YTD	% Remaining YTD	
<b>RECEIPTS</b>					
Tax Collections	\$ 97,509	\$ 91,179	\$ 6,330	6%	
Rent	\$ 5,200	\$ 2,800	\$ 2,400	46%	
Building & Permit Fees	\$ 8,800	\$ 1,100	\$ 7,700	88%	
Other (Int., Moorings)	\$ 55	\$ -	\$ 55	100%	
Use of Capital Savings	\$ 16,486	\$ -	\$ 16,486	100%	
<b>Total</b>	<b>\$ 128,050</b>	<b>\$ 95,079</b>	<b>\$ 32,971</b>	<b>26%</b>	
<b>DISBURSEMENTS</b>					
Security	\$ -	\$ -	\$ -	-	
Shorefront Maintenance	\$ 51,750	\$ 18,590	\$ 33,160	64%	<< Estimated budget may change.
Building Maint/Utilities	\$ 9,000	\$ 13,437	\$ (4,437)	-49%	<< Raccoon damage/repairs Over \$12,000 in costs. Prior to Ins. Claim.
Property Improvements	\$ -	\$ -	\$ -	-	
Office/General	\$ 18,000	\$ 5,163	\$ 12,837	71%	
Insurance	\$ 7,800	\$ -	\$ 7,800	100%	
Legal**	\$ 28,900	\$ -	\$ 28,900	100%	<< Estimated budget may change.
Zoning	\$ 6,000	\$ -	\$ 6,000	100%	
PO Web	\$ -	\$ -	\$ -	0%	
Acctg Annual Review	\$ 5,600	\$ -	\$ 5,600	100%	
Beautification Committee	\$ 1,000	\$ 327	\$ 673	67%	
Sidewalks	\$ -	\$ -	\$ -	-	
<b>Total</b>	<b>\$ 128,050</b>	<b>\$ 37,517</b>	<b>\$ 90,533</b>	<b>71%</b>	
<b>NET INCOME (LOSS)</b>	<b>\$ -</b>	<b>\$ 57,563</b>			

Account Balance as of 08/31/2023*	
BOA checking	<b>\$103,225</b>
BOA Savings	<b>\$67,830</b>
<b>BOA total balance</b>	<b>\$171,055</b>

\* Transfer of \$16,486 from BOA saving, to BOA checking, remains to be made.  
The transfer, once made, will reduce BOA savings to \$50,983.8.

**Pine Orchard Association Budget FY22/23 and FY 23/23**  
**Proposed FY 23/24 Budget**  
as of 6/26/2023

	<b>FY 22/23</b>	<b>FY 23/24</b>	
	Prior Yr.	Approved	
	Budget 10-Apr-23	Budget 6/26/2023	
<b>RECEIPTS</b>			
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
<b>Total</b>	<b>\$ 151,903</b>	<b>\$ 128,050</b>	
<b>DISBURSEMENTS</b>			
Security	\$ -	\$ -	
Shorefront Maintenance	\$ 60,000	\$ 51,750	<<< June 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 estimates.
Zoning	\$ 6,000	\$ 6,000	
PO Web	\$ -	\$ -	
Acctg Annual Review	\$ 5,600	\$ 5,600	
Beautification Committee	\$ 1,000	\$ 1,000	<<< Lawn mowing
Sidewalks	\$ -	\$ -	Cresct. Bluff
<b>Total</b>	<b>\$ 157,900</b>	<b>\$ 128,050</b>	
<b>NET INCOME (LOSS)</b>	<b>\$ (5,997)</b>	<b>\$ -</b>	

Account Balance as of 08/31/2023*	
BOA checking	<b>\$103,224.90</b>
BOA Savings	<b>\$67,829.80</b>
<b>BOA total balance</b>	<b>\$171,054.70</b>

\* Transfer of \$16,486 from BOA saving, to BOA checking, remains to be made.  
The transfer, once made, will reduce BOA savings to \$50,983.8.

Pine Orchard Association

# By-Laws

POA Board

## Contents

1. POA Board Meetings.....	2
2. Members and Duties of Members of the Executive Board .....	2
3. Recusal .....	2
4. The Officers.....	3
5. Annual Review of Finances .....	3
6. Committees.....	4
a) By-Laws .....	4
b) Nominations.....	4
e) Tax Collector .....	<b>Error! Bookmark not defined.</b>
7. Board Assignments .....	5
8. Term Limits .....	5
9. Changes to By-Laws .....	5
<b>10. Charter</b>	

## Revision Log

Date of Revision	Description	Author
November 9 <sup>th</sup> 2015	Addition of new paragraph 3, Conflict of Interest	approved by the Executive Board at a Meeting held September 7, 2016
Oct. 4, 2017	Convert to MS Word	Peter Robinson
[ ] August 2023	Update notice provisions, revise Board committee and assignments	

## 1. POA Board Meetings

There shall be an Annual Meeting of the Pine Orchard Association (POA) on the first Monday after the first Wednesday of July, except for when July 4th is celebrated on a Monday, when the meeting will be on the second Monday. A quorum for the Annual Meeting is a minimum of twelve members of the Association.

There shall be a minimum of five regular meetings of the Executive Board each year. A majority of the members of the Executive Board in office shall constitute a quorum at any meeting of the Executive Board, and the vote of a majority of those present shall constitute the act of the Executive Board.

Notice of the time and place of the Annual Meeting and any regular or special Board meeting shall be given personally made by personal notice or by regular or electronic U.S. mail. ~~“Personal notice will be provided.” shall mean notice~~ by electronic mail at least three days before such meeting to members who have provided an electronic mail address to the Association for that purpose. Notice by regular U.S. mail will be sent to members that have not provided registered an electronic mail address; ~~said notice with the Association. In the case of the Annual Meeting, notice will be provided at least five (5) days in advance. Notice of regular meetings of the Executive Board will be mailed from New Haven County provided at least three (3) days before the appointed meeting time. In addition, notice of all such meetings shall be and~~ posted on the sign board at the POA headquarters and on the Association’s website at least three days before the appointed meeting time.

Special meetings of the Executive Board and the Association may be called with 24 hours’ notice by electronic mail and U.S. mail, and details will be posted on the notice board at the POA office and on the Association’s website.

## 2. Members and Duties of Members of the Executive Board

There shall be twelve members of the Executive Board, four of whom shall be elected at the Annual Meeting of the Executive Board for three-year terms. Each member of the Executive Board shall hold a position of responsibility on the Executive Board, either as Officer, Tax Collector, Chair of a ~~c~~Committee, member of a committee, or by carrying out a designated assignment, as set forth below.

Vacancies occurring in the membership of the Executive Board or among the officers, from whatever cause arising, may be filled by a majority vote of the remaining members of the Executive Board.

The Executive Board shall have the power to establish an annual budget, call meetings, make regulations and ordinances, regulate assessment and collection of taxes as well as other duties as set out in the Charter.

The Executive Board shall appoint a Board of Zoning Appeals consisting of five regular members and three alternate members who shall have the powers and duties set forth in the general statutes. Section VIII of the Zoning Ordinances describes terms, removal and vacancies as well as outlining the powers and duties of the Board of Zoning Appeals.

## 3. Conflict of Interest

No director shall discuss or vote on any matter which would involve a conflict of interest. Any director for whom there may exist a conflict of interest shall refrain from discussion or vote on any such matter. ~~Executive Board Member~~Directors shall refer to Connecticut General Statutes § 1-85, “Interest in

**Commented [BR1]:** Should we specify how the regular meeting dates get set? E.g., immediately following the annual meeting of the POA, and on four or more other dates set at that first meeting?

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conflict with discharge of duties”<sup>7</sup>, for guidance in this area.—Upon motion of any Executive Board member, the Executive Board shall consider and make a determination as to whether a conflict of interest exists with respect to a director and any particular matter, which determination shall be binding on all Executive Board Member.

~~Upon motion of any director, the Executive Board shall consider and make a determination as to whether a conflict of interest exists with respect to a director and any particular matter, which determination shall be binding on all directors.~~

**Commented [DS2]:** If there is a determination by a director that he/she has a conflict of interest, or via a majority vote of the Board, should that person be recused if the topic is discussed in an Executive Session?

#### 4. The Officers

The officers of the Executive Board shall be a President, a Vice President, a Clerk, and a Treasurer. The officers shall be elected by the Executive Board for a one-year term, or until their successors are duly elected, from among the Association’s members every year after the Annual meeting of the Board.

The President shall preside at all meetings of the Executive Board and shall have such other powers and perform such other duties as may from time to time be assigned to him/her by the Executive Board.

In the absence, disability, or death of the President, the Vice President shall have and possess all the powers and duties of the President.

The Clerk shall keep the minutes of all meetings of the Executive Board and shall have charge of all papers and records of the Association. S/he shall keep correct and complete books, records, and minutes of the proceedings of the Executive Board. All such financial reports and minutes such books shall be kept at the principal place of business of the Association, and/or via electronic records which can be viewed publicly on the Association web site. S/he shall see that all notices required to be given by the Association are duly given or served, and shall in general perform all the duties incident to the office of the Clerk.

The Treasurer shall have responsibility for the funds of the Association and for causing to be kept full and accurate accounts of all receipts and disbursements of the Association. At the close of each fiscal year and at such other times as the Executive Board may direct, the Treasurer shall cause to be prepared a report showing the financial condition of the Association and a statement of receipts and disbursements for the fiscal year, which statement shall be kept on file at the principal office of the Association, and/or in electronic format available for review publicly on the Association web site. S/he shall in general perform all the duties incident to the office of Treasurer. No bill shall be paid by the Treasurer unless the expenditure has been authorized and the bill is approved by the appropriate officer, committee chairperson or other person designated for that purpose.

The Executive Board may employ an Office Manager and a Zoning Enforcement Officer, both of whom may be compensated to assist in any of the above duties as authorized by the Executive Board.

#### 5.4. Annual Review of Finances

The Executive Board shall annually appoint a Certified Public Accountant to do a compilation level or higher review of the accounts of the Association and report said findings to the Executive Board.

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## 6.5. Committees

The Executive Board shall annually appoint the following standing committees. The Chairperson of each committee shall be a member of the Executive Board. The membership of the committees may include other members of the Executive Board and ~~other~~ at the election of the Chairperson of a committee in conjunction with the President, one or more Association members. ~~For certain committees, such as Nominations, these By-laws call for~~ mandate ~~inclusion of Association members (see 6.b. below)~~. Such committee members shall serve after their appointment until others are appointed in their place. Such committees shall act under the direction of the Executive Board and report to the Executive Board on all matters committed to their care. The Executive Board shall have the right to appoint ad hoc committees as needed in addition to the standing committees listed below.

### a) By-Laws

A committee on By-Laws, which shall consider and report upon all by-laws proposed for change and/or adoption by the Executive Board.

### b) Nominations

A committee on Nominations which shall consist of three members of the Executive Board and two members of the Pine Orchard Association who are not on the Executive Board. The committee shall be appointed by the Executive Board. The Nominating Committee shall present no later than the May meeting of the Executive Board proposed candidates for election or re-election to the Executive Board. The Vice President of the Executive Board shall be co- chair of the committee.

### c) Planning and Zoning

A committee on Planning and Zoning which shall act as a liaison between the Executive Board and the Zoning Boards and oversee the zoning issues concerning Pine Orchard.

## 7.6. Board Assignments

The Executive Board shall annually designate one or more Board members to carry out administrative functions as outlined below. Such appointees shall act under the direction of the Executive Board and report to the Executive Board on all matters committed to their care. The Executive Board shall have the right to make ad hoc assignments in addition to the those listed below.

### a) Communications

The designated Board member(s) shall represent the Executive Board in matters of communications to the Pine Orchard Association members, by electronic mail, regular mail, and posting on the Association's notice board and website.

### b) Shoreline Maintenance and Access

The designated Board member(s) shall be responsible for overseeing the upkeep and maintenance of the shoreline access points ~~s, which are owned or under the control of the POA.~~

### c) Building Maintenance

The designated Board member(s) shall be responsible for the maintenance of the Pine Orchard Association building and the property where the building is located.

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#### d) Municipal Interface

The designated Board member(s) shall act as the liaison between the Pine Orchard Association and the town of Branford agencies, such as police, fire, and public works.

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#### e) Tax Collector

The designated Board member(s) shall be responsible to ensure proper notice and collection of taxes and to issue liens on property when taxes are unpaid.

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### ~~8~~.7. Term Limits

Each member of the Executive Board shall be elected for a three-year term. An Executive Board member, after serving two full consecutive terms, must vacate his or her position for at least one year before seeking re-election for another term.

### ~~9~~.8. Changes to By-Laws

In accordance with Section 9 of the Charter of The Pine Orchard Association the Executive Board may alter, amend, or repeal the By-laws of the Association, at any annual meeting of the membership or at any regular or special meeting of the Executive Board, called for such purpose or purposes, by a vote of two-thirds (2/3) of the Executive Board members entitled to vote.

The notice of any proposed change to the By-laws shall be provided to the members of the Association at least two weeks prior to the meeting of the Executive Board at which the proposed change will be considered. The notice shall be provided to the membership of the Association by:

1. sending it by ~~regular~~U.S. mail or electronic mail and
2. posting it on the Association's public signpost and website.

Said notice shall describe the subject matter of the proposed change and provide the text of the proposed change. Said notice shall also state the date, time, and location of the meeting of the Executive Board at which the proposed change will be considered.

The Executive Board shall, at its meeting at which any proposed change to the By-laws is to be considered, accept, and receive comments, either written or oral, from members of the Association. The proposed change, if approved, shall be posted on the public signpost and website of the Association within seven days of passage and maintained on the signpost and website for at least thirty days. The change shall take effect fifteen days after its passage by the Executive Board. A certificate of the Clerk of the Association of the posting of the By-law, shall be prima facie evidence of such posting.

### ~~10~~.9. Charter

The provision of these bylaws is subject to the Charter of the Pine Orchard Association and in case of a conflict between provisions, the provisions of the Charter shall prevail.

Proposed as of August 2023

**From:** Peter Berdon <Peter.Berdon@bymlaw.com>  
**Sent:** Monday, September 11, 2023 5:44 PM  
**To:** Vincent Giordano Jr  
**Cc:** Peter Robinson (om@poa-ct.org)  
**Subject:** Litigation Update

Vin:

In furtherance of our call here is a brief update on the status of the current litigation.

Wihbey v POA, et al This is the zoning appeal relative to alleged violations of the POA Zoning Ordinance wrt to short term rentals. The appeal is currently pending before the CT supreme court. The POA filed its brief on August 24 (copies previously distributed). Wihbey has requested an extension to file his brief until October 9. I expect arguments to occur during the winter and a decision in the spring.

Beachcroft v. McBurney This is the case to determine the rights if any of McBurney in and to the lawn, including the adverse possession of the gardens. In the trial court the McBurney's lost the motions for summary judgment, effectively denying their claims. They have appealed and the appeal is pending. McBurney's brief is due in several weeks (9/22), but they have an opportunity to request an extension. The POA brief is due 30 days after the McBurney Brief is filed. No pre-argument settlement conference has been scheduled as of yet. All parties agree that the matter should be referred to the Supreme Court. I would expect a decision in this matter in the late spring or early summer.

Regards,

Peter A. Berdon  
Berdon, Young & Margolis, PC  
350 Orange Street, 2nd Flr  
New Haven, CT 06511  
Phone: 203-772-3740  
Direct Dial: 203-439-7857  
Fax 203-492-4444  
[Peter.berdon@bymlaw.com](mailto:Peter.berdon@bymlaw.com)



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## Office Manager Report for July/Aug 2023

- 1) **POA Tax Collection:** As of September 11th, \$4,406/15-homes have not been collected (~5%).
  - a. The first delinquency notices went out on Sept. 1<sup>st</sup>
  - b. For all district 5 property owners, whom we do not have an email address for, a note was included with the bill asking for an email address and a cell phone number.

### 2) Zoning: Defer to Matt Barez

### 3) POA Office:

#### Outreach:

- a. We have 76% coverage via email for all POA residences (496 emails).
- b. I continue to get back to 90% of the POA inquiries within 24 hours.
- c. Sent out 2 welcome letters this period.
- d. I sent out two (2) postcard mailings (~100 postcards) to all property owners who we have no email address for, requesting an email address. I also noted the days and times of remaining POA Executive board meetings and informed them of the website and posting board. Got three (3) replies.
- e. Ordered 1,000 post cards for \$61

#### Building:

- a. Worked with Vin to repair the building from the Raccoon damage.
  - a. The Roof access was sealed off.
  - b. The building interior was cleaned and sanitized.
  - c. Flooring replaced.
  - d. Office door repaired.
  - e. Furnace cleaned and inspected (that's how the raccoon got in)
- b. Fall maintenance for generator – Pending.
- c. Document purge – Peggy and I went through the legacy documents that were piling up on the two desks in the office to either:
  - a. Scan
  - b. Discard
  - c. Keep and file.

A log was kept describing anything that was discarded. Also, I have a 1960's style metal desk and an electric typewriter that need a home.

#### Zoning:

- a. One pending hearing in Sept. for 13 Crescent Bluff
- b. Need to add a file cabinet to the zoning files (running out of room)

#### Community:

Supporting the Union Chapel with email announcement of their 2023 events.



PINE ORCHARD ASSOCIATION  
Branford, Connecticut

**NOTICE: PINE ORCHARD ASSOCIATION  
PUBLIC MEETING TO DISCUSS PROPOSED BY-LAWS  
CHANGES  
\* FOLLOWED BY \*  
REGULAR EXECUTIVE BOARD MEETING  
AGENDA NOTED BELOW  
MONDAY, NOV. 6th 2023, at the POA Office and via Zoom**

At the call of the President, The Pine Orchard Executive Board will hold a **PUBLIC HEARING** to (1) Discuss proposed changes to the POA By-Laws and vote on said changes followed by, (2) Regular November Executive Board Meeting. Said meetings will be held at the POA offices at 180 Pine Orchards Road and via Zoom on Monday Nov. 6th, 2023, at 7PM. All are welcome to attend.

**1) Call to order**

**2) PUBLIC HEARING**

**(To be conducted by the POA Board in its legislative authority):**

**To discussion and vote on the adoption of new language for the POA By-Laws.**

[View marked-up By-Laws Document](#)

[View clean By-Laws Document](#)

- **By-laws amendment**—to receive public comments on proposed amendments to the by-laws governing the Executive Board with respect to means for delivery of public notices, potential conflicts of interest, clarification of limits on duration of Board service, and assignment of responsibilities to Board member. All Public Comments accepted per *Public Comment Rules* as noted below.
- Close By-Laws public hearing

At the completion of the By-Laws hearing, the scheduled November Executive Board Meeting will commence per the agenda note below.

**3) Approve minutes from Sept. 11th, 2023, Executive Board Meeting**

**4) Executive Board to consider** and adopt the by-laws changes as proposed if approved by 2/3 vote.

**4) Officers and Committee Reports**

- **By Laws** – David Scheer
- **Treasurer** – John Grathwol
- **Tax Collection** - John Grathwol
- **Zoning** - Matt Barez & Thomas Roche
- **Building** - Andrew Ruff
- **Waterfront** - David Silverstone and Karen Jubanyik
- **Office Manager** - Peter Robinson
- **Other Issues**

5) **Old Business** - Short Term Rentals update (Brief filing)

6) **New Business** - (1) Receive Application for Special Permit for Tweed Road Development and schedule Public Hearing on same (2) Correspondence

7) **Executive Session** - (optional) to discuss issue as noted above

8) **Public Comments**

9) **Adjournment.**

**Public Comment Rules:**

1. Individual public comments are limited to 3 minutes.
2. Individuals shall identify themselves by name and address.
3. The public portion of the meeting shall be limited to 15 minutes in total.
4. Proper and respectful conduct is expected from any speaker during the public comment section of the meeting. Those not adhering to such guidelines will be given a warning, and absent restoration of orderly questions and/or comments the speaker's privilege to participate in the public comment via this meeting site will be terminated.

## Zoom meeting info

Meeting ID: 838 2347 9974

Passcode: 485895

**Please Note:** This will be the first time we have broadcast a live POA Executive Board meeting on Zoom. We will attempt to address all questions proposed by the Zoom audience during the meeting.

[Join Zoom Meeting HERE](#)

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Vincent Girodano  
President, POA Executive Board

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

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PINE ORCHARD ASSOCIATION  
PUBLIC HEARING AND REGULAR MEETING OF THE EXECUTIVE BOARD  
MONDAY, November 6, 2023, 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 7:00 p.m. The following members were present: Vincent Giordano, John Grathwol, Karen Jubanyik, Matt Barez, Andy Ruff, Tom Roche, Niall Ferguson, Peggy Haering, David Silverstone, David Scheer. Absent: Curtis O'Connor and Seth Hershman.

Agenda Item 2: PUBLIC HEARING. (Conducted by the Board in its legislative capacity to consider proposed amendments to the By-Laws of the Pine Orchard Association.

The public hearing was called to order at 7:00 p.m. The President noticed David Scheer, the chair of the By-Laws committee to review proposed amendments, which were previously circulated. David stated that the committee had originally been tasked with reviewing the Association's Charter to determine whether or not to recommend formation of a charter revision committee. After its review, the committee ultimately determined that charter revision was unwarranted and then considered updating the by-laws. One of the first proposed revisions was to provide for use of email communication to notify members of upcoming meetings and to specify that all required notices would be posted on the Association's website as well as on the notice board adjacent to the headquarters building. The proposal was made to revise the provision on conflict of interest to allow fellow Board members to raise an objection to a member's participation if he or she had a conflict of interest with regard to a specific matter. The By-Laws were also revised to delineate the difference between certain standing committees (nomination, zoning, and by-laws) and specific board assignments, which frequently designated a single member as having responsibility for carrying out a given function (such as building or shoreline maintenance, communications, or municipal liaison).

Vin Giordano clarified the limits of the zoning committee's role, emphasizing that the committee itself did not act as the Association's Zoning Commission and that its responsibility was acting as a liaison between the Board and the Zoning Board of Appeals (ZBA) and Zoning Enforcement Officer (ZEO). Niall Ferguson recommended that the Association procure and post guidance on the difference between committees and single-member assignments for purposes of compliance with public notice requirements.

James Killilea, of 22 Halstead Lane suggested modification of the proposed language of the section 6(c) regarding the Zoning Committee by removing the reference to "Zoning Boards" and insert the words "Zoning Enforcement Officer and Zoning Board of Appeals" in its place. The Board agreed that the suggestion was well-taken. There being no further public comment, the public hearing was closed at 7:30 p.m.

Agenda Item 3: Approval of Minutes. Upon motion and second, the board unanimously approved the minutes from the September 11, 2023, Executive Board Meeting

#### Agenda Item 4: Officers and Committee Reports

By Laws –Upon motion and second, the Board unanimously voted to approve the proposed amendments to the By-Laws as modified to include the changes proposed by Mr. Killelea.

Treasurer’s Report–John Grathwol presented the Treasurer’s report as of October 31, 2023. The Association has collected 98% of its tax revenues, with one taxpayer outstanding. Year to date building and permit fees are slightly down; John said that this represents activity for approximately one-third of the fiscal year. He said that Office General expenses are generally front-loaded as preparing and sending tax bills consumes a substantial part of that budget. He also reviewed the expenses incurred to repair the damage to the headquarters building caused by a rabid raccoon this summer.

Zoning - Matt Barez provided a summary of his committee’s duties. All zoning applications need to go through Laura Magaraci, the ZEO. The briefing in the Whibey matter has been completed and we are waiting for an argument date. In the McBurney matter we are waiting for a pre-argument conference; no briefing schedule has been set.

Building Maintenance. Andy Ruff led off with inquiring about the future of the headquarters building. Vin Giordano said that additional upgrades may be required. A discussion ensued about the present use of the building. The ZBA holds its meetings in the building and wants to continue to do so. The ZEO works in the headquarters office and utilizes the zoning applications that are housed there. The Office Manager also works in the office, and we store all files here. We also collect rent for use of garage. A future discussion of this issue may be scheduled once we collect all relevant information.

Waterfront - David Silverstone reported that the railing at the end of Island View Avenue has still not been replaced. The fabricator has promised that it will be installed during the month of November. We still have \$33,000 in the budget for work on Crescent Bluff Avenue; however, we will hold off the work on the steps until the McBurney litigation is concluded. In the interim, the Association has focused on improving safety of the steps. David asked whether the Association should hire someone to periodically clean up the beach at the end of Island View Avenue because of all the debris that washes up on a regular basis. It was agreed to monitor the situation for the next 6 months to determine whether we need to hire an on call contractor.

Office Manager – Peter Robinson explained that the repairs on the headquarters building have been completed. He was asked about plans to collect outstanding taxes. He indicated that a letter will be sent out shortly and a lien would be filed by February 1<sup>st</sup> if the bill remains unpaid.

Agenda Item 5--Old Business Matt Barez reported that there had been complaints of short term rental violations on Island View Avenue. The policy on short term rentals was sent out to the community in September. Initial notices were sent to homeowners in September; however, the Association will re-issue notices regarding the two properties on Island View Avenue to correct clerical errors and send a notice regarding one additional property with short-term rental activity.

Agenda Item 6--New Business Matt Barez reported that a subdivision application for 66 Totoket Road has been received. The project has Town of Branford approval, and the POA must conduct a public hearing and act on the application within 65 days. Based upon the notice and publication requirements, Peter Robinson said that the earliest date we could schedule the public hearing would be December 4,

2023. Matt will follow up with the ZEO to determine whether she would have adequate time to prepare for a hearing on that date.

Agenda Item 7—Executive Session, if needed (None)

Agenda Item 8--Public Comments Ed Kelleher of 14 Halstead Lane said that he was concerned about the recent attempted vehicle theft on Island View Avenue. He said that the perpetrators of these crimes seem to be getting more brazen. He wanted to follow the lead of North Branford in letting our legislators know of our concerns about this activity and urging action on these car thefts. He also favored bringing back the full-time security patrols in Pine Orchard. We will invite the Branford Police to a future Board meeting to address this issue.

Agenda Item 9)--Adjournment. Upon motion and second the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Margaret Haering, Clerk

Upcoming Board meetings

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

Documents received: Treasurer's Report, Proposed By-law revisions, Summary of building repairs.

**PINE ORCHARD ASSOCIATION**

By-Laws

POA Executive Board

Effective as of November 21, 2023

## Contents

1. POA Board Meetings .....	3
2. Members and Duties of Members of the Executive Board .....	3
3. Conflict of Interest .....	3
4. The Officers .....	4
5. Annual Review of Finances .....	4
6. Committees .....	4
a) By-Laws .....	5
b) Nominations .....	5
e) Tax Collector .....	5
7. Board Assignments .....	6
8. Term Limits .....	6
9. Changes to By-Laws .....	6
10. Charter.....	6

## Revision Log

Date of Revision	Description	Author
November 9 <sup>th</sup> 2015	Addition of new paragraph 3, Conflict of Interest	approved by the Executive Board at a Meeting held September 7, 2016
Oct. 4, 2017	Convert to MS Word	Peter Robinson
Eff. November 21, <u>2023</u>	<u>-Update notice provisions, revise Board committees and assignments, update conflict of interest</u>	A-pproved by the Executive Board at a Meeting held Nov. 6, 2023

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## 1. POA Board Meetings

There shall be an Annual Meeting of the Pine Orchard Association (POA) on the first Monday after the first Wednesday of July, except for when July 4th is celebrated on a Monday, when the meeting will be on the second Monday. ~~Notice of the Annual Meeting shall be by mail.~~ A quorum for the Annual Meeting is a minimum of twelve members of the Association.

There shall be a minimum of five ~~additional~~regular meetings of the Executive Board each year ~~with notice of the date, time, place, and agenda given to the residents of Pine Orchard by mail and posting on the notice board at the POA office.~~

A majority of the members of the Executive Board in office shall constitute a quorum at any meeting of the Executive Board, and the vote of a majority of those present shall constitute the act of the Executive Board.

Notice of the time and place of the Annual Meeting and any regular Board meeting shall posted on the notice board at the POA headquarters and on the Association's website and provided by personal notice as defined herein and filed with the Branford Town Clerk. "Personal notice" shall mean notice by electronic mail to members who have provided an electronic mail address to the Association for that purpose. Notice of the time and place of the Annual Meeting will be provided at least five (5) days in advance. Notice of regular meetings of the Executive Board will be provided at least three (3) days before the appointed meeting time.

Special meetings of the Executive Board and the Association may be called with 24 hours' notice ~~either by regular mail. Details of the time and place of the meeting will be made by personal notice and by posting on the notice board at the POA office.~~ and the Association's website and filing with the Branford Town Clerk.

## 2. Members and Duties of Members of the Executive Board

There shall be twelve members of the Executive Board, four of whom shall be elected at the Annual Meeting of the Executive Board for three ~~year~~ terms. Each member of the Executive Board shall hold a position of responsibility on the Executive Board, either as Officer, Tax Collector, ~~or Chair of a Committee.~~ Chair of a committee, member of a committee, or by carrying out a designated assignment, as set forth below.

Vacancies occurring in the membership of the Executive Board or among the officers, from whatever cause arising, may be filled by a majority vote of the remaining members of the Executive Board.

The Executive Board shall have the power to establish an annual budget, call meetings, make regulations and ordinances, regulate assessment and collection of taxes as well as other duties as set out in the Charter.

The Executive Board shall appoint a Board of Zoning Appeals consisting of five regular members and three alternate members who shall have the powers and duties set forth in the general statutes. Section VIII of the Zoning Ordinances describes terms, removal and vacancies as well as outlining the powers and duties of the Board of Zoning Appeals.

## 3. Conflict of Interest

No director shall discuss or vote on any matter which would involve a conflict of interest. Any director for whom there may exist a conflict of interest shall refrain from discussion or vote on any such matter.

~~Directors~~Executive Board Members shall refer to Connecticut ~~statute 1-~~General Statutes Section 1-85, “Interest in conflict with discharge of duties;” for guidance in this area. ~~Executive Board Members shall refer to Connecticut General Statutes Section 1-85, “Interest in conflict with discharge of duties”, for guidance in this area. Upon motion of any Executive Board member, the Executive Board shall consider and make a~~

~~determination as to whether a conflict of interest exists with respect to a director and any particular matter, which determination shall be binding on all Executive Board Members and upon such a finding may censure the director and/or take such other actions as permitted by law.~~

#### 4. -The Officers

The officers of the Executive Board shall be a President, a Vice President, a Clerk, and a Treasurer. The officers shall be elected by the Executive Board for a one--year term, or until their successors are duly elected, from among the Association’s members every year after the Annual meeting of the Board.

The President shall preside at all meetings of the Executive Board and shall have such other powers and perform such other duties as may from time to time be assigned to him/her by the Executive Board.

In the absence, disability, or death of the President, the Vice President shall have and possess all the powers and duties of the President.

The Clerk shall keep the minutes of all meetings of the Executive Board and shall have charge of all papers and records of the Association. S/he shall keep correct and complete books, records, and minutes of the proceedings of the Executive Board. All such ~~books~~records and minutes shall be kept at the principal place of business of the Association. ~~S/he; financial reports and minutes shall be posted on the Association website.~~ The Clerk shall see that all notices required to be given by the Association are duly given or served, and shall in general perform all the duties incident to the office of the Clerk.

The Treasurer shall have responsibility for the funds of the Association and for causing to be kept full and accurate accounts of all receipts and disbursements of the Association. At the close of each fiscal year and at such other times as the Executive Board may direct, the Treasurer shall cause to be prepared a report showing the financial condition of the Association and a statement of receipts and disbursements for the fiscal year, which statement shall be kept on file at the principal office of the Association. ~~S/he, and posted on the Association website.~~ The Treasurer shall in general perform all the duties incident to the office of the Treasurer. No bill shall be paid by the Treasurer unless the expenditure has been authorized and the bill is approved by the appropriate officer, committee chairperson or other person designated for that purpose.

The Executive Board may employ an Office Manager and a Zoning Enforcement Officer, both of whom may be compensated to assist in any of the above duties as authorized by the Executive Board.

#### 5. -Annual Review of Finances

The Executive Board shall annually appoint a Certified Public Accountant to do a compilation level or higher review of the accounts of the Association and report said findings to the Executive Board.

#### 6. -Committees

The Executive Board shall annually appoint the following standing committees. The Chairperson of each committee shall be a member of the Executive Board. The membership of the committees may include ~~other~~ members of the Executive Board and ~~members~~at the election of the ~~community~~Chairperson of a

committee in conjunction with the President, one or more Association members. For Nominations, these By-laws call for inclusion of Association members (see 6.b. below) Such committee members shall serve after their appointment until others are appointed in their place. Such committees shall act under the direction of the Executive Board and report to the Executive Board on all matters committed to their care. The Executive Board shall have the right to appoint ad hoc committees as needed in addition to the standing committees listed below.

#### a) -By-Laws

A committee on By-Laws, which shall consider and report upon all by-laws proposed for change and/or adoption by the Executive Board.

#### b) -Nominations

A committee on Nominations which shall consist of three members of the Executive Board and two members of the Pine Orchard Association who are not on the Executive Board. The committee shall be appointed by the Executive Board. The Nominating Committee shall present no later than the May meeting of the Executive Board proposed candidates for election or re-election to the Executive Board.

The Vice President of the Executive Board shall be co-chair of the committee.

~~The Vice President of the Executive Board shall be co-chair of the committee.~~

#### c) -Planning and Zoning

A committee on Planning and Zoning, which shall act as a liaison between the Executive Board, the Zoning Enforcement Officer, and the

Zoning Board of Appeals and oversee the zoning issues concerning Pine Orchard.

#### d) -Communications

### 7. A committee on Communications, which **Board Assignments**

The Executive Board shall annually designate one or more Board members to carry out administrative functions as outlined below. Such appointees shall act as representatives under the direction of the Executive Board in and report to the Executive Board on all matters committed to their care. The Executive Board shall have the right to make ad hoc assignments in addition to the those listed below.

#### a) Communications of communications to the membership of

The designated Board member(s) shall represent the Executive Board in matters of communication to the Pine Orchard Association members, by regular electronic mail and posting on the Association's notice board at the POA office and website.

#### b) -Shoreline Maintenance and Access

~~A committee on Shoreline Maintenance and Access, which shall have as its focus~~The designated Board member(s) shall be responsible for overseeing the upkeep and maintenance of the shoreline access points.

#### c) -Building Maintenance

~~A committee on Building Maintenance, which~~The designated Board member(s) shall be responsible for overseeing the maintenance of the Pine Orchard Association building and the property where the building is located.

### d) -Municipal Interface

~~A committee on Municipal Interface, which~~The designated Board member(s) shall act as the liaison between the Pine Orchard Association and the town of Branford agencies, such as police, fire, and public works.

### e) -Tax Collector

~~There~~The designated Board member(s) shall be ~~a Tax Collector appointed annually by the Executive Board from among the members of the Executive Board. The Tax Collector's responsibility is~~responsible to ensure ~~the~~ proper notice and collection of taxes and to issue liens on property when taxes are unpaid.

## 8. Term Limits

Each member of the Executive Board shall be elected for a three--year term. An Executive Board member, after serving two full consecutive terms, must vacate his or her position for at least one year before seeking re--election for another term.

## 9. ~~8.~~ Changes to By-Laws

In accordance with Section 9 of the Charter of The Pine Orchard Association the Executive Board may alter, amend, or repeal the By--laws of the Association, at any annual meeting of the membership or at any regular or special meeting of the Executive Board, called for such purpose or purposes, by a vote of two--thirds (2/3) of the Executive Board members entitled to vote.

~~The notice~~Notice of any proposed change to the By--laws shall be provided to the members of the Association at least two weeks prior to the meeting of the Executive Board at which the proposed change will be considered. The notice shall be provided to the membership of the Association by:

- ~~1. sending it by regular mail and~~
1. postingPersonal notice,
2. Posting it on the Association's ~~public signpost.~~notice board and website
3. Filing with the Branford Town Clerk.

Said notice shall describe the subject matter of the proposed change and provide the text of the proposed change. Said notice shall also state the date, time, and location of the meeting of the Executive Board at which the proposed change will be considered.

The Executive Board shall, at its meeting at which any proposed change to the By--laws is to be considered, accept, and receive comments, either written or oral, from members of the Association. The proposed change, if approved, shall be posted on the public signpostnotice board and website of the Association within seven days of passage and maintained on the signpostnotice board and website for at least ~~threethirty~~ thirty days. The change shall take effect fifteen days after its passage by the Executive Board. A certificate of the Clerk of the Association of the posting of the By--laws, shall be prima facie evidence of such posting.

10. ~~9.~~ Charter

The provision of these ~~bylaws~~by-laws is subject to the Charter of the Pine Orchard Association and in case of a conflict between provisions, the provisions of the Charter shall prevail.

Effective as of November 21, 2023

**PINE ORCHARD ASSOCIATION**

# By-Laws

POA Executive Board  
Effective as of November 21, 2023

## Contents

1. POA Board Meetings .....	3
2. Members and Duties of Members of the Executive Board .....	3
3. Conflict of Interest .....	3
4. The Officers .....	4
5. Annual Review of Finances .....	4
6. Committees .....	4
a) By-Laws .....	5
b) Nominations .....	5
e) Tax Collector .....	5
7. Board Assignments .....	6
8. Term Limits .....	6
9. Changes to By-Laws .....	6
10. Charter .....	6

## Revision Log

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Oct. 4, 2017	Convert to MS Word	Peter Robinson
Eff. November 21, 2023	Update notice provisions, revise Board committees and assignments, update conflict of interest	Approved by the Executive Board at a Meeting held Nov. 6, 2023

## 1. POA Board Meetings

There shall be an Annual Meeting of the Pine Orchard Association (POA) on the first Monday after the first Wednesday of July, except for when July 4th is celebrated on a Monday, when the meeting will be on the second Monday. A quorum for the Annual Meeting is a minimum of twelve members of the Association.

There shall be a minimum of five regular meetings of the Executive Board each year. A majority of the members of the Executive Board in office shall constitute a quorum at any meeting of the Executive Board, and the vote of a majority of those present shall constitute the act of the Executive Board.

Notice of the time and place of the Annual Meeting and any regular Board meeting shall be posted on the notice board at the POA headquarters and on the Association's website and provided by personal notice as defined herein and filed with the Branford Town Clerk. "Personal notice" shall mean notice by electronic mail to members who have provided an electronic mail address to the Association for that purpose. Notice of the time and place of the Annual Meeting will be provided at least five (5) days in advance. Notice of regular meetings of the Executive Board will be provided at least three (3) days before the appointed meeting time.

Special meetings of the Executive Board and the Association may be called with 24 hours' notice. Details of the time and place of the meeting will be made by personal notice and by posting on the notice board at the POA office and the Association's website and filing with the Branford Town Clerk.

## 2. Members and Duties of Members of the Executive Board

There shall be twelve members of the Executive Board, four of whom shall be elected at the Annual Meeting of the Executive Board for three-year terms. Each member of the Executive Board shall hold a position of responsibility on the Executive Board, either as Officer, Tax Collector, Chair of a committee, member of a committee, or by carrying out a designated assignment, as set forth below.

Vacancies occurring in the membership of the Executive Board or among the officers, from whatever cause arising, may be filled by a majority vote of the remaining members of the Executive Board.

The Executive Board shall have the power to establish an annual budget, call meetings, make regulations and ordinances, regulate assessment and collection of taxes as well as other duties as set out in the Charter.

The Executive Board shall appoint a Board of Zoning Appeals consisting of five regular members and three alternate members who shall have the powers and duties set forth in the general statutes. Section VIII of the Zoning Ordinances describes terms, removal and vacancies as well as outlining the powers and duties of the Board of Zoning Appeals.

## 3. Conflict of Interest

No director shall discuss or vote on any matter which would involve a conflict of interest. Any director for whom there may exist a conflict of interest shall refrain from discussion or vote on any such matter. Executive Board Members shall refer to Connecticut General Statutes Section 1-85, "Interest in conflict with discharge of duties", for guidance in this area. Executive Board Members shall refer to Connecticut General Statutes Section 1-85, "Interest in conflict with discharge of duties", for guidance in this area. Upon motion of any Executive Board member, the Executive Board shall consider and make a

determination as to whether a conflict of interest exists with respect to a director and any particular matter, which determination shall be binding on all Executive Board Members and upon such a finding may censure the director and/or take such other actions as permitted by law.

## 4. The Officers

The officers of the Executive Board shall be a President, a Vice President, a Clerk, and a Treasurer. The officers shall be elected by the Executive Board for a one-year term, or until their successors are duly elected, from among the Association's members every year after the Annual meeting of the Board.

The President shall preside at all meetings of the Executive Board and shall have such other powers and perform such other duties as may from time to time be assigned to him/her by the Executive Board.

In the absence, disability, or death of the President, the Vice President shall have and possess all the powers and duties of the President.

The Clerk shall keep the minutes of all meetings of the Executive Board and shall have charge of all papers and records of the Association. S/he shall keep correct and complete books, records, and minutes of the proceedings of the Executive Board. All such records and minutes shall be kept at the principal place of business of the Association; financial reports and minutes shall be posted on the Association website. The Clerk shall see that all notices required to be given by the Association are duly given or served and shall in general perform all the duties incident to the office of the Clerk.

The Treasurer shall have responsibility for the funds of the Association and for causing to be kept full and accurate accounts of all receipts and disbursements of the Association. At the close of each fiscal year and at such other times as the Executive Board may direct, the Treasurer shall cause to be prepared a report showing the financial condition of the Association and a statement of receipts and disbursements for the fiscal year, which statement shall be kept on file at the principal office of the Association, and posted on the Association website. The Treasurer shall in general perform all the duties incident to the office of the Treasurer. No bill shall be paid by the Treasurer unless the expenditure has been authorized and the bill is approved by the appropriate officer, committee chairperson or other person designated for that purpose.

The Executive Board may employ an Office Manager and a Zoning Enforcement Officer, both of whom may be compensated to assist in any of the above duties as authorized by the Executive Board.

## 5. Annual Review of Finances

The Executive Board shall annually appoint a Certified Public Accountant to do a compilation level or higher review of the accounts of the Association and report said findings to the Executive Board.

## 6. Committees

The Executive Board shall annually appoint the following standing committees. The Chairperson of each committee shall be a member of the Executive Board. The membership of the committees may include other members of the Executive Board and at the election of the Chairperson of a committee in conjunction with the President, one or more Association members. For Nominations, these By-laws call for inclusion of Association members (see 6.b. below) Such committee members shall serve after their appointment until others are appointed in their place. Such committees shall act under the direction of the Executive Board and report to the Executive Board on all matters committed to their care. The

Executive Board shall have the right to appoint ad hoc committees as needed in addition to the standing committees listed below.

#### a) By-Laws

A committee on By-Laws, which shall consider and report upon all by-laws proposed for change and/or adoption by the Executive Board.

#### b) Nominations

A committee on Nominations which shall consist of three members of the Executive Board and two members of the Pine Orchard Association who are not on the Executive Board. The committee shall be appointed by the Executive Board. The Nominating Committee shall present no later than the May meeting of the Executive Board proposed candidates for election or re-election to the Executive Board. The Vice President of the Executive Board shall be co-chair of the committee.

#### c) Planning and Zoning

A committee on Planning and Zoning, which shall act as a liaison between the Executive Board, the Zoning Enforcement Officer, and the Zoning Board of Appeals and oversee the zoning issues concerning Pine Orchard.

### 7. Board Assignments

The Executive Board shall annually designate one or more Board members to carry out administrative functions as outlined below. Such appointees shall act under the direction of the Executive Board and report to the Executive Board on all matters committed to their care. The Executive Board shall have the right to make ad hoc assignments in addition to the those listed below.

#### a) Communications

The designated Board member(s) shall represent the Executive Board in matters of communication to the Pine Orchard Association members, by electronic mail and posting on the Association's notice board and website.

#### b) Shoreline Maintenance and Access

The designated Board member(s) shall be responsible for overseeing the upkeep and maintenance of the shoreline access points.

#### c) Building Maintenance

The designated Board member(s) shall be responsible for overseeing the maintenance of the Pine Orchard Association building and the property where the building is located.

#### d) Municipal Interface

The designated Board member(s) shall act as the liaison between the Pine Orchard Association and the town of Branford agencies, such as police, fire, and public works.

#### e) Tax Collector

The designated Board member(s) shall be responsible to ensure proper notice and collection of taxes and to issue liens on property when taxes are unpaid.

## 8. Term Limits

Each member of the Executive Board shall be elected for a three-year term. An Executive Board member, after serving two full consecutive terms, must vacate his or her position for at least one year before seeking re-election for another term.

## 9. Changes to By-Laws

In accordance with Section 9 of the Charter of The Pine Orchard Association the Executive Board may alter, amend, or repeal the By-laws of the Association, at any annual meeting of the membership or at any regular or special meeting of the Executive Board, called for such purpose or purposes, by a vote of two-thirds (2/3) of the Executive Board members entitled to vote.

Notice of any proposed change to the By-laws shall be provided to the members of the Association at least two weeks prior to the meeting of the Executive Board at which the proposed change will be considered. The notice shall be provided to the membership of the Association by:

1. Personal notice,
2. Posting it on the Association's notice board and website
3. Filing with the Branford Town Clerk.

Said notice shall describe the subject matter of the proposed change and provide the text of the proposed change. Said notice shall also state the date, time, and location of the meeting of the Executive Board at which the proposed change will be considered.

The Executive Board shall, at its meeting at which any proposed change to the By-laws is to be considered, accept, and receive comments, either written or oral, from members of the Association. The proposed change, if approved, shall be posted on the public notice board and website of the Association within seven days of passage and maintained on the notice board and website for at least thirty days. The change shall take effect fifteen days after its passage by the Executive Board. A certificate of the Clerk of the Association of the posting of the By-laws, shall be prima facie evidence of such posting.

## 10. Charter

The provision of these by-laws is subject to the Charter of the Pine Orchard Association and in case of a conflict between provisions, the provisions of the Charter shall prevail.

Effective as of November 21, 2023

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

as of 6/26/2023

	FY 22/23 Budget 4/10/2023	FY 23/24 Budget 6/26/2023	
<b>RECEIPTS</b>			
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
<b>Total</b>	\$ 151,903	\$ 128,050	
<b>DISBURSEMENTS</b>			
Security	\$ -	\$ -	
Shorefront Maintenance	\$ 60,000	\$ 51,750	<<< June 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	(\$6,549.75 - 11/3/23 Inv.)
PO Web	\$ -	\$ -	
Acctg Annual Review	\$ 5,600	\$ 5,600	
Beautification Comm.	\$ 1,000	\$ 1,000	<<< Lawn mowing, etc.
Sidewalks	\$ -	\$ -	Cresct. Bluff
<b>Total</b>	\$ 157,900	\$ 128,050	
<b>NET INCOME (LOSS)</b>	\$ (5,997)	\$ -	

Account Balance as of 10/31/2023*	
BOA checking	<b>\$108,717.89</b>
BOA Savings	<b>\$67,834.33</b>
<b>BOA total balance</b>	<b>\$176,552.22</b>

\* Transfer of \$16,486 from BOA saving, to BOA checking, remains to be made.  
The transfer, once made, will reduce BOA savings to \$51,348.33

**Pine Orchard Association Treasurer's Budget Report FY22-FY23**

**Current Approved Budget vs. Expenditure Activity YTD**

as of 10/31/2023

	Approved Budget 26-Jun-23	Budget Activity YTD	\$ Remaining YTD	% Remaining YTD	
<b>RECEIPTS</b>					
Tax Collections	\$ 97,509	\$ 95,900	\$ 1,609	2%	
Rent	\$ 5,200	\$ 2,800	\$ 2,400	46%	
Building & Permit Fees	\$ 8,800	\$ 2,538	\$ 6,262	71%	
Other (Int., Moorings)	\$ 55	\$ -	\$ 55	100%	
Use of Capital Savings	\$ 16,486	\$ -	\$ 16,486	100%	
<b>Total</b>	<b>\$ 128,050</b>	<b>\$ 101,238</b>	<b>\$ 26,812</b>	<b>21%</b>	
<b>DISBURSEMENTS</b>					
Security	\$ -	\$ -	\$ -	-	
Shorefront Maintenance	\$ 51,750	\$ 18,590	\$ 33,160	64%	Incudes YTD net raccoon
Building Maint/Utilities	\$ 9,000	\$ 9,150	\$ (150)	-2%	<<< YTD net repair costs of \$5,7
Property Improvements	\$ -	\$ -	\$ -	-	Tot. net costs to be \$6,239
Office/General	\$ 18,000	\$ 8,616	\$ 9,384	52%	
Insurance	\$ 7,800	\$ -	\$ 7,800	100%	
Legal**	\$ 28,900	\$ -	\$ 28,900	100%	<< Attorney annual estimate.
Zoning	\$ 6,000	\$ 1,500	\$ 4,500	75%	(\$6,549.75 - 11/3/23 Inv.)
PO Web	\$ -	\$ -	\$ -	0%	
Acctg Annual Review	\$ 5,600	\$ -	\$ 5,600	100%	
Beautification Com.	\$ 1,000	\$ 327	\$ 673	67%	
Sidewalks	\$ -	\$ -	\$ -	-	
<b>Total</b>	<b>\$ 128,050</b>	<b>\$ 38,182</b>	<b>\$ 89,868</b>	<b>70%</b>	
<b>NET INCOME (LOSS)</b>	<b>\$ -</b>	<b>\$ 63,056</b>			

Account Balance as of 10/31/2023*	
BOA checking	<b>\$108,717.89</b>
BOA Savings	<b>\$67,834.33</b>
<b>BOA total balance</b>	<b>\$176,552.22</b>

\* Transfer of \$16,486 from BOA saving, to BOA checking, remains to be made.

**Racoon Building Damage Costs**

Description	Date Paid	Amount
Rings End Lumber (door stop)	7/21/2023	-
Door Plate	7/28/2023	-
Bontatibus Floors	8/4/2023	\$10,000.00
Lyon Construction	8/4/2023	\$0.00
Jani-King	8/4/2023	\$2,000.00
Professional Extermination Inc.	8/14/2023	\$160.00
Giordano Constructin	8/25/2023	\$1,520.94
Branford Building Supplies	9/7/2023	-
Integrity Plumbing	9/12/2023	-
Richlin	9/15/2023	-
Lopez and Daughter Painting - 1st	10/12/2023	\$465.00
Lopez and Daughter Painting - 2nc	11/2/2023	\$465.00
<b>TOTAL</b>		<b>\$14,610.94</b>
Insurance payout		-\$8,372.05
<b>Out of pocket cost to POA</b>		<b>\$6,238.89</b>

<<<< The \$2,400 is in Shoreline Maintenance - Crescnt.

<<<< 2nd \$465 not hit bank yet

<b>Expense - YTD</b>
<b>\$5,773.89</b>

<<<<

**From:** Peter Berdon <Peter.Berdon@bymlaw.com>  
**Sent:** Sunday, November 5, 2023 9:18 PM  
**To:** matt.k.barez@lmco.com; Laura Magaraci; Laura Magaraci; pres@poa-ct.org; Thomas Roche; Vincent Giordano Jr  
**Cc:** margaret haering; 'Peter Robinson'  
**Subject:** RE: Zoning review for Board Meeting - Personal Information

Matt: I have dictated a lengthier memo on the issues below; however, my assistant, who is new to her position, is a little backed up, so here is a brief response to your email.

1. *Zoning Compliance/Applications.* My recommendation is that the ZEO, currently Laura, be the sole and only point person to act on complaints, provide information concerning applications, or respond to complaints. If any board member receives any communication or inquiry from either the subject owner or an interested third party, then that person should be directed to communicate with Laura. The only exception would be for matters that are presently in Court, in which case, the Board may want to provide authority to a board member (usually the president) to respond to inquiries.
2. *Zoning Liaisons* – Primary functions are to: oversee and supervise Laura; relay information for Laura to the Board; update the Board on general zoning matters; and to suggest to the Board revisions to the Zoning Ordinance for either legal compliance or to improve the community.
3. *Litigation:*
  - A. Wihbey Appeal: The matter is pending before the Supreme Court of CT. It is fully briefed and is waiting for the assignment for oral argument to be scheduled. Oral argument will likely occur in next 2-4 months.
  - B. Beachcroft v McBurney: The granting of judgment in favor of the POA (denying the McBurney claim to adverse possession of a part of the path) was appealed. We are currently waiting to hear from the Court as to whether or not the matter is eligible for the Pre-Argument Conference process. The PAC is a mediation process wherein the Court attempts to resolve the case through mediation before the briefing schedule is established.
4. *STR Enforcement.*
  - a. We are working on a revised letter for each of the properties, including Waterside. It will not go out before your meeting. The property owners will have 30 days to respond.
  - b. The POA can require that the ad specifically prevent/state “ no rental for less than 30 days” and have the property owner acknowledge and agree that they will not violate the Ordinance.
  - c. If you wanted to get super strict on the issue, you could require all STRs to register with POA and provide their historical rental calendar periodically. This would require an amendment to the Zoning Ordinance.
5. *Tweed Application*
  - a. November 6 Meeting:
    - i. Officially “receipt” in the application. (Receipting the application just requires making a statement that the application has been received and is in order.) FYI I do not believe that the filing fee has been paid as of yet. Paying the fee is required prior to “Receipting” the application.
    - ii. Set a Public Hearing Date – either at the regular January meeting or a Special meeting in December.
  - b. **Note** the Public Hearing must commence within 65 days of receipt and conclude 35 days after the first public hearing (unless extended with the applicant's consent). A decision must be issued within 65 days of the conclusion of the public hearing(unless extended with the applicant's consent – the total days of consent for all extensions cannot exceed 65 days).

- c. **Items for consideration of approval.** Laura will provide you with a memo after receipt of the application and before the public hearing addressing the conditions for your consideration and her findings as to each.

I think that this addresses all your points/questions. If not, please let me know

Regards,

Peter A. Berdon  
Berdon, Young & Margolis, PC  
350 Orange Street, 2nd Flr  
New Haven, CT 06511  
Phone: 203-772-3740  
Direct Dial: 203-439-7857  
Fax 203-492-4444  
[Peter.berdon@bymlaw.com](mailto:Peter.berdon@bymlaw.com)



**Prevent wire fraud, verify all wiring instructions through a trusted source.**

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---

**From:** matt.k.barez@lmco.com <matt.k.barez@lmco.com>

**Sent:** Sunday, November 5, 2023 7:28 AM

**To:** Peter Berdon <Peter.Berdon@bymlaw.com>; Laura Magaraci <Magaraci.Laura@northhaven-ct.gov>; Laura Magaraci <magaracilaura17@gmail.com>; pres@poa-ct.org; Thomas Roche <thomasroche2016@gmail.com>; Vincent Giordano Jr <vsjg@giordano.build>

**Cc:** margaret haering <mehaering@outlook.com>; 'Peter Robinson' <om@poa-ct.org>

**Subject:** Zoning review for Board Meeting - Personal Information

Personal Information

Good morning all, just wanted to go over what Tom and I will present relative to the agenda items below. When we get to #4 Zoning below, our two biggest items are below it so we will introduce ourselves as the Zoning liaisons and remind people that our Zoning Enforcement Officer is responsible for all conformity application approvals/denials and best to consult with Laura at [zeo@poa-ct.org](mailto:zeo@poa-ct.org) (Laura/Tom/Peter – can we all access those emails or have you forward when received?). Let's make sure that is the best way for a member to get a response/advise.

I think it might also be a good point to reference that we are about (or have?) to file our appeal to the Supreme Court of CT in the Whibey vs PO case. That is all we would say on this item, would hate to bring it up under short-term rentals and then we get distracted. I don't think it's right to say nothing at all, members should at least know the status.

STR – I would review steps to date ... PeterB/Laura, can you provide the xxx dates from the revised certified letters?



15 September 2023

To:

Vincent Giordano (President of the Pine Orchard Association-POA)

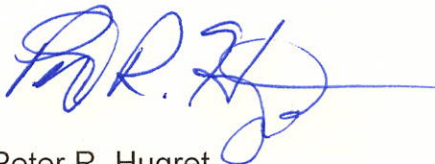
Nancy Patton (President of the Pine Orchard Yacht and Country Club-POYCC)

As a past member of the Branford Police Commission (Traffic Committee Chair) and with the full support of Norm Gavin (281 Pine Orchard Road), we are very concerned for the safety and welfare of members, guests, pedestrians, and cyclists crossing or traveling along Pine Orchard Road. The risk of injury is particularly high in the vicinity of the POYCC's golf driving range and 1st tee box. **Norm and I ask for Board(s) action in requesting a speed hump be installed in this area by requesting authorization from the Town's Police Commission.**

While I was Chair of the Police Commission's Traffic Committee, I recommended approval for speed humps on lower Harbor Street (Branford Point) and Short Rocks Road (Supply Pond). These were unanimously approved by the Branford Police Commission and were installed. The "Humps" have been effective in slowing traffic and promoting safety. One of the Humps was requested by the Town's Public Works Department as installing and removing the temporary Hump on Harbor Street was damaging the road. The second Hump on Short Rocks Road was the result of a resident bringing this risk to the attention of the Police Department and Commission. A third Hump (Clark Avenue) was installed prior to Peter's time on the Commission. When Clark was recently paved, the Hump was replaced. The primary reason for approval of these Humps was safety.

Note-there is a significant difference between a speed "Hump" and "Bump". While both are engineered, Humps rise at a less slope/angle and are not as high. This difference has proven to be less disruptive during winter plowing and to vehicles in general passing over them. If this request is approved by the Police Commission, Norm Gavin has offered to pay for the Hump's installation.

Please contact Norm (203-915-8357) or Peter Hugret (203-623-3451) with any questions you might have.



Peter R. Hugret  
6 Elizabeth Street  
Branford, CT 06406



Norman Gavin  
281 Pine Orchard Road  
Branford, CT 06405



# PINE ORCHARD YACHT & COUNTRY CLUB

Pine Orchard Yacht and Country Club  
2 Club Parkway  
Branford, CT 06405

October 14, 2023

Peter R. Hugret  
6 Elizabeth Street  
Branford CT 06405

Re: Speed Hump Request on Pine Orchard Road

Dear Peter,

On October 12, 2023, the Board of Governors of the Pine Orchard Yacht and Country Club (“POYCC”) discussed and voted unanimously to support Norm Gavin’s and your request that the Branford Board of Police Commissioners authorize installation of a speed hump on Pine Orchard Road at or near the area of the POYCC golf driving range and first tee box.

Sincerely,

Nancy Patton  
POYCC Board President

CC: Norman Gavin

## Office Manager Report for Sept/Oct 2023

- 1) **POA Tax Collection:** As of Oct 31st, all but one property is collected.
  - a. I will send out a Demand Notice on Dec. 1<sup>st</sup>. If I am still not paid I will notify that a lien will be filed with the town on Feb 1<sup>st</sup>.

- 2) **Zoning: Defer to Matt Barez**

- 3) **POA Office:**

**Outreach:**

- a. We have 77% coverage via email for all POA residences (512 emails).
- b. I continue to get back to 90% of the POA inquiries within 24 hours.
- c. Sent out 2 welcome letters this period.

**Building:**

- a. Ready for physical meetings.
  - a. Still working on toilet, need to add a shim and caulk.
  - b. The building interior trim was painted.
- b. Fall maintenance for generator completed.

**Zoning:**

- a. Re packed the zoning files to defer adding new cabinet.

**Community:**

Supporting the Union Chapel with email announcement of their 2023 events.

MINUTES OF PUBLIC HEARING,  
MONDAY December 11, 2023,  
TO DISCUSS SPECIAL PERMIT APPLICATION FOR  
TWEED ROAD SUBDIVISION FOLLOWED BY  
SPECIAL EXECUTIVE BOARD MEETING

Held at 180 Pine Orchard Road, Branford, CT and on the Zoom Application (recorded)

The Special Meeting of the Pine Orchard Executive Board was called to order at 7:00 p.m. Director's present were: Vincent Giordano, Peggy Haering, David Silverstone, Seth Hershman, Niall Ferguson, Andy Ruff, Tom Roche, Matt Barez, John Grathwol, Karen Jubanyik. Absent: David Scheer and Curtis O'Connor.

Before opening the Public Hearing, the President introduced Branford Police Chief John Mulhern and Deputy Police Chief John Alven to discuss recent questions about car thefts in Pine Orchard. Chief Mulhern said that the Pine Orchard data is encouraging. Cars are usually stolen in the overnight hours, and there is no real consensus as to where they occurred. Most offenders are juveniles. He said larceny in cars is mostly triggered by theft of high value items visible in cars. He stated that staff is not patrolling Pine Orchard in the overnight hours and that the Police Department is hoping to hire more officers. Niall Ferguson asked what happens when crimes occur and whether the perpetrators are armed. The Deputy Chief said that only one car was stolen in the past year. Karen Jubanyik asked whether Branford is doing anything specific to deal with mental health issues of perpetrators. The Police Chief said there was a masters social worker on staff. Peggy Haering asked whether there any way to contact parents or local community groups about criminal activities of the perpetrators. The Chief said that juvenile arrests had to be maintained in secrecy.

Vin Giordano asked whether it made sense to install a camera on the Pine Orchard headquarters building to monitor roadway traffic. The Chief said that cameras are better for after the fact review and rather than intervening in crime in process. Susan Dahill, a member of the RTM for the 7<sup>th</sup> District, asked about prevention of speeding on the roads. She commented that a recent hearing on Route 146 indicated that making roads narrower might reduce speeding. The Chief Deputy said that the police have been looking at narrowing lanes and using speed signs to remind people to slow down. Vin Giordano noted that one community has appealed to the Governor to provide more deterrents. The Police Chief said that they are interested in hearing from the community. The Board thanked the Police Chief and Deputy for their attendance. The Board meeting was then suspended.

The Public Hearing was opened at 7:45 p.m. The purpose of the public hearing was to consider the Special Permit Application of Anthony Capasso, Applicant, and Walter Maguire Jr, Owner, relative to a 4-lot subdivision of property known as 66 and 76-82 Totoket Road and 0 Tweed Road in the AA-1 Zoning District. The Association's Zoning Enforcement Officer, Laura Magaraci attended the public hearing via the Zoom application. The applicant, Anthony Capasso, has a contract to purchase the property known as 66, 76-82 Totoket Road, 0 Tweed Road, located in the Pine Orchard section of Branford. It is an eight acre parcel. Timothy Lee, attorney, and James H. Galligan, appeared on behalf of the applicant. Mr. Lee said that Mr. Capasso wishes to create a family compound and create four lots on which family members will build homes. The Subdivision has been approved by the Town of Branford and is now before the Board of the Pine Orchard Association for approval in its capacity as Zoning Authority. He introduced Jim Galligan to review the site plan.

Mr. Galligan said that all lots in the subdivision will have frontage on a private road. There will be no access to Totoket Road. Public water and septic have been approved. A fire hydrant will be placed on the premises. A detention pond to mitigate water runoff will be located on the premises; its design was based on 100- year storm numbers. The system is designed to handle 8.7 inches of rain.

The Zoning Enforcement Officer, Laura Magaraci, read her staff report into the record. She recommended that the application be approved with conditions. She said that the application was compliant with our ordinance and that the applicant will provide financial guarantees to the town. The conditions stated were providing an as-built foundation plan before framing, demonstration of required off street parking, no zoning compliance letter shall be issued until the proposed road, drainage and fire hydrant are constructed/installed, and compliance with all conditions in the Branford Planning and Zoning approval of October 5, 2023. She added that stormwater has to be managed throughout the project before construction can begin.

Jim Galligan confirmed that the detention basin would be built first. Tim Lee added that the subdivision plan approved by the town did not delineate how open areas would be designated on deeds. Vin Giordano recommended adding a deed restriction to advise lot purchasers that undelineated areas on the site plan were not subject to development.

Tome Roche asked whether there were wetlands on the property. The response was no.

Jim Galligan mentioned that the applicant was trying to minimize blasting and confirmed the road would have a 5% grade, which was not considered steep.

Vin Giordano asked if there were any public questions. Chris Curl [23 Tweed Road] said that he lived adjacent to lots 3 and 4 on the site plan. He is concerned about runoff from a pond shown between lots 3 and 4 coming onto his property. The pond got filled in some time ago, but the area still gets really swampy.

Jim Galligan said there would be a "rain garden" where water would collect. He said the driveway will not prevent water from draining away. Vin Giordano requested designation of the "rain garden" on the plans and details of construction and vegetation to mitigate standing water and mosquito breeding.

Bill Tweed [11 Tweed Road] lives adjacent to the property and has great knowledge of the site. He is concerned about the blasting and feels that the pond may be a breeding ground for mosquitos. He also said that old growth trees on the site should be kept.

Tim Lee said that the Town engineer had approved the site plan. He asked that an email from John Hoefflerle dated 9/15/2023 indicated the suitability of the proposed sewage disposal system be read into the record and noted that the East Shore District Health Department had approved the plan. He referenced a 10/17/2023 letter from the Branford Planning and Zoning Commission approving the subdivision application. He also noted that an email dated April 28, 2014, concluded that there were no wetlands on the property.

Jeanne Hughes [39 Meadow /Wood Rd] said that she was worried about concentration of housing and felt that we needed undeveloped areas in order for nature to survive. She asked about any current deed restrictions affecting the property.

Tim Lee said that he was not aware of any deed restrictions. Jim Galligan said that the applicant was not asking for special treatment--just permission to subdivide the property.

Billy Tweed asked why, if they had eight acres of land, they would propose to put a house only forty-two feet from his property.

There being no further public comment, the public meeting was closed at 8:25 p.m.

The Special Meeting of the Board was resumed, at 8:25 p.m. Vin Giordano asked board members for comments on the subdivision application. Matt Barez said that he was okay with the plan and that it conformed to the Pine Orchard Zoning Ordinance. Tom Roche noted that the setbacks on the plan were compliant. Andy Ruff said that the applicant had followed the rules of a typical subdivision. He noted that a more artful arrangement of lots might have been presented. Karen Jubanyik had an issue with the equity of allowing construction of what might be expensive housing when the Town of Branford and Pine Orchard do not allow construction of Accessory Dwelling Units. John Grathwol said that the application appears to comply with the rules. Vin Giordano would like to add to conditions that a deed restriction relating to non-disturbance of undeveloped areas be added so that lot purchasers would be on notice. He also expressed concern about erosion control and onsite/offsite sedimentation.

Niall Ferguson stated his conclusion that the application met our zoning ordinance. David Silverstone said that the engineer's report counters objections that had been raised about the project.

Peggy Haering had concerns about the depression in the land between lots 3 and 4 and wanted to be sure that the developer took steps to protect it from becoming a breeding ground for mosquitos.

Luar Magaraci said that soil and erosion controls onsite and offsite were necessary. The question arose whether we could receive bi-monthly reports on erosion controls during construction.

There being no further discussion, Karen Jubanyik, seconded by John Grathwol, moved to approve the application. Seth Hershman abstained from voting. Subject to that abstention, the motion passed with unanimous consent.

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Margaret Haering, Clerk

Documents received during Public Hearing:

- Application for Special Permit
- Letter from Branford Planning and Zoning Commission, 10/17/2023
- Subdivision Site Plan, prepared by Nafis & Young, dated 7/05/2023, revised 7/21/2023, 9/6/2023, and 10/17/2023.
- Email from David Lord, dated 4/28/2014.
- Letter from Soil Resource Consultants, 8/15/2014
- Letter from East Shore District Health Department, 9/20/2023
- Email from John Hoefflerle, PE, Town Engineer, Town of Branford, 9/15/2023. Memorandum, 12/11/2023, from Zoning Enforcement Officer, Laura Magaraci

# SOIL RESOURCE CONSULTANTS

P.O. Box 752

Meriden, CT 06450

August 15, 2013

SRC Job No. 13 - 04

Josh Onofrio  
Onofrio Total Construction, LC  
245 Warner Road  
North Haven, CT 06473

**RECEIVED**

APR 04 2014

**Inland Wetlands Agency**

Dear Mr. Onofrio:

**Re: Soil Investigation for Wetland Determination - 66 Totoket Road - Branford, CT**

At your request, I have completed an onsite investigation of this site as depicted on the attached site map detail. The purpose of my investigation was to identify and delineate any onsite inland wetlands and watercourse boundaries. The field work was completed on May 10, 2013.

The soil investigation was conducted using a spade and or hand auger to identify existing soil conditions on this site. Approximately 20 test holes were dug throughout all areas of this site.

No indications of inland wetland soil conditions or watercourses were found in any of the test hole locations. Existing soils represent the drainage classes - moderately well drained and well drained.

The attached soil map prepared for this site is a refinement of data found in the **Soil Survey of New Haven County**. Each map unit is composed of a unique combination of soils. Areas with the same symbol have a similar soil composition.

The map units described below are based on data collected at this particular site. Soil surveys in Connecticut were originally conducted for primarily agricultural purposes and do not provide site specific information. The minimum area delineated on a soil survey map sheet is approximately 2-3 acres in size. For this reason there may be some differences between the following information and that published in the Soil Survey.

## **UPLAND NON-WETLAND SOILS**

The non-wetland soils were not studied or mapped in detail. Some observations were made of these soils during the process of determining the lack of any onsite inland wetland areas. Random soil boring locations in upland areas were marked with pink and black stripped flagging. The following map unit descriptions do not constitute a detailed soil investigation of these upland areas, but may be used as a guide in site planning.

**Wetland Delineations    Wetland Impact Evaluations    Environmental Planning**

**Cy (77)**

The Cy map unit consists of two soils that are so intermingled on the landscape that they can not be readily separated on the map. Slopes generally range from 3 to 15 percent. Both soils are well drained.

The dominant soil is called Cheshire. Cheshire soils are very deep and well drained. They formed in loose glacial till derived from red Triassic materials. Typically they have fine sandy loam surface and subsoil layers overlying a gravelly sandy loam substratum to a depth of 60 inches or more.

The other soil is called Holyoke. Holyoke soils typically have silt loam surface and subsoil layers with bedrock generally beginning at about 13 inches below the soil surface.

**Ud (304)**

The Ud map unit consists of moderately well to well drained disturbed soils. It is composed of filled areas and areas consisting of both cut and fill. Soils in this map unit have been extensively disturbed by grading and filling activities associated with the existing developed/altered portions of this site.

Classification into natural soil units is impossible. This map unit is referred to taxonomically as Udorthents. Original diagnostic soil horizons are not present. Soils in this map unit have a wide range of characteristics. Textures are predominantly gravelly fine sandy loams. Permeability can be variable due to the lack of soil profile structure caused by the grading activities.

A small portion of this map unit near an existing/former outbuilding appears to have been used as an ice skating pad. This area was thoroughly examined and found to not contain any inland wetland soils or watercourse features.

If you have any questions regarding this report, or need additional assistance with this site, please contact me. Environmental planning and wetland impact evaluation services are also available upon request. I am available to attend Inland Wetland Commission meetings and site walks.

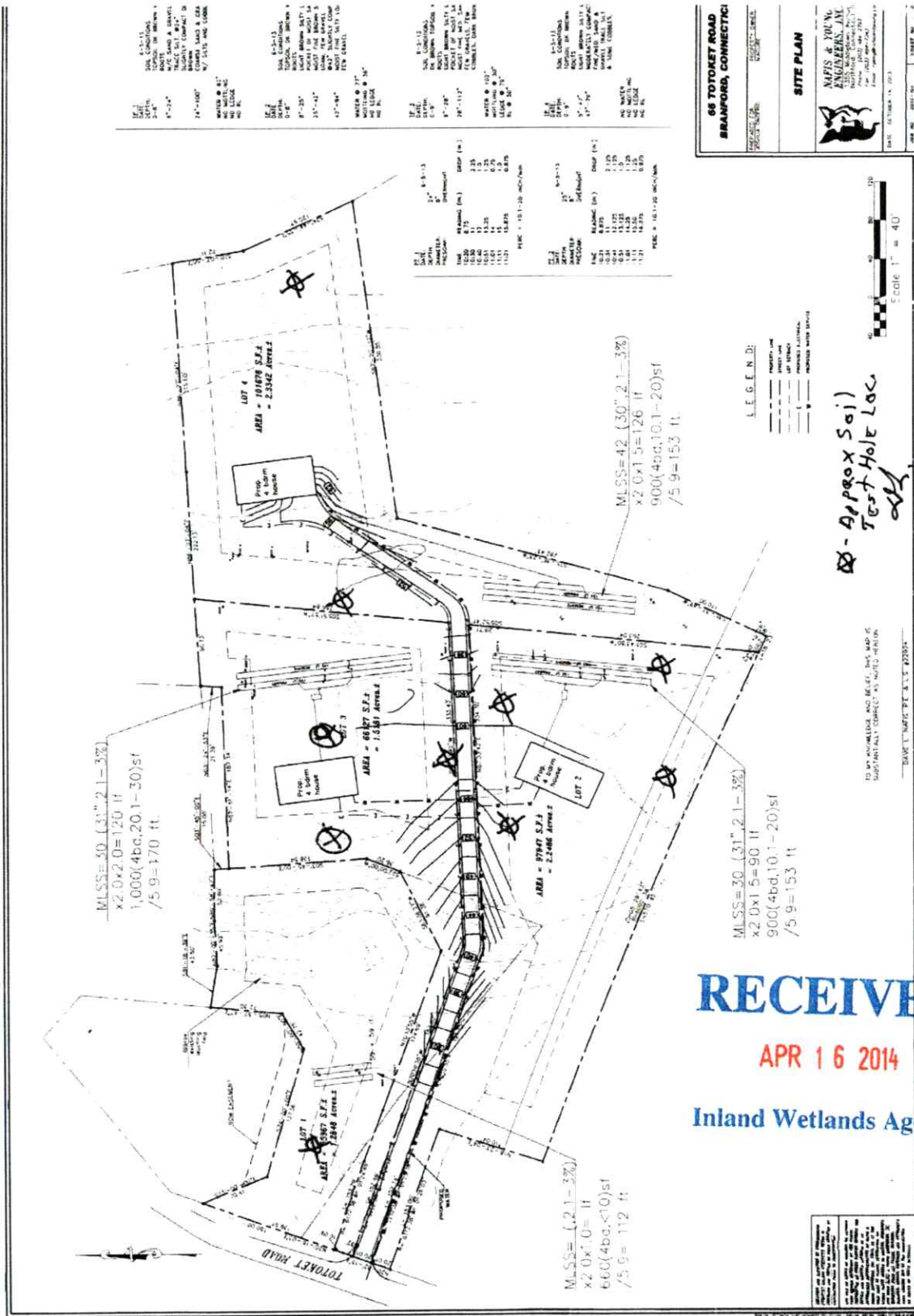
Sincerely,



**David H. Lord**  
Certified Soil Scientist  
& Environmental Consultant

# Soil Resource Consultants

P.O. Box 752 Meriden, CT 06450



**RECEIVED**

**APR 16 2014**

**Inland Wetlands Agency**



Print Date:  
April 16, 2014

- Legend**
- Wetland Delineations**
- Type
  - Inland
  - Tidal
  - Spot Elevation
  - Intermediate 2' Contours
  - Index 10' Contours
  - Tree Line 1998
  - Watercourses
  - 2005 Aerial SBC
  - RGB
  - Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3

**DATA SOURCES:**  
Parameters - Branford 1999 Aerial Photos  
A  
State of Connecticut, DEP



**NOTE**  
Information on this map  
is an approximate representation  
and does not meet any survey quality  
1 inch = 80 feet



**Diana Ross**

---

**From:** Diana Ross  
**Sent:** Thursday, April 17, 2014 12:20 PM  
**To:** 'David Lord'  
**Subject:** RE: Onofrio - Totoket Rd Site  
**Attachments:** 14apr16 GIS aerial.pdf

David,

I converted to a pdf and was able to print.

I have attached an aerial photo. It looks like you tested the soil in the upland area adjacent to what appears to be a wetland area, that, in our 1998 aerial, appeared to have standing water in it.

Can you confirm that the area that appears to be wetland on the aerial is not wetland?

*Diana Ross*

Inland Wetland Agent/Enforcement Officer  
Inland Wetlands and Natural Resources Department  
Town of Branford  
PO Box 150  
1019 Main St.  
Branford, CT  
P(203)315-0675  
F(203)889-3172

*The inland wetlands and watercourses of the state of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed. [CGS 22a-36]*

Please Note: The Town of Branford permanently retains all incoming and outgoing emails. All emails, unless otherwise specified by law, are subject to FOI.

**From:** Diana Ross  
**Sent:** Thursday, April 17, 2014 12:11 PM  
**To:** 'David Lord'  
**Subject:** RE: Onofrio - Totoket Rd Site

David,

Can you scan the plan and email. I can't print the sheet due to the formatting.

Diana

**From:** David Lord [mailto:[dlordsrc@gmail.com](mailto:dlordsrc@gmail.com)]

**Sent:** Thursday, April 17, 2014 9:36 AM

**To:** Diana Ross

**Subject:** Onofrio - Totoket Rd Site

Good Morning Diana,

Attached is a sketch of my field notes with approx. test hole locations transferred to the N & Y drawing I was given.

Please call me 860-919-4049 with any questions.

Thanks,

David

## Diana Ross

---

**From:** David Lord <dlordsrc@gmail.com>  
**Sent:** Monday, April 28, 2014 8:14 AM  
**To:** Diana Ross  
**Subject:** Onofrio - Totoket Rd

Good Morning Diana,

As per our conversation -

During my original site investigation, I performed several test borings in the area of an existing barn/shed structure. What appeared to be a former manmade ice skating area had been excavated out of an originally upland soil area. The excavated area was slightly depressed below the surrounding ground. This conditions appears to have made it possible to collect and hold water and to form an ice skating surface.

Soils in and around the subject area were extensively investigated and found to not contain inland wetland or watercourse characteristics. Several pink & black stripped plastic ribbons were set in this portion of the overall site.

No prolonged or persistent pooling of water during the growing season of the year appears to be present in this portion of the property. This type of condition would be reflected in either the soil characteristics or vegetative cover.

It continues to be my opinion that the excavated area adjacent to the barn /shed structure is not an inland wetland or watercourse.

Thanks,

David

(Submit in triplicate. Two copies will be returned to Applicant)

# THE PINE ORCHARD ASSOCIATION ZONING AUTHORITY APPLICATION FOR SPECIAL PERMIT

Filing Fee: \$275

Name of Applicant: Anthony Capasso

Address: 1011 Middletown Avenue, Northford, CT 06472

If applicant represents a firm, corporation, or partnership, give full name of same:

Name of Landowner of Record: Walter Maguire, Jr. *(initials)*

Address: 160 Uncas Point Road City: Gulford State: CT Zip: 06437

Location of Property: 66, 76-82 Totoket Road, 0 Tweed Road

Land Surveyor, Engineer, Architect: Nafis & Young Engineers, Inc.

Name: David L. Nafis, P.E.L.S Name: James H. Galligan, P.E.

Address: 1355 Middletown Avenue Address: 1355 Middletown Avenue

City: Northford State: CT Zip: 06472 City: Northford State: CT Zip: 06472

Phone/Cell Number: 203-484-2793 Phone/Cell Number: 203-314-8041

Email Address: nyeng@nafisandyoung.com Email Address: nyeng@nafisandyoung.com

Submit both a PDF\* and physical copy of Plans, Maps, and/or Surveys related to this application:

Is this a division of an existing lot or parcel?  Yes  No

Is this an application for a subdivision of three or more lots?  Yes  No

Is this a change from non-conforming use to another that is different in nature and purpose?

Yes  No

Describe the purpose for which the new facility is intended:

New private road and four (4) individual residential lots.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\* (PDF copy is required of all prints larger than size "A" (8 1/2 x 11). They can be provided on an optical disk or emailed to om@paa-ct.org)

If a subdivision, answer the following:

Area to be subdivided: 7.9 acres

Is a new street proposed?  Yes  No

Will Public Water Supply serve lots?  Yes  No

Will Public Sewers service lots?  Yes  No

Will Public Gas supply serve lots?  Yes  No

Will buried Public Power supply serve lots?  Yes  No

The Owner and Applicant hereby grant permission to The Pine Orchard Zoning Authority and its authorized agents to enter upon the premises proposed for Special Permit under this application for inspection and other actions related to the enforcement of the Zoning Ordinances of The Pine Orchard Association.

(Signed) [Signature]  
Applicant

(Signed) [Signature]  
Owner

Print Name: Anthony Capasso

Print Name: WALTER L. MAGUIRE, JR

Date \_\_\_\_\_

Date 4/16/2023

Any approvals given by The Pine Orchard Zoning Authority will become void unless:

- (1) A Branford Building Permit is obtained within six months and unless a bona fide start has been made on construction or other matters approved within one year; and unless:
- (2) Approval of the septic system is obtained from the Director of East Shore District Health Department for new construction or for conversion from seasonal occupancy to year-round occupancy of a building.

**Record of Action Taken by Zoning Authority:**

---

Date: \_\_\_\_\_ Signed \_\_\_\_\_

Applicants must notify all adjoining property owners, as well as those directly across the street, of the hearing, listing the time, date, and place of the hearing by Certified Mail, Return Receipt Requested (green card). These green cards are required proof of mailing and must be submitted at the time of the hearing. Letters of notice containing this information signed by abutting property owners may be substituted as proof of notification. Abutting property is any which touches the property seeking approval on any side, including vacant lots. This applies to property directly across a road from any part of the property in question.



# *Fasano, Ippolito, Lee & Florentine, LLC*

*Attorneys at Law*

388 Orange Street  
New Haven, Connecticut 06511

261 East Main Street  
Branford, Connecticut 06405

274 Hemingway Avenue  
East Haven, Connecticut 06512

Leonard A. Fasano  
Alphonse Ippolito  
Timothy J. Lee  
Richard T. Florentine  
Nicholas N. Mingione  
Robert L. Fasano\*

Telephone: (203)787-6555  
Telefax: (203)776-2119  
New Haven Real Estate Fax: (203)776-1088  
Branford Real Estate Fax: (203)483-1342

\*Also Admitted in Florida

May 17, 2023

Laura Magaraci  
Zoning Enforcement Officer  
Pine Orchard Association

VIA HAND DELIVERY

**RE: Anthony Capasso Subdivision Application**

Dear Laura:

As you are aware, we represent Anthony Capasso with respect to the above-referenced matter. We have submitted an application to the Branford Planning and Zoning Commission to subdivide the parcel into 4 lots. I am providing you with a courtesy copy of the proposed development plans for your review. Based on my review of the Pine Orchard Zoning Regulations, the Pine Orchard Association does not regulate the subdivision of the property.

If you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely yours,



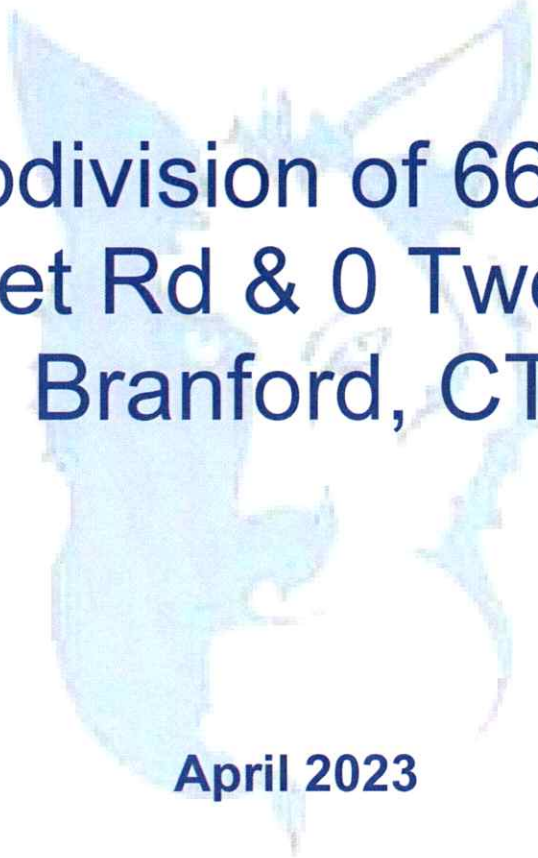
TIMOTHY J. LEE, ESQ.

TJL/jw

Enclosure(s)

1355 Middletown Avenue  
Northford, Connecticut 06472  
Phone: (203) 484-2793  
Fax: (203) 484-7343  
e-mail: nyeng@nafisandyoung.com

# **Engineering Report**



**Resubdivision of 66, 76-82  
Totoket Rd & 0 Tweed Rd  
Branford, CT**

**April 2023**

**Nafis & Young Engineers, Inc.**



# NAFIS & YOUNG ENGINEERS, INC

CIVIL / ENVIRONMENTAL  
ENGINEERING & SURVEYING

## INTRODUCTION

The proposed project will be located at 66, 76-82 Totoket Rd and 0 Tweed Rd. The subject parcel is 7.22 acres, with an existing house on one parcel. The site is bounded by residential properties to the North side the railroad tracks to the South side and commercial to the East. The property grades outward in all directions from two high points on the parcel.

The subject proposal is to construct 4 lot subdivision. Access to the project will be from a single entrance on Totoket Rd. The internal roadway will be twenty-six (26) feet wide ending in a 50' radius cul-de-sac with bituminous concrete curb on all sides. 10' wide driveway with a 30' by 40' parking area will be provided to each lot. The length of each driveway will vary. The project will be served by public water and utilities. Each house will have it's own onsite septic system. There are no wetlands on or adjacent to the site.

A storm drainage system has been designed for the proposed improvements which include catch basins, underground infiltration systems and a storm water detention basin. The stormwater detention system is designed to hold the Water Quality Volume as recommended in the CTDEEP 2004 Stormwater Quality Manual.

The goal of the stormwater management system is two-fold, to attenuate peak rates of runoff from the site and to maintain water quality by promoting retention and infiltration of the stormwater on site. This is achieved by directing the stormwater from the roadway areas through the catch basins, storm drainage piping and finally into a stormwater infiltration basin. The design of the storm water management system promotes a high post development water quality level and mitigates post development flows, thereby minimizing the potential for any impacts to existing watercourses, wetlands, and developed areas down gradient of the site.

## **CONCLUSION**

The infiltration basin will eliminate the stormwater discharge from the site for all storms up to and including the 100-year storm. The two-foot (2') stone bed below the infiltration basin will improve the infiltration rate of the basin. Infiltration rate in the basin has not been used in the stormwater calculation and will provide a factor of safety for the drainage / detention / infiltration system. Therefore, this project will not have an effect on adjacent properties, waterways or inland wetlands.

## **EROSION AND SEDIMENTATION CONTROLS**

The Soil Erosion and Sediment Control Plan calls for the use of the erosion and sediment control measures outlined in the *CT DEEP Erosion & Sediment Control Guidelines* in order to minimize and control disturbance during construction and provide a stable site under finished conditions. These measures include:

- Stabilized construction entrance
- Temporary sediment traps
- Geotextile silt fence
- Staked haybales
- Temporary soil stockpile areas
- Haybale filters
- Temporary seeding of exposed soils

Additionally, proper outlet protection has been designed at all proposed drainage discharge points. The outlet protection structures were designed in accordance with the recommendations on the *2000 ConnDOT Drainage Manual*.

## INFILTRATION BASIN SIZING

Total Project Area: 7.22 AC or 345,000 SF

Total Impervious Area: 43,550 SF

Total Infiltration Basin Area: EL= 33.5 19,900 SF

Total Pervious Area = 345,000 SF – 43,550 SF – 19,900 SF = 281,550 SF

### 100 Year Storm Runoff Volume to Infiltration Basin

*Pervious Area Volume:*

$$(281,550 - 41,000 \text{ SF (Rear portion of Lot 4)}) \times \frac{8.22 \text{ IN}}{12 \text{ IN/FT}} \times 0.3 \text{ COEFF} = 49,800 \text{ CF}$$

*Impervious Area Volume:*

$$(43,550 \times \frac{8.22 \text{ IN}}{12 \text{ IN/FT}} \times 0.9 \text{ COEFF}) = \underline{26,850 \text{ CF}}$$

Total Runoff Volume to Infiltration Basin (100 year) = 76,650 CF

### Infiltration Basin Volume

Infiltration Basin Size @ 33.5 = 17,900 SF

Infiltration Basin Size @ 28 = 12,300 SF

Infiltration Basin Volume (17,900 SF + 12,300 SF) ÷ 2 x 5.5 FT = 84,550 CF

Factor of Safety:  $\frac{84,550}{76,650} = 1.10$

## 66 , 76-82 Totoket Rd & 0 Tweed Rd CT, Drainage Calculations

Storm Year	Inches rainfall (24 Hr Storm)	Pervious Surface (s.f.)	Pervious Coefficient	Pervious Runoff (c.f)
2	3.46	242,527	0.3	20979
10	5.3	242,527	0.3	32135
25	6.45	242,527	0.3	39107
50	7.3	242,527	0.3	44261
100	8.22	242,527	0.3	49839

Storm Year	Inches rainfall (24 Hr Storm)	Impervious Surface (s.f.)	Impervious Coefficient	Impervious Runoff (c.f)
2	3.46	43,550	0.9	11301
10	5.3	43,550	0.9	17311
25	6.45	43,550	0.9	21067
50	7.3	43,550	0.9	23844
100	8.22	43,550	0.9	26849

Storm Year	Drainage Basin Total Storage (c.f.)	Total Runoff (c.f.)	Amount of basin full (percent)	Elevation of water (feet)
2	83,050	32280	39%	30.14
10	83,050	49446	60%	31.27
25	83,050	60175	72%	31.99
50	83,050	68105	82%	32.51
100	83,050	76688	92%	33.08

Storm Year	Height of Water (feet)	Runoff Pipe Size (in)	Discharge Coefficient	Discharge at full (cf/s)
2	2.14	3	0.98	0.56
10	3.27	3	0.98	0.70
25	3.99	3	0.98	0.77
50	4.51	3	0.98	0.82
100	5.08	3	0.98	0.87

Storm Year	ToC (min)	Intensity at ToC (in/hr)	Runoff Coefficient	Peak Discharge (cf/s)
2	30.00	1.9	0.4	6.02
10	30.00	2.88	0.4	9.12
25	30.00	3.49	0.4	11.06
50	30.00	3.95	0.4	12.51
100	30.00	4.44	0.4	14.07



NOAA Atlas 14, Volume 10, Version 3  
 Location name: Branford, Connecticut, USA\*  
 Latitude: 41.2757°, Longitude: -72.7719°  
 Elevation: m/ft\*\*  
 \* source: ESRI Maps  
 \*\* source: USGS



POINT PRECIPITATION FREQUENCY ESTIMATES

Sanja Perica, Sandra Pavlovic, Michael St. Laurent, Carl Trypaluk, Dale Unruh, Orlan Wilhite

NOAA, National Weather Service, Silver Spring, Maryland

[PF\\_tabular](#) | [PF\\_graphical](#) | [Maps & aeriels](#)

PF tabular

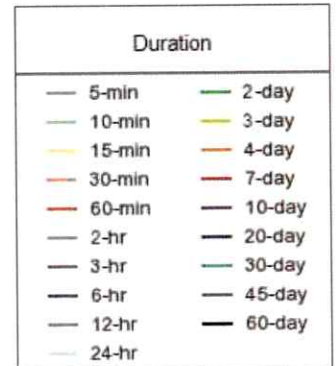
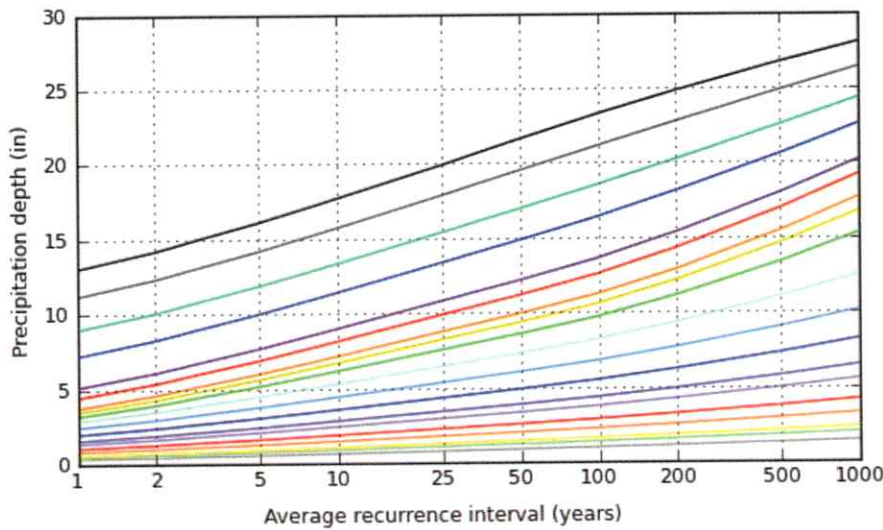
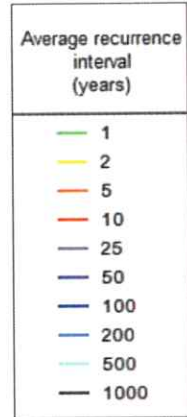
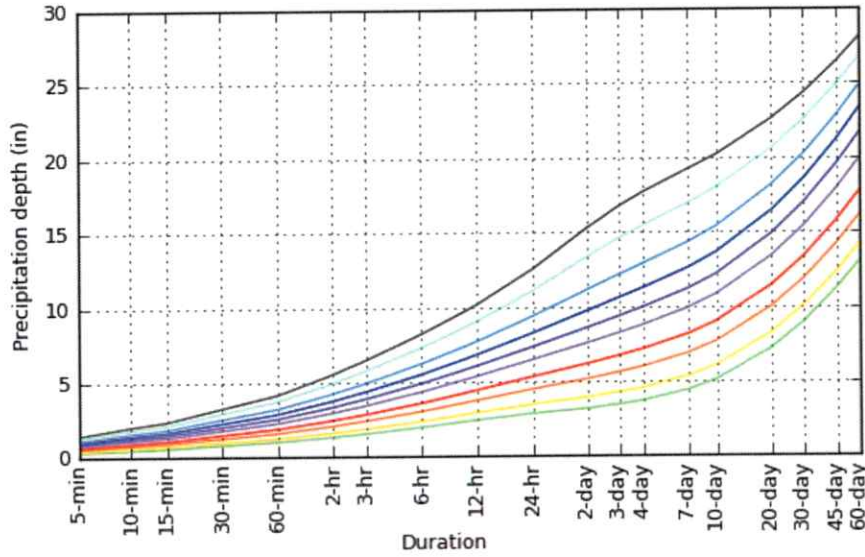
PDS-based point precipitation frequency estimates with 90% confidence intervals (in inches) <sup>1</sup>										
Duration	Average recurrence interval (years)									
	1	2	5	10	25	50	100	200	500	1000
5-min	0.342 (0.275-0.422)	0.414 (0.332-0.511)	0.531 (0.424-0.658)	0.628 (0.497-0.782)	0.762 (0.582-0.991)	0.863 (0.644-1.15)	0.969 (0.699-1.33)	1.09 (0.740-1.53)	1.26 (0.820-1.83)	1.40 (0.889-2.07)
10-min	0.485 (0.389-0.598)	0.586 (0.470-0.725)	0.752 (0.600-0.932)	0.890 (0.706-1.11)	1.08 (0.825-1.40)	1.22 (0.912-1.62)	1.37 (0.991-1.89)	1.54 (1.05-2.16)	1.79 (1.16-2.59)	1.99 (1.26-2.94)
15-min	0.570 (0.458-0.704)	0.690 (0.553-0.852)	0.886 (0.708-1.10)	1.05 (0.831-1.31)	1.27 (0.971-1.65)	1.44 (1.07-1.91)	1.62 (1.17-2.22)	1.82 (1.23-2.54)	2.10 (1.37-3.05)	2.34 (1.48-3.46)
30-min	0.791 (0.634-0.976)	0.956 (0.766-1.18)	1.23 (0.979-1.52)	1.45 (1.15-1.81)	1.76 (1.34-2.29)	1.99 (1.49-2.64)	2.24 (1.61-3.07)	2.51 (1.71-3.52)	2.91 (1.89-4.22)	3.24 (2.05-4.79)
60-min	1.01 (0.811-1.25)	1.22 (0.979-1.51)	1.57 (1.25-1.94)	1.85 (1.47-2.31)	2.25 (1.72-2.92)	2.54 (1.90-3.38)	2.86 (2.06-3.93)	3.21 (2.18-4.50)	3.72 (2.42-5.39)	4.14 (2.62-6.12)
2-hr	1.32 (1.06-1.62)	1.60 (1.29-1.96)	2.05 (1.65-2.52)	2.43 (1.94-3.00)	2.95 (2.27-3.81)	3.33 (2.51-4.40)	3.75 (2.73-5.14)	4.23 (2.88-5.89)	4.93 (3.22-7.10)	5.53 (3.51-8.11)
3-hr	1.53 (1.24-1.87)	1.85 (1.50-2.26)	2.38 (1.92-2.91)	2.81 (2.26-3.47)	3.42 (2.64-4.40)	3.86 (2.92-5.09)	4.34 (3.18-5.94)	4.91 (3.35-6.81)	5.75 (3.76-8.24)	6.46 (4.11-9.43)
6-hr	1.95 (1.59-2.36)	2.35 (1.92-2.85)	3.02 (2.45-3.67)	3.57 (2.88-4.36)	4.33 (3.36-5.54)	4.89 (3.72-6.40)	5.50 (4.04-7.47)	6.21 (4.26-8.56)	7.29 (4.78-10.4)	8.20 (5.23-11.9)
12-hr	2.42 (1.99-2.91)	2.92 (2.40-3.52)	3.74 (3.06-4.52)	4.42 (3.59-5.37)	5.35 (4.19-6.81)	6.05 (4.62-7.86)	6.80 (5.02-9.18)	7.69 (5.29-10.5)	9.02 (5.93-12.7)	10.1 (6.49-14.6)
24-hr	2.84 (2.35-3.40)	3.46 (2.86-4.14)	4.46 (3.68-5.36)	5.30 (4.34-6.39)	6.45 (5.08-8.15)	7.30 (5.62-9.44)	8.22 (6.13-11.1)	9.34 (6.46-12.7)	11.0 (7.29-15.5)	12.5 (8.03-17.9)
2-day	3.17 (2.65-3.77)	3.92 (3.27-4.66)	5.15 (4.27-6.14)	6.17 (5.08-7.39)	7.57 (6.01-9.53)	8.60 (6.67-11.1)	9.73 (7.32-13.1)	11.1 (7.73-15.0)	13.4 (8.84-18.6)	15.3 (9.85-21.7)
3-day	3.44 (2.88-4.07)	4.26 (3.57-5.04)	5.60 (4.67-6.65)	6.71 (5.56-8.01)	8.25 (6.58-10.3)	9.37 (7.30-12.0)	10.6 (8.01-14.2)	12.2 (8.46-16.3)	14.6 (9.69-20.3)	16.8 (10.8-23.7)
4-day	3.69 (3.10-4.35)	4.55 (3.82-5.37)	5.97 (4.99-7.06)	7.14 (5.93-8.49)	8.75 (7.00-10.9)	9.94 (7.76-12.7)	11.2 (8.50-15.0)	12.9 (8.97-17.2)	15.4 (10.3-21.3)	17.7 (11.4-24.9)
7-day	4.39 (3.71-5.14)	5.33 (4.50-6.25)	6.86 (5.77-8.07)	8.13 (6.79-9.62)	9.88 (7.93-12.2)	11.2 (8.75-14.2)	12.6 (9.52-16.6)	14.3 (9.99-19.0)	16.9 (11.3-23.3)	19.2 (12.4-26.9)
10-day	5.08 (4.31-5.93)	6.06 (5.13-7.08)	7.66 (6.46-8.97)	8.98 (7.53-10.6)	10.8 (8.69-13.3)	12.2 (9.54-15.3)	13.6 (10.3-17.8)	15.4 (10.8-20.3)	18.0 (12.0-24.6)	20.2 (13.1-28.1)
20-day	7.19 (6.15-8.33)	8.24 (7.04-9.56)	9.97 (8.48-11.6)	11.4 (9.62-13.3)	13.4 (10.8-16.3)	14.9 (11.7-18.4)	16.4 (12.4-21.0)	18.1 (12.8-23.8)	20.6 (13.8-27.9)	22.6 (14.7-31.2)
30-day	8.96 (7.70-10.3)	10.1 (8.63-11.6)	11.9 (10.1-13.7)	13.3 (11.3-15.5)	15.4 (12.5-18.6)	17.0 (13.4-20.9)	18.6 (14.0-23.5)	20.3 (14.4-26.4)	22.5 (15.2-30.4)	24.3 (15.9-33.5)
45-day	11.2 (9.64-12.8)	12.3 (10.6-14.2)	14.2 (12.2-16.4)	15.7 (13.4-18.2)	17.9 (14.5-21.4)	19.5 (15.4-23.8)	21.2 (15.9-26.5)	22.8 (16.2-29.6)	24.9 (16.8-33.4)	26.4 (17.2-36.2)
60-day	13.0 (11.3-14.9)	14.2 (12.3-16.3)	16.1 (13.9-18.5)	17.7 (15.1-20.5)	19.9 (16.2-23.7)	21.6 (17.1-26.2)	23.3 (17.5-29.0)	24.8 (17.7-32.1)	26.7 (18.1-35.8)	28.1 (18.3-38.4)

<sup>1</sup> Precipitation frequency (PF) estimates in this table are based on frequency analysis of partial duration series (PDS). Numbers in parenthesis are PF estimates at lower and upper bounds of the 90% confidence interval. The probability that precipitation frequency estimates (for a given duration and average recurrence interval) will be greater than the upper bound (or less than the lower bound) is 5%. Estimates at upper bounds are not checked against probable maximum precipitation (PMP) estimates and may be higher than currently valid PMP values. Please refer to NOAA Atlas 14 document for more information.

[Back to Top](#)

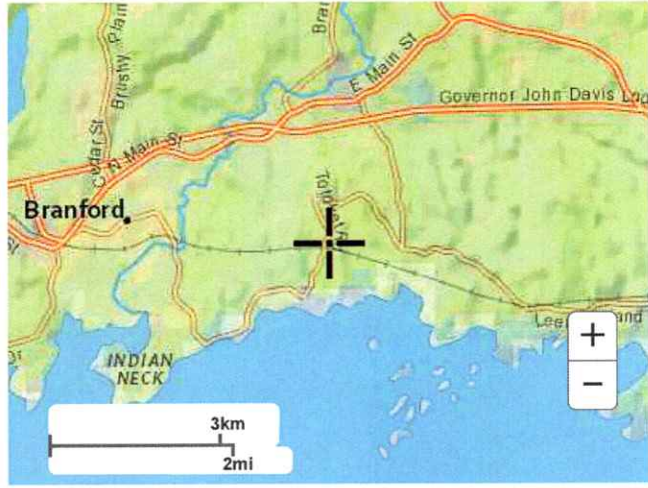
PF graphical

PDS-based depth-duration-frequency (DDF) curves  
 Latitude: 41.2757°, Longitude: -72.7719°

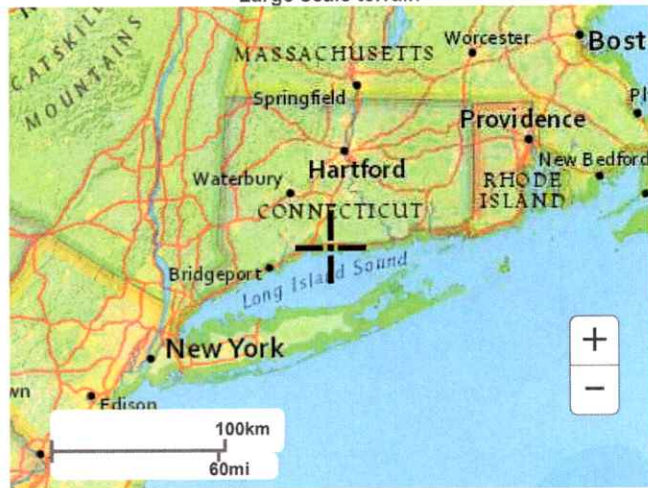


Maps & aerials

Small scale terrain



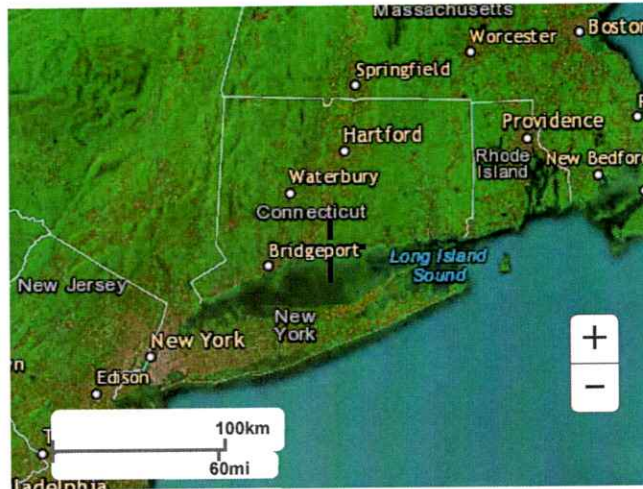
Large scale terrain



Large scale map



Large scale aerial



[Back to Top](#)

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[US Department of Commerce](#)  
[National Oceanic and Atmospheric Administration](#)  
[National Weather Service](#)  
[National Water Center](#)  
1325 East West Highway  
Silver Spring, MD 20910  
Questions?: [HDSC.Questions@noaa.gov](mailto:HDSC.Questions@noaa.gov)

[Disclaimer](#)



**EAST SHORE DISTRICT HEALTH DEPARTMENT**  
Bringing good health to the towns of Branford, East Haven and North Branford

September 20, 2023

David Nafis  
Nafis & Young Engineering  
1355 Middletown Avenue  
Northford, CT 06472

**RE: 66, 76-82 Totoket Road & 0 Tweed Road - Proposed 4 Lot Subdivision (3 new lots)**

Mr. Nafis:

We are in receipt of the updated subdivision plans for 66, 76-82 Totoket Road & 0 Tweed Road Subdivision in the Town of Branford, CT. The most recent revision date is September 6, 2023. After review, the new lots are found to be suitable to install subsurface sewage disposal systems. When the individual plot plans are submitted for each lot, the most restrictive layer found in the area of the subsurface sewage disposal system must be used for all design calculations.

The health department approves the subdivision. Individual plot plans must be submitted to the health department for approval prior to the installation of a subsurface sewage disposal system on the properties.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amy Scholz".

Amy Scholz, MPH, RS  
Deputy Director

## Timothy Lee

---

**From:** Evan Breining <ebreining@branford-ct.gov>  
**Sent:** Thursday, September 21, 2023 12:33 PM  
**To:** Timothy Lee  
**Subject:** FW: 66, 76-82 Totoket, 0 Tweed

Evan Breining  
Assistant Town Planner  
Town of Branford  
1019 Main Street  
Branford, CT 06405  
(203)315-0652

**From:** John Hoefflerle <jhoefflerle@branford-ct.gov>  
**Sent:** Friday, September 15, 2023 3:22 PM  
**To:** Harry Smith <hsmith@branford-ct.gov>  
**Cc:** Evan Breining <ebreining@branford-ct.gov>; Michelle Martin <mmartin@branford-ct.gov>  
**Subject:** 66, 76-82 Totoket, 0 Tweed

Harry,

The Engineering Department has reviewed the revised plans and stormwater management report provided to my office, received September 12<sup>th</sup>, 2023, dated September 6<sup>th</sup> and September 2023 respectively, for the subject subdivision.

The applicant's Engineer has addressed all previous comments. There are no other substantial comments at this time, with one typo to note: the post-development Area D curve number calculation is denoted as "A", not "D". However, the calculations for Area D appear to be appropriate.

Cut sheets and calculations for the proposed hydrodynamic separator should be required and approved prior to order/installation.

Thank you,

John M. Hoefflerle, PE, CFM  
Town Engineer  
Town of Branford, Connecticut  
ph: 203.315.0606  
fax: 203.315.2188



# PLANNING AND ZONING COMMISSION

1019 Main Street, PO Box 150, Branford, CT 06405  
Tel: (203) 488 - 1255, Fax: (203) 315 - 2188

VIA CERTIFIED MAIL 7022 3330 0001 6325 4210  
RETURN RECEIPT REQUESTED

October 17, 2023

Walter Maguire Jr.  
160 Uncas Point Rd.  
Guilford, CT 06437

SUBJECT: PZ#23-4.8- Four Lot Re-subdivision – 66, 76-82 Totoket Road &  
0 Tweed Road & Coastal Site Plan

Dear Mr. Maguire:

At a meeting of the Branford Planning & Zoning Commission held on Thursday October 5, 2023 the Commission approved the Four Lot Resubdivision and the Coastal Site Plan with the Findings and Conditions below:

## Findings:

1. The Coastal Site Plan is consistent with the goals and policies of the Coastal Area Management Act (CGS Section 22a-92) and incorporates as conditions or modifications all reasonable measures to mitigate adverse impacts on coastal resources and any future water dependent activities.

## Conditions:

1. The following items shall be addressed and/or added to the Record Subdivision Map to the satisfaction of the Town Planner or his designee prior to the signature of the Chairperson and recording of the Record Subdivision Map:
  - a. The applicant shall remove the Signature Box that states "Final Approval/No Financial Guarantee Required" on Sheet 02 Entitled "Resubdivision Plan" and last revised on September 6, 2023 and replace it with the signature block depicted in Section 6.02.C.2 that states "Final Approval/Financial Guarantee Provided."
  - b. Submittal of a Soil and Erosion Control Financial Guarantee in favor of the Town of Branford, pursuant to Section 6.8.F.1 of form, content and amount as determined by the Town Planner or Zoning Enforcement Officer as may be advised by the Town Engineer and/or Town Attorney, except that this financial guarantee shall not be in the form of a surety bond.
  - c. The applicant shall revise the proposed grading on Sheet 04 entitled "Grading, Drainage & Utility Plan" last revised on September 6, 2023 to be compliant with

Section 6.8 of the Town of Branford Planning & Zoning Regulations, per Section 3.07.A of the Town of Branford Subdivision Regulations” to the satisfaction of the Town Planner or his designee.

- d. The applicant shall amend sheet 03 entitled “Site Plan” last revised on September 6, 2023 to indicate which of the 20 significant trees are proposed to remain and which are proposed to be removed.
  - e. The applicant shall revise sheet 06 entitled “Erosion Control Plan” last revised on September 6, 2023 to label each of the six (6) enclosed hatched areas as “Area to remain undisturbed.”
  - f. The applicant shall update the engineering report, based on the assertions of Michael Ott P.E. of Summer Hill Civil Engineers & Land Surveyors, P.C, in order to verify the detention basin is adequate, to the satisfaction of the Town Planner or his designee with input from the Town Engineer.
2. A Fee-In Lieu of Open Space payment or open space dedication of 10% of the total area of the subdivision is required prior to recording of the Record Subdivision Map. The procedure for determining the amount of the fee in lieu payment shall be in accordance with Section 8-25 of the Connecticut General Statutes. The required appraisal shall be performed by a Connecticut-licensed appraiser who has been certified as a member of the Appraisal Institute (MAI). The appraiser must also be jointly selected with the Planning and Zoning Commission. The Planning and Zoning Commission shall review and approve the appraisal report.
  3. The applicant shall also submit one (1) mylar along with three (3) paper copies of the Record Subdivision Map, with appropriate signature blocks and any required modifications.
  4. As may be directed by the Town Planner or his designee, necessary measures to control any dust generated by fill brought into the site or movement of earth material on site shall be implemented and any additional measures to control soil and erosion determined to be necessary to address conditions during construction.
  5. Any clearing of vegetation, regrading or construction of any kind within the hatched “Areas to remain undisturbed” shown on sheet 06 entitled Erosion Control plan is prohibited and shall require approval from the Town of Branford Planning & Zoning Commission.

Sincerely,

Harry A. Smith, AICP  
Town Planner

N.B. A Mylar of the approved re-subdivision plan with the live signature of the Chairperson of the Commission must be filed or recorded by the applicant in the office of the Town Clerk (or a time extension applied for) within ninety (90) days of expiration of the appeal period or in the case of any appeal within ninety (90) days of termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant.

# 66, 76-82 TOTOKET ROAD & 0 TWEED ROAD RESUBDIVISION BRANFORD, CONNECTICUT

JULY 5TH 2023  
JULY 21ST 2023  
SEPTEMBER 6TH 2023  
OCTOBER 17, 2023



LOCATION MAP

SCALE: 1" = 1000'

TO MY KNOWLEDGE AND BELIEF, THIS MAP IS  
SUBSTANTIALLY CORRECT AS NOTED HEREON.

JAMES GALLIGAN P.E. #13213



**NAFIS & YOUNG  
ENGINEERS, INC.**

1355 Middletown Avenue  
Northford, Connecticut 06472

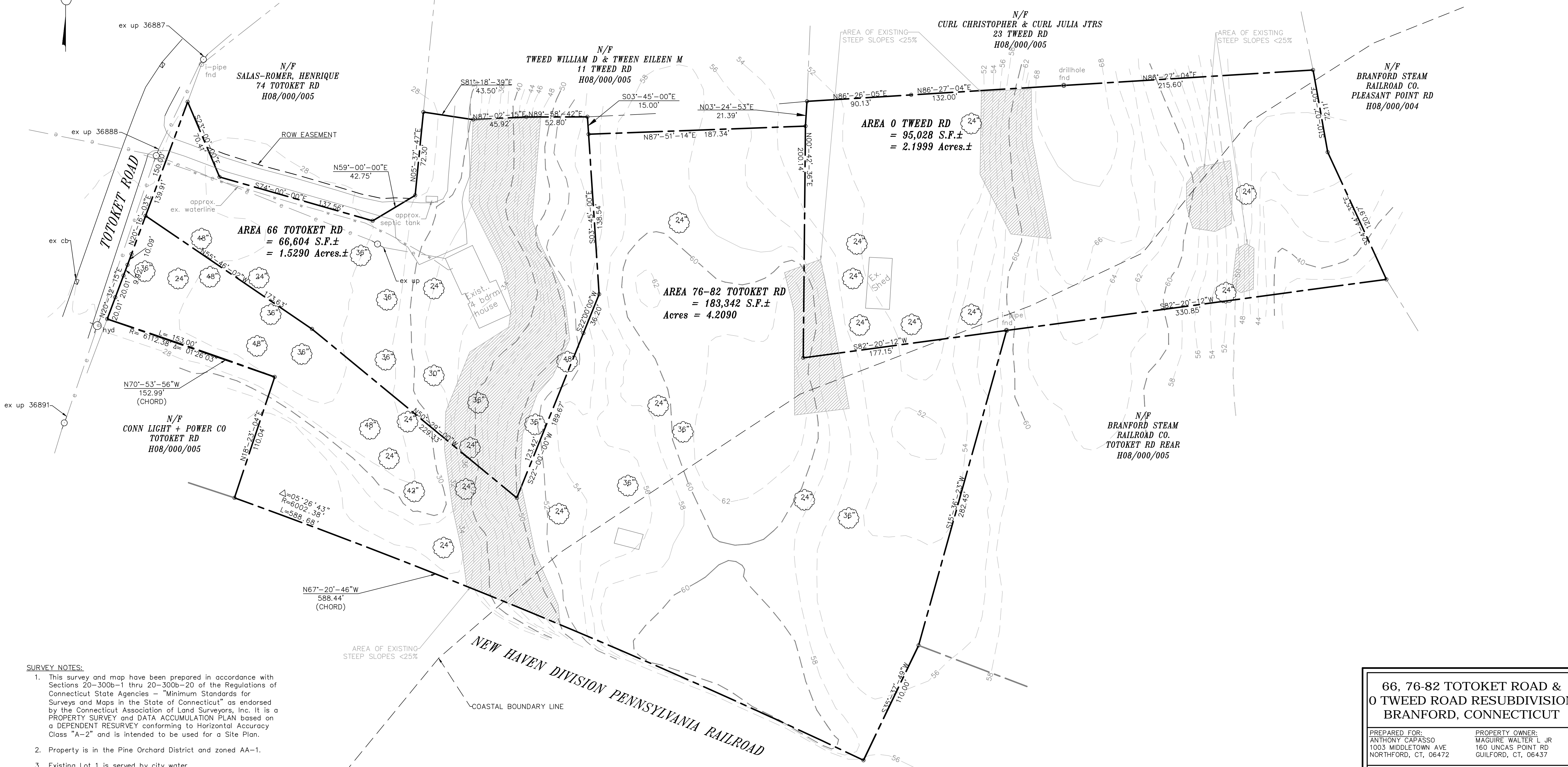
Phone: (203) 484-2793

Fax: (203) 484-7343

Email: [nyeng@nafisandyoung.com](mailto:nyeng@nafisandyoung.com)

NOTES:  
1. COORDINATION WITH CT DDT DISTRICT 3 WILL BE REQUIRED TO TIE INTO THE EXISTING STORM WATER SYSTEM AND EXISTING WATER MAIN.  
2. PLAN SET HAS BEEN SUBMITTED TO EAST SHORE HEALTH DISTRICT FOR REVIEW.  
3. COORDINATION WITH SOUTH CENTRAL CONNECTICUT REGIONAL WATER AUTHORITY WILL BE REQUIRED TO TIE INTO EXISTING WATER MAIN AND TO WORK WITH PROPOSED LATERALS.  
4. THIS PROJECT IS SUBJECT TO THE REQUIREMENTS OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION GENERAL PERMIT FOR THE DISCHARGE OF STORMWATER AND DEWATERING WASTEWATERS FROM CONSTRUCTION ACTIVITIES.  
5. SUBJECT LAND PARCELS ARE PARTIALLY LOCATED WITHIN THE COASTAL BOUNDARY, (SEE EXISTING CONDITIONS PAGE 1.)  
6. SUBJECT PARCELS ARE NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA ZONE, AND ARE LOCATED WITHIN FLOOD ZONE X (AREA OF MINIMAL FLOOD HAZARD).  
7. PER THE NATURAL RESOURCE CONSERVATION SERVICE PUBLISHED SOIL TYPES, THE SUBJECT LAND PARCEL AND CLOSE VICINITY PARCELS ARE MAPPED AS HOLYOKE-ROCK OUTCROP COMPLEX, 3-15 PERCENT SLOPES (73C) AND UDDORTMENTS (30B).

SHEET NO.	I N D E X
0	TITLE SHEET
1	EXISTING CONDITIONS
2	SUBDIVISION PLAN
3	SITE PLAN
4	GRADING, DRAINAGE, UTILITY PLAN
5	ROAD PROFILE PLAN
6	EROSION CONTROL PLAN
7	EROSION CONTROL NARRATIVE
8	DETAILS
9	SOIL TEST DATA
10	LANDSCAPING PLAN
11	SIGHTLINE PLAN
12	ROADWAY GRADING PLAN
13	OPEN SPACE PLAN



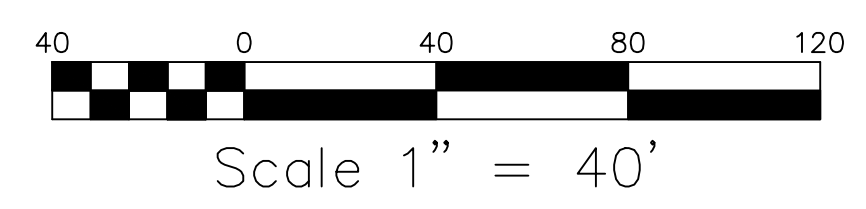
- SURVEY NOTES:**
1. This survey and map have been prepared in accordance with Sections 20-300b-1 thru 20-300b-20 of the Regulations of Connecticut State Agencies - "Minimum Standards for Surveys and Maps in the State of Connecticut" as endorsed by the Connecticut Association of Land Surveyors, Inc. It is a PROPERTY SURVEY and DATA ACCUMULATION PLAN based on a DEPENDENT RESURVEY conforming to Horizontal Accuracy Class "A-2" and is intended to be used for a Site Plan.
  2. Property is in the Pine Orchard District and zoned AA-1.
  3. Existing Lot 1 is served by city water

**LOCATION AND ELEVATION OF UNDERGROUND UTILITIES UNLESS OTHERWISE NOTED IS UNKNOWN AND SHOULD BE FIELD VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION**

**ANY USE OR REUSE OF ORIGINAL OR ALTERED CAD DESIGN MATERIALS BY THE CLIENT, CONTRACTOR OR OTHER PARTIES WITHOUT THE REVIEW AND WRITTEN APPROVAL OF AN AUTHORIZED REPRESENTATIVE OF NAFIS & YOUNG ENGINEERS, INC. SHALL BE AT THE SOLE RISK OF CLIENT, CONTRACTOR, OR OTHER PARTY AGREEING TO DEFEND, INDEMNIFY, AND HOLD NAFIS & YOUNG ENGINEERS, INC. HARMLESS FROM ALL CLAIMS, DAMAGES, LOSSES, REPAIRS AND ATTORNEY'S FEES ARISING OUT OF THE MODIFICATION OR REUSE OF THESE MATERIALS.**

TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

DAVID L. NAFIS, P.E. & L.S. #22924



**66, 76-82 TOTOKET ROAD & 0 TWEED ROAD RESUBDIVISION  
BRANFORD, CONNECTICUT**

PREPARED FOR:  
ANTHONY CAPASSO  
1003 MIDDLETOWN AVE  
NORTHFORD, CT, 06472

PROPERTY OWNER:  
MAGUIRE WALTER L JR  
160 UNCAS POINT RD  
GUILFORD, CT, 06437

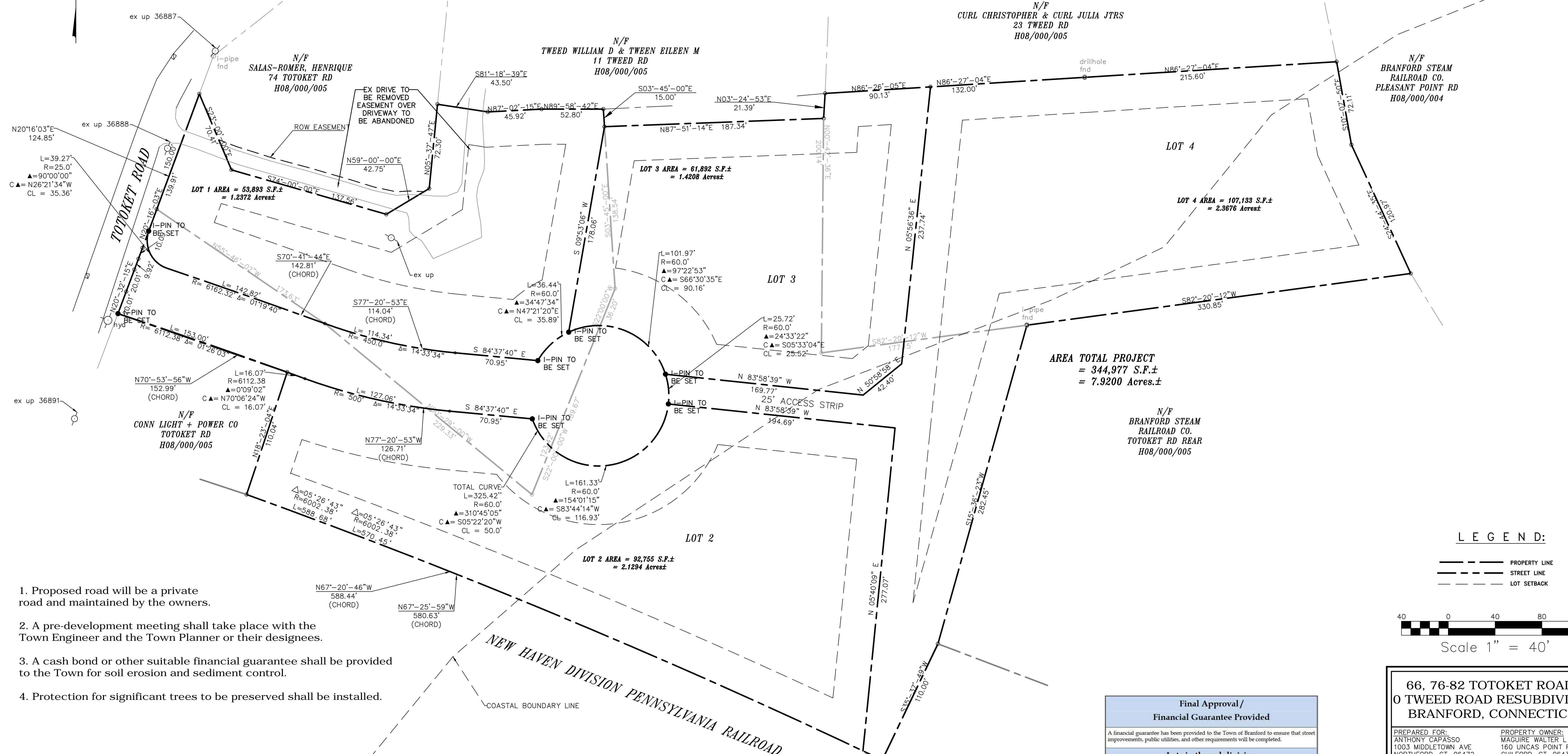
**A-2 SURVEY  
EXISTING CONDITIONS**



**NAFIS & YOUNG  
ENGINEERS, INC.**  
1355 Middletown Avenue  
Northford, Connecticut 06472  
Phone: (203) 484-2793  
Fax: (203) 484-7343  
Email: nyeng@nafisandyoung.com

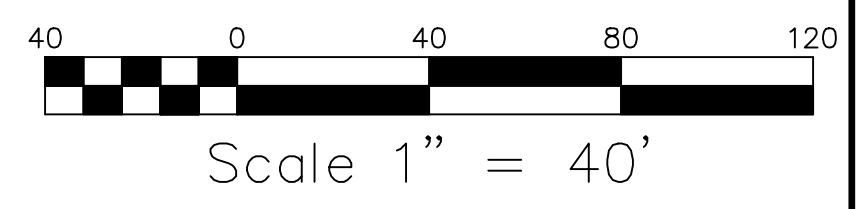
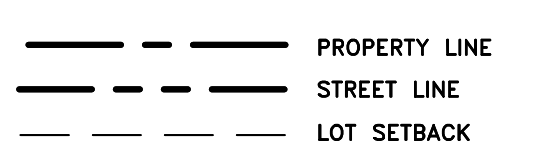
DATE: MARCH 9, 2023      REV: SEPTEMBER 6, 2023  
REV: JULY 5, 2023      REV: OCTOBER 17, 2023  
REV: JULY 21, 2023

JOB NO. 2023-037      SHEET NO. 01



- Proposed road will be a private road and maintained by the owners.
- A pre-development meeting shall take place with the Town Engineer and the Town Planner or their designees.
- A cash bond or other suitable financial guarantee shall be provided to the Town for soil erosion and sediment control.
- Protection for significant trees to be preserved shall be installed.

**LEGEND:**



**66, 76-82 TOTOKET ROAD & 0 TWEED ROAD RESUBDIVISION BRANFORD, CONNECTICUT**

PREPARED FOR: ANTHONY CAPASSO 1003 MIDDLETOWN AVE NORTHFORD, CT, 06472

PROPERTY OWNER: MAGUIRE WALTER L JR 160 UNCAS POINT RD GUILFORD, CT, 06437

**RESUBDIVISION PLAN**

**NAFIS & YOUNG ENGINEERS, INC.**  
 1355 Middletown Avenue  
 Northford, Connecticut 06472  
 Phone: (203) 484-2793  
 Fax: (203) 484-7343  
 Email: nyeng@nafisandyoung.com

DATE: MARCH 9, 2023 REV: JULY 5, 2023  
 REV: SEPTEMBER 6, 2023 REV: OCTOBER 17, 2023

**Final Approval/  
Financial Guarantee Provided**

A financial guarantee has been provided to the Town of Branford to ensure that street improvements, public utilities, and other requirements will be completed.

**Lots in the subdivision may be sold at any time.**

At a meeting on \_\_\_\_\_ the Branford Planning and Zoning Commission approved this subdivision plan in accordance with the Branford Subdivision Regulations.

Chairman: \_\_\_\_\_ Date: \_\_\_\_\_  
 Secretary: \_\_\_\_\_ Date: \_\_\_\_\_  
 Expiration Date: \_\_\_\_\_

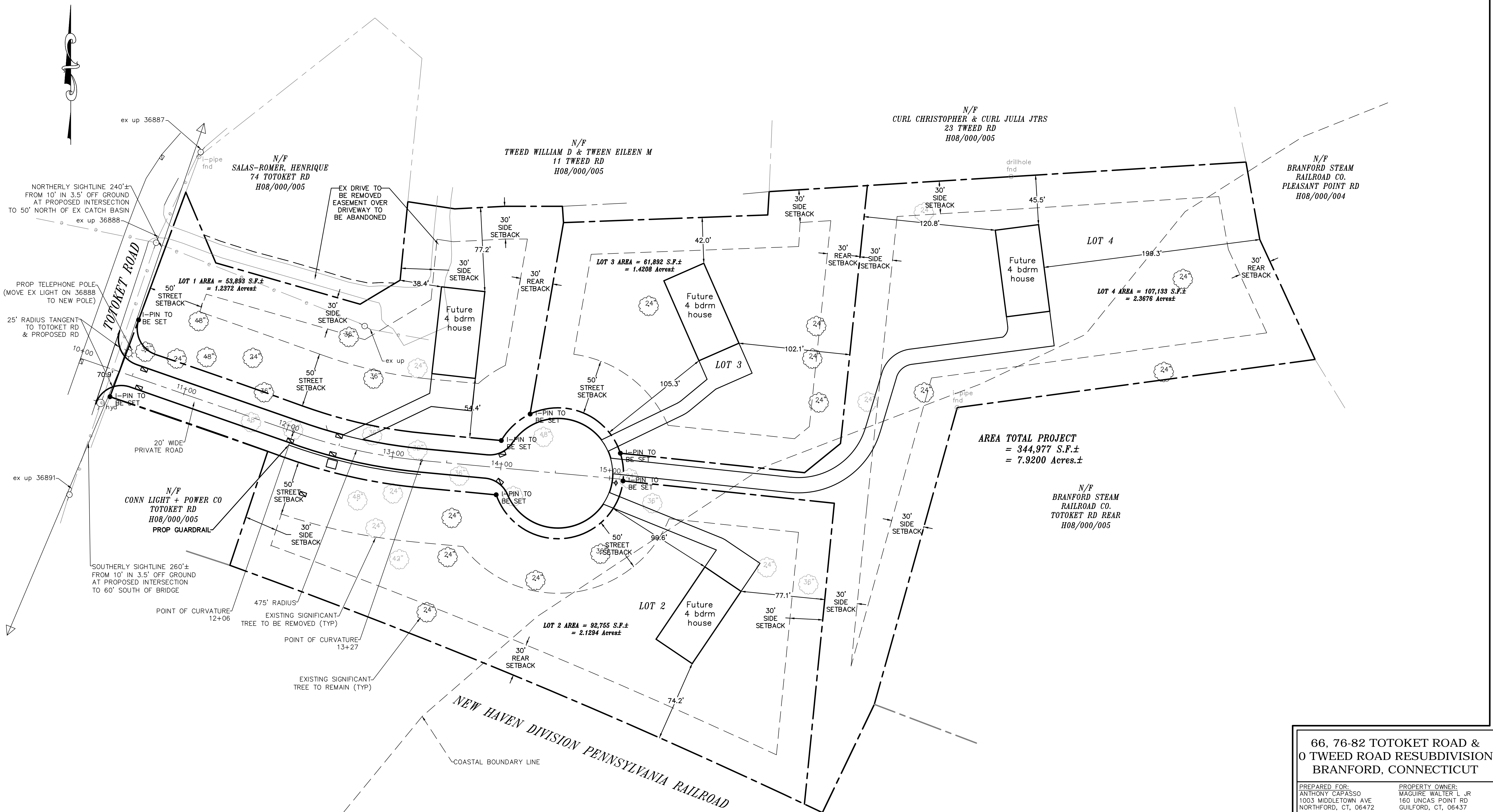
In accordance with CCS Section 8-26c, the improvements or other requirements shall be completed by \_\_\_\_\_ Date: \_\_\_\_\_

BULK STANDARDS - PINE ORCHARD AA-1 ZONE		PROPOSED LOT1	PROPOSED LOT2	PROPOSED LOT3	PROPOSED LOT4
MAX HEIGHT BLDG (feet)	30'	N/A	N/A	N/A	N/A
MIN LOT AREA (in square feet)	40,000 S.F.	53,893 S.F.	92,755 S.F.	61,892 S.F.	107,133 S.F.
MIN WIDTH OF PLOT (feet)	150'	368.4'	594.6'	284.2'	208.2'
MAX BUILDING AREA % OF LOT	NOT > 20%	N/A	N/A	N/A	N/A
MIN BUILDING SETBACK FRONT	50'	N/A	N/A	N/A	N/A
MIN BUILDING SETBACK REAR	30'	N/A	N/A	N/A	N/A
MIN BUILDING SETBACK SIDE	30'	N/A	N/A	N/A	N/A

TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

DAVID L. NAFIS, P.E. & L.S. #22924

15.00' 20.00' 25.00' 30.00' 35.00' 40.00' 45.00' 50.00' 55.00' 60.00' 65.00' 70.00' 75.00' 80.00' 85.00' 90.00' 95.00' 100.00' 105.00' 110.00' 115.00' 120.00' 125.00' 130.00' 135.00' 140.00' 145.00' 150.00' 155.00' 160.00' 165.00' 170.00' 175.00' 180.00' 185.00' 190.00' 195.00' 200.00' 205.00' 210.00' 215.00' 220.00' 225.00' 230.00' 235.00' 240.00' 245.00' 250.00' 255.00' 260.00' 265.00' 270.00' 275.00' 280.00' 285.00' 290.00' 295.00' 300.00' 305.00' 310.00' 315.00' 320.00' 325.00' 330.00' 335.00' 340.00' 345.00' 350.00' 355.00' 360.00' 365.00' 370.00' 375.00' 380.00' 385.00' 390.00' 395.00' 400.00' 405.00' 410.00' 415.00' 420.00' 425.00' 430.00' 435.00' 440.00' 445.00' 450.00' 455.00' 460.00' 465.00' 470.00' 475.00' 480.00' 485.00' 490.00' 495.00' 500.00' 505.00' 510.00' 515.00' 520.00' 525.00' 530.00' 535.00' 540.00' 545.00' 550.00' 555.00' 560.00' 565.00' 570.00' 575.00' 580.00' 585.00' 590.00' 595.00' 600.00' 605.00' 610.00' 615.00' 620.00' 625.00' 630.00' 635.00' 640.00' 645.00' 650.00' 655.00' 660.00' 665.00' 670.00' 675.00' 680.00' 685.00' 690.00' 695.00' 700.00' 705.00' 710.00' 715.00' 720.00' 725.00' 730.00' 735.00' 740.00' 745.00' 750.00' 755.00' 760.00' 765.00' 770.00' 775.00' 780.00' 785.00' 790.00' 795.00' 800.00' 805.00' 810.00' 815.00' 820.00' 825.00' 830.00' 835.00' 840.00' 845.00' 850.00' 855.00' 860.00' 865.00' 870.00' 875.00' 880.00' 885.00' 890.00' 895.00' 900.00' 905.00' 910.00' 915.00' 920.00' 925.00' 930.00' 935.00' 940.00' 945.00' 950.00' 955.00' 960.00' 965.00' 970.00' 975.00' 980.00' 985.00' 990.00' 995.00' 1000.00'

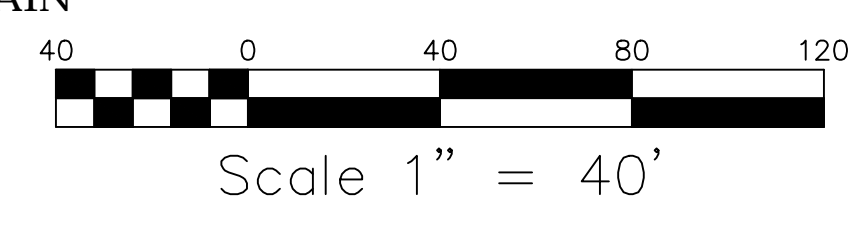


AREA TOTAL PROJECT  
= 344,977 S.F.±  
= 7.9200 Acres.±

BULK STANDARDS - PINE ORCHARD AA-1 ZONE					
REGULATION	PROPOSED LOT1	PROPOSED LOT2	PROPOSED LOT3	PROPOSED LOT4	
MAX HEIGHT BLDG (feet)	<30'	<30'	<30'	<30'	
MIN LOT AREA (in square feet)	53,893 S.F.	92,755 S.F.	61,892 S.F.	107,133 S.F.	40,000 S.F.
MIN WIDTH OF PLOT (feet)	368.4'	594.6'	284.2'	208.2'	150'
MAX BUILDING AREA % OF LOT	3.36%	3.27%	4.84%	3.15%	NOT > 20%
MIN SETBACK FRONT	54.4'	99.6'	105.3'	128.8'	50'
MIN SETBACK REAR	77.2'	77.1'	102.1'	199.3'	30'
MIN SETBACK SIDE	38.4'	74.2'	42.2'	45.5'	30'

ENERGY EFFICIENT AND/OR RENEWABLE SOURCES OF ENERGY FOR THIS PROJECT IS BEING CONSIDERED. AND WILL BE DETERMINED ON A LOT BY LOT BASIS AT THE SUBMITTAL OF INDIVIDUAL LOT PLANS AND RECONSIDERED PRIOR TO ISSUANCE OF BUILDING PERMITS.

EXISTING SIGNIFICANT TREES SHOWN IN GRAY ARE PROPOSED TO BE REMOVED  
EXISTING SIGNIFICANT TREES SHOWN IN BLACK ARE PROPOSED TO REMAIN



**66, 76-82 TOTOKET ROAD & 0 TWEED ROAD RESUBDIVISION  
BRANFORD, CONNECTICUT**

PREPARED FOR: ANTHONY CAPASSO  
1003 MIDDLETOWN AVE  
NORTHFORD, CT, 06472

PROPERTY OWNER: MAGUIRE WALTER L JR  
160 UNCAS POINT RD  
GUILFORD, CT, 06437

**SITE PLAN**

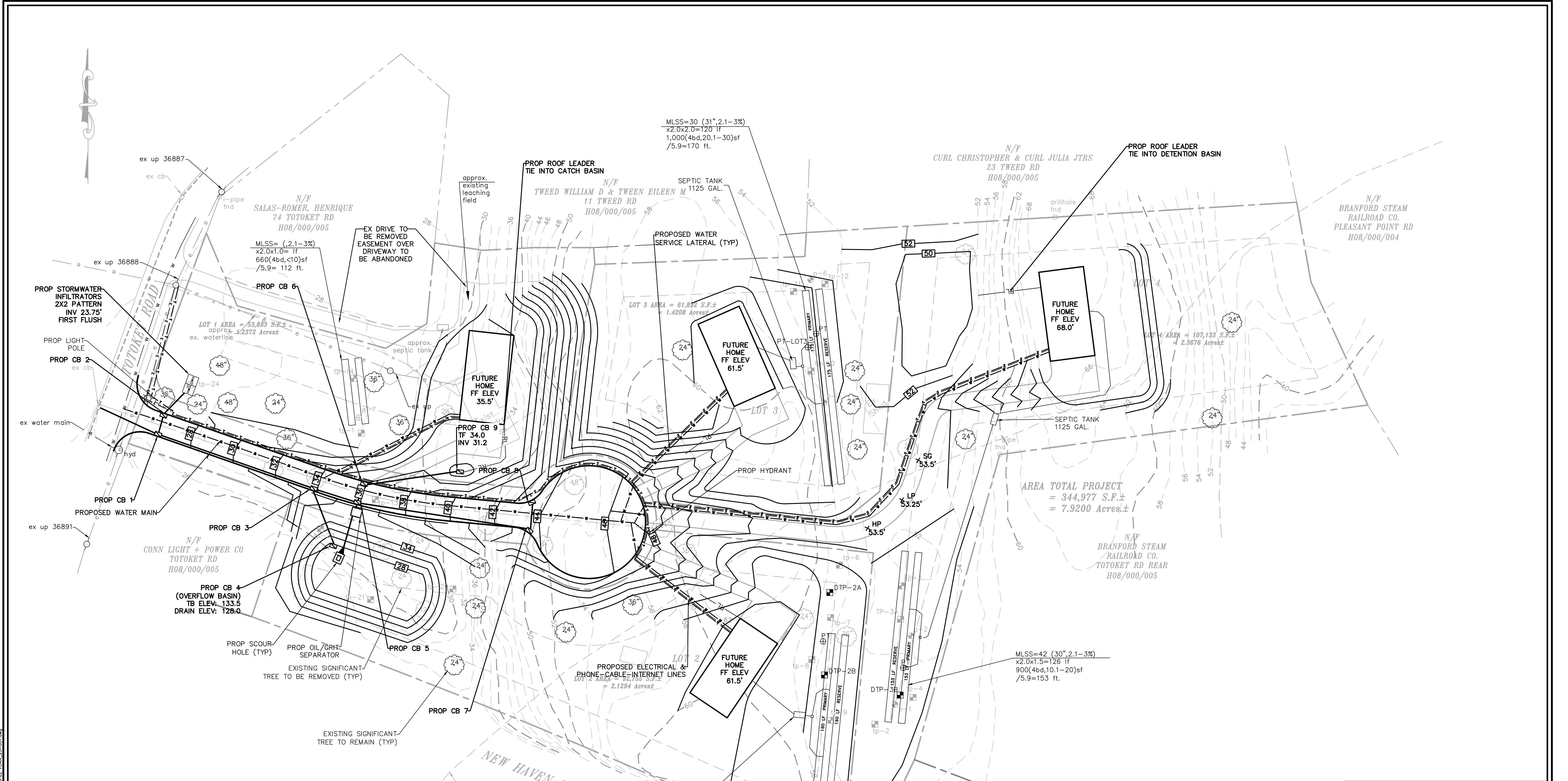
**NAFIS & YOUNG ENGINEERS, INC.**  
1355 Middletown Avenue  
Northford, Connecticut 06472  
Phone: (203) 484-2793  
Fax: (203) 484-7343  
Email: nyeng@nafisandyoung.com

DATE: MARCH 9, 2023  
REV: JULY 5, 2023  
REV: JULY 21, 2023

REV: SEPTEMBER 6, 2023  
REV: OCTOBER 17, 2023

JOB NO. 2023-037 SHEET NO. 03

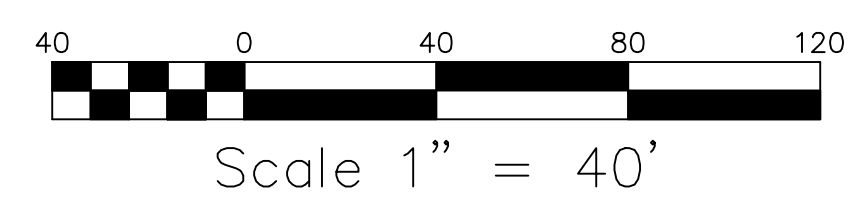
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 N:\Projects\2023\037\037-037\TOTOKET RD\03-037\CURRENT\02-03 - SUBDIVISION - SITE PLAN\_23-037.dwg



- SURVEY NOTES:**
1. TOPOGRAPHIC CONTOURS WERE TAKEN FROM CT LIDAR CONTOURS AND TOWN OF BRANFORD GIS CONTOURS.
  2. TOPOGRAPHIC CONTOURS AND ELEVATIONS HAVE ALSO BEEN SUPPLEMENTED BY FIELD SURVEY BY NAFIS AND YOUNG ENGINEERS.
  3. CONTOURS ADHERE TO NAVD88 DATUM
  4. EXISTING SIGNIFICANT TREES SHOWN IN GRAY ARE PROPOSED TO BE REMOVED
  5. EXISTING SIGNIFICANT TREES SHOWN IN BLACK ARE PROPOSED TO REMAIN

**LOCATION AND ELEVATION OF UNDERGROUND UTILITIES UNLESS OTHERWISE NOTED IS UNKNOWN AND SHOULD BE FIELD VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION**

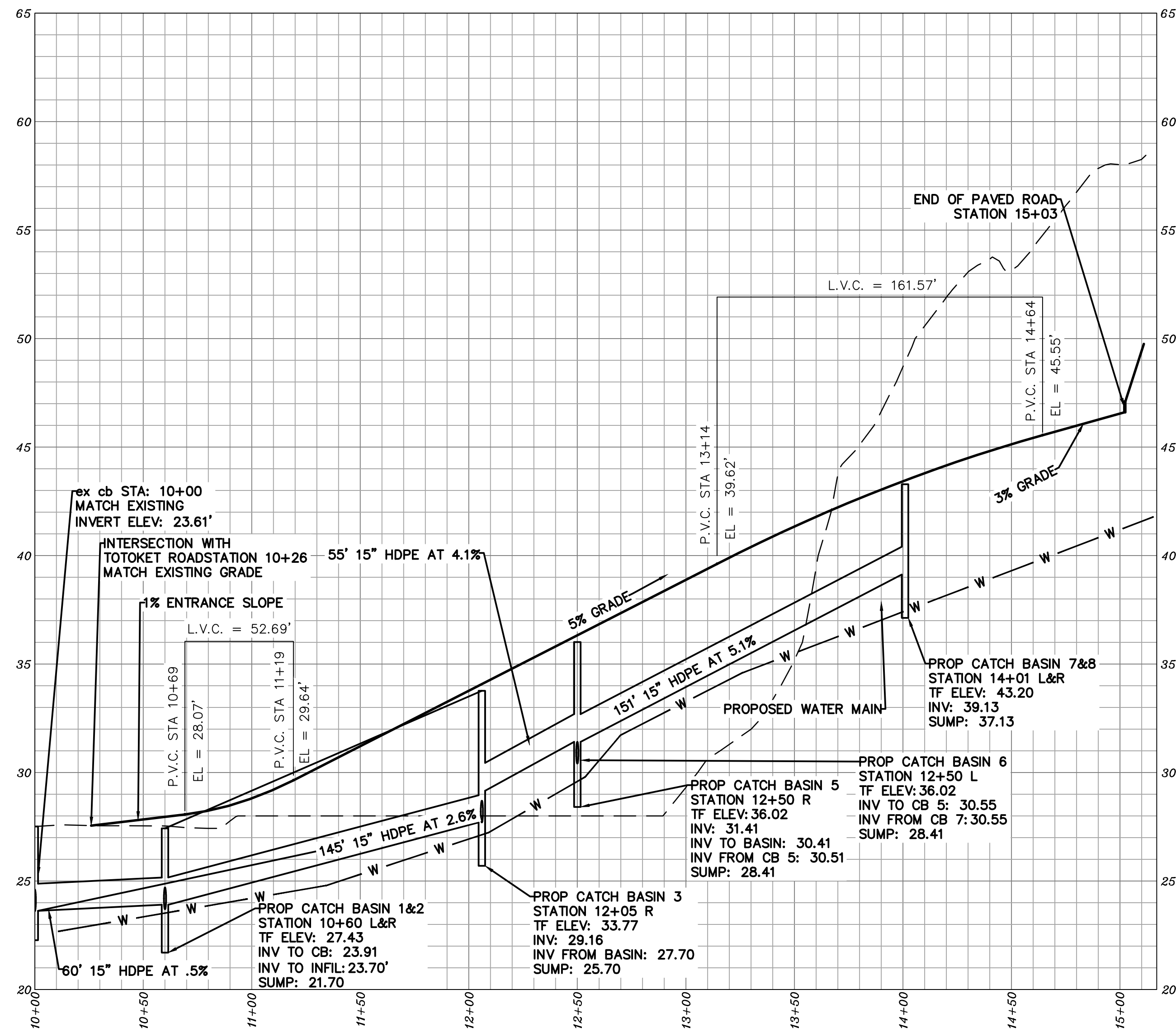
**ANY USE OR REUSE OF ORIGINAL OR ALTERED CAD DESIGN MATERIALS BY THE CLIENT, CONTRACTOR OR OTHER PARTIES WITHOUT THE REVIEW AND WRITTEN APPROVAL OF AN AUTHORIZED REPRESENTATIVE OF NAFIS & YOUNG ENGINEERS, INC. SHALL BE AT THE SOLE RISK OF CLIENT, CONTRACTOR, OR OTHER PARTY AGREE TO DEFEND, INDEMNIFY, AND HOLD NAFIS & YOUNG ENGINEERS, INC. HARMLESS FROM ALL CLAIMS, INJURIES, DAMAGES, LOSSES, REPAIRS AND ATTORNEY'S FEES ARISING OUT OF THE MODIFICATION OR REUSE OF THESE MATERIALS.**



**66, 76-82 TOTOKET ROAD & 0 TWEED ROAD RESUBDIVISION  
BRANFORD, CONNECTICUT**

PREPARED FOR: ANTHONY CAPASSO 1003 MIDDLETOWN AVE NORTHFORD, CT, 06472	PROPERTY OWNER: MAGUIRE WALTER L JR 160 UNCAS POINT RD GUILFORD, CT, 06437
<b>GRADING, DRAINAGE &amp; UTILITY PLAN</b>	
<b>NAFIS &amp; YOUNG ENGINEERS, INC.</b> 1355 Middletown Avenue Northford, Connecticut 06472 Phone: (203) 484-2793 Fax: (203) 484-7343 Email: nyeng@nafisandyoung.com	
DATE: MARCH 9, 2023 REV: JULY 5, 2023 REV: JULY 21, 2023	REV: SEPTEMBER 6, 2023 REV: OCTOBER 17, 2023
JOB NO. 2023-037	SHEET NO. 04

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 DATE: 04/25/2023 10:58:11 AM  
 USER: ryan.young



SCALE: HORIZ. 1" = 40'  
VERTIC. 1" = 4'

66, 76-82 TOTOKET ROAD & 0 TWEED ROAD RESUBDIVISION  
BRANFORD, CONNECTICUT

PREPARED FOR: ANTHONY CAPASSO  
1003 MIDDLETOWN AVE  
NORTHFORD, CT, 06472

PROPERTY OWNER: MAGUIRE WALTER L JR  
160 UNCAS POINT RD  
GUILFORD, CT, 06437

PROFILE PLAN



**NAFIS & YOUNG ENGINEERS, INC.**  
1355 Middletown Avenue  
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DATE: MARCH 9, 2023  
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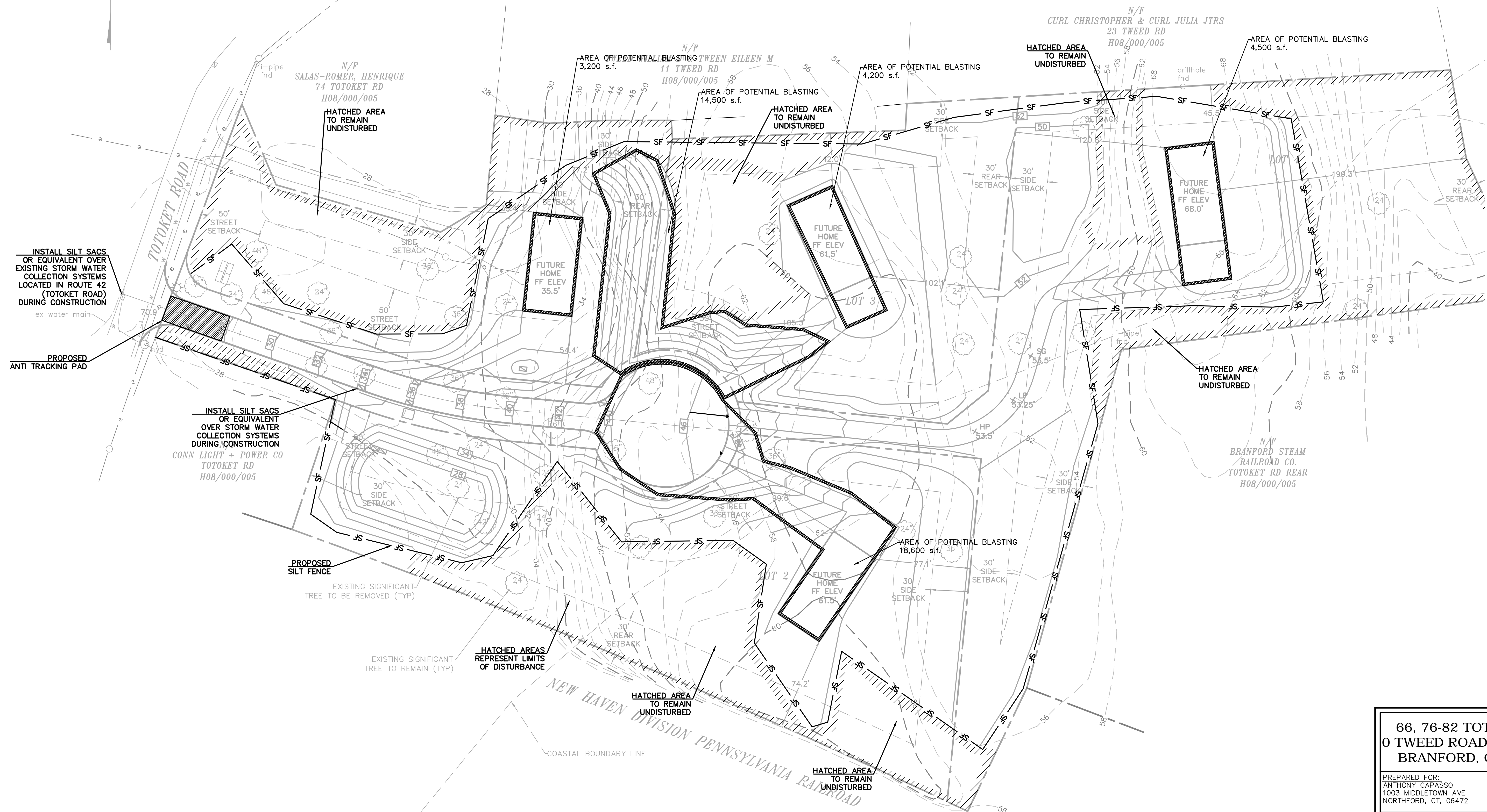
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JOB NO. 2023-037 SHEET NO. 05

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 DATE: 03/09/2023 10:00 AM  
 USER: NYENG

LOCATION AND ELEVATION OF UNDERGROUND UTILITIES UNLESS OTHERWISE NOTED IS UNKNOWN AND SHOULD BE FIELD VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION

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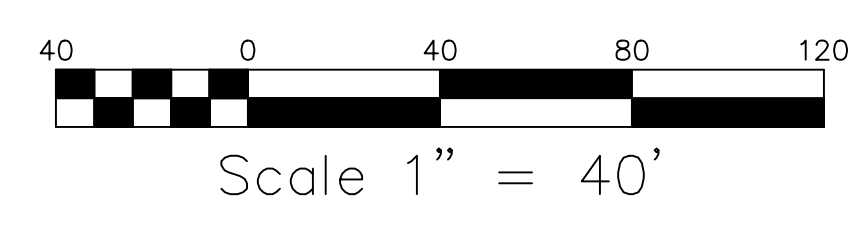


**EROSION CONTROL NOTES:**

1. PROPOSED SILT FENCING WILL BE USED DURING CONSTRUCTION OF EACH INDIVIDUAL LOT
2. PROPOSED SILT FENCING FOR EACH INDIVIDUAL LOT WILL BE SHOWN ON INDIVIDUAL SITE PLAN AND INSTALLED PRIOR TO CONSTRUCTION OF EACH LOT
3. Soil erosion and sediment control measures shall, in graphic and/or narrative form, demonstrate adherence to the soil erosion and sediment control standards set forth in:
  - a. Section 6.10 of the Branford Zoning Regulations,
  - b. The "Connecticut Guidelines For Soil Erosion and Sediment Control (2002)", as may be amended, and
  - c. the "Connecticut Stormwater Quality Manual (2004)", as may be amended

LOCATION AND DEPTH OF UNDERGROUND UTILITIES UNLESS OTHERWISE NOTED IS UNKNOWN AND SHOULD BE FIELD VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION

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**66, 76-82 TOTOKET ROAD & 0 TWEED ROAD RESUBDIVISION  
BRANFORD, CONNECTICUT**

PREPARED FOR: ANTHONY CAPASSO 1003 MIDDLETOWN AVE NORTHFORD, CT, 06472	PROPERTY OWNER: MAGUIRE WALTER L JR 160 UNCAS POINT RD GUILFORD, CT, 06437
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**EROSION CONTROL PLAN**

**NAFIS & YOUNG  
ENGINEERS, INC.**  
 1355 Middletown Avenue  
 Northford, Connecticut 06472  
 Phone: (203) 484-2793  
 Fax: (203) 484-7343  
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DATE: MARCH 9, 2023	REV: SEPTEMBER 6, 2023
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REV: JULY 21, 2023	

JOB NO. 2023-037	SHEET NO. 06
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A. PURPOSE—EROSION CONTROL

ALL CONSTRUCTION ACTIVITIES INVOLVING THE REMOVAL OR DISTURBANCE OF SOILS ARE TO BE PROTECTED WITH APPROVED EROSION CONTROL MEASURES TO MINIMIZE EROSION AND CONTAIN SEDIMENT DISPOSITION WITHIN THE AREA UNDER DEVELOPMENT...

B. CONTINGENCY PLAN

AS A PRECAUTIONARY MEASURE THE CONTRACTOR SHALL AT ALL TIMES KEEP AT LEAST TWO ONE HUNDRED FOOT ROLLS OF SEDIMENTATION FENCE & 20 HAYBALES STOCKPILED ON SITE WHICH SHALL BE AVAILABLE FOR UNEXPECTED EROSION OF SEDIMENT...

C. GENERAL GUIDELINES—EROSION CONTROL

- 1. OTHER THAN CONSTRUCTION SPECIFICALLY SHOWN ON THESE APPROVED PLANS, NO ACTIVITIES SHALL BE CONDUCTED WITHIN DESIGNATED WETLAND AREAS, WATERCOURSES, FLOOD PLAINS OR WITHIN CHANNEL ENCROACHMENT LINES WITHOUT THE PRIOR APPROVAL OF THE PLANNING AND ZONING COMMISSION AND INLAND WETLANDS COMMISSION.

D. SEDIMENT BARRIERS

- 1. PURPOSE TO INTERCEPT AND RETAIN SMALL AMOUNTS OF SEDIMENT FROM DISTURBED OR UNPROTECTED AREAS OF LIMITED EXTENT.

A. STRAW/HAY BALES

- 1. SHEET FLOW APPLICATIONS a. BALES SHALL BE PLACED IN A SINGLE ROW LENGTHWISE ON THE CONTOUR, WITH ENDS OF ADJACENT BALES THOROUGHLY ABUTTING ONE ANOTHER.

2. INSTALLATION REQUIREMENTS

THIS SEDIMENT BARRIER UTILIZES BURLAP OR STANDARD STRENGTH NET EXTRA STRENGTH FILTER FABRIC. IT IS DESIGNED FOR SITUATIONS IN WHICH ONE SHEET OF OVERLAND FLOW IS EXPECTED IN SPECIAL CASES BARRIERS MAY BE USED IN DRAINWAYS.

- 1. THE HEIGHT OF THE BARRIER SHALL NOT EXCEED 36 INCHES (HIGHER BARRIERS MAY IMPOUND VOLUMES OF WATER SUBJECT TO CAUSE FAILURE OF STRUCTURE).

- 3. MAINTENANCE a. INSPECTION SHALL BE MADE AFTER EACH STORM EVENT AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.

H. GRADING

PREVIOUSLY ESTABLISHED GRADES ON THE AREAS TO BE TOPSOILED SHALL BE MAINTAINED ACCORDING TO THE APPROVED PLANS.

I. LAND GRADING

- 1. PURPOSE TO RESTORE AREA UPON COMPLETION.

- 2. INSTALLATION REQUIREMENTS a. ALL GRADED OR DISTURBED AREAS INCLUDING SLOPES SHALL BE PROTECTED DURING CLEARING AND CONSTRUCTION BY ACCORDANCE WITH APPROVED SEDIMENT CONTROL PLAN.

C. TEMPORARY MULCHING

- 1. PURPOSE TO PREVENT EROSION BY PROTECTING THE EXPOSED SOIL SURFACE AND TO AID IN THE GROWTH OF VEGETATION BY CONSERVING AVAILABLE MOISTURE.

2. INSTALLATION REQUIREMENTS

Table with 4 columns: MULCHES, RATES, PER ACRE / PER 1000 SQ FT, NOTES. Lists mulch types like wood chips, bark, straw, etc.

A. ORGANIC MULCHES

- 1. PURPOSE TO PREVENT EROSION BY PROTECTING THE EXPOSED SOIL SURFACE AND TO AID IN THE GROWTH OF VEGETATION BY CONSERVING AVAILABLE MOISTURE.

I. TEMPORARY VEGETATIVE COVER

- 1. PURPOSE TO TEMPORARILY STABILIZE THE SOIL AND REDUCE DAMAGE FROM WIND AND/OR WATER EROSION.

H. PERMANENT VEGETATIVE COVER

- 1. PURPOSE TO PERMANENTLY STABILIZE THE SOIL, TO REDUCE DAMAGES FROM SEDIMENT AND RUNOFF AND TO ENHANCE THE ENVIRONMENT.

F. TOPSOILING

- 1. PURPOSE TO PROVIDE A SUITABLE GROWTH MEDIUM FOR FINAL SITE STABILIZATION WITH VEGETATION.

A. SITE INVESTIGATIONS

- 1. SITE INVESTIGATIONS SHALL BE MADE TO DETERMINE IF THERE IS SUFFICIENT TOPSOIL OF GOOD QUALITY TO USE FOR SITE RESTORATION.

B. SOIL TEXTURE

Table with 4 columns: SOIL TEXTURE, TONS/AC, LBS./1000 SQ. FT. Lists soil types like clay, loam, sand, etc.

C. SEEDING DATES

SPRING SEEDINGS USUALLY GIVE THE BEST RESULTS. SEEDINGS OF ALL SEED MIXTURES WITH LEGUMES IS RECOMMENDED.

D. SEEDING

- 1. THE SEED MIXTURE SHALL BE AS INDICATED IN THE SPECIFICATIONS.

E. TEMPORARY MULCHING

- 1. PURPOSE TO PREVENT EROSION BY PROTECTING THE EXPOSED SOIL SURFACE AND TO AID IN THE GROWTH OF VEGETATION BY CONSERVING AVAILABLE MOISTURE.

I. TEMPORARY VEGETATIVE COVER

- 1. PURPOSE TO TEMPORARILY STABILIZE THE SOIL AND REDUCE DAMAGE FROM WIND AND/OR WATER EROSION.

J. DUST CONTROL

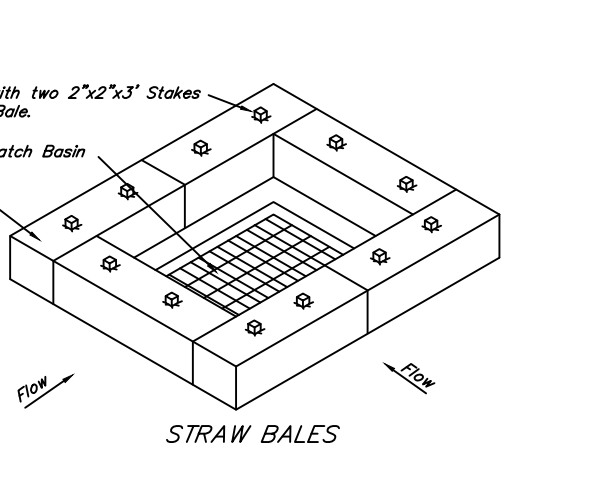
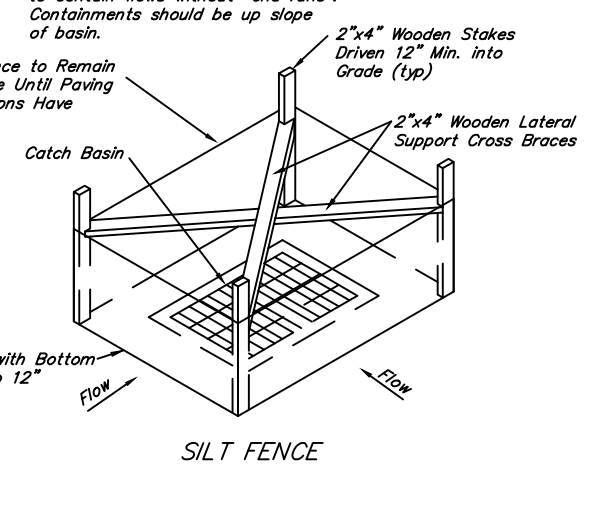
- 1. PURPOSE TO PREVENT BLOWING AND MOVEMENT OF DUST FROM EXPOSED SOIL SURFACES.

K. INSPECTION

THE TOWN WILL MAINTAIN A FULL TIME INSPECTION SCHEDULE DURING CONSTRUCTION ACTIVITIES.

NOTES:

- 1. To be installed on all affected catch basins prior to beginning work in paving areas.



FOR CATCH BASINS ON EARTH

CATCH BASIN - SEDIMENTATION BARRIER DETAILS

N.T.S.

FOR CATCH BASINS ON PAVEMENT

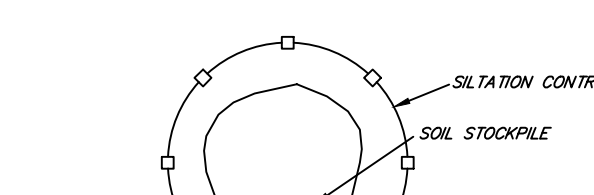
N.T.S.

STOCKPILE SILTATION CONTROL



N.T.S.

RIPRAP FILTER BERM



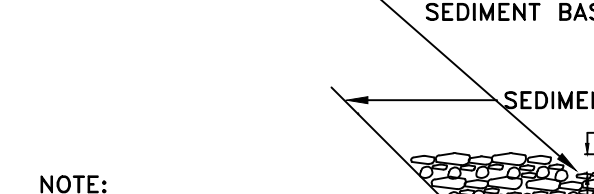
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SILT FENCE INSTALLATION



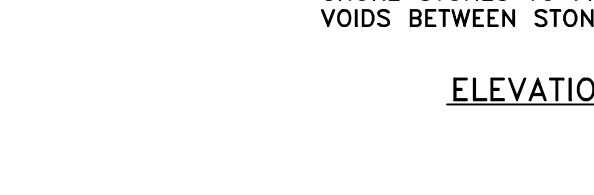
N.T.S.

ANTI-TRACKING PAD



N.T.S.

HAY BALE INSTALLATION



N.T.S.

EARTH - SEDIMENTATION BARRIER DETAIL



N.T.S.

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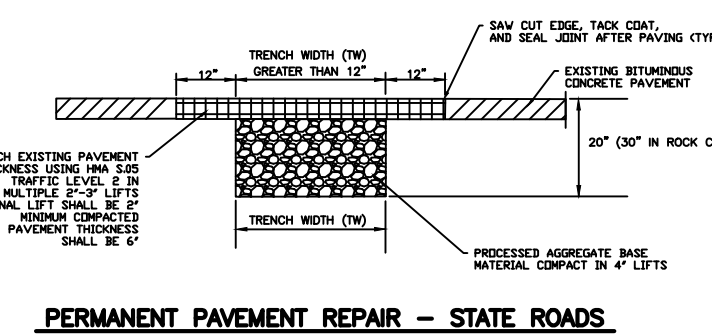
66, 76-82 TOTOKET ROAD & O'TWEED ROAD RESUBDIVISION BRANFORD, CONNECTICUT
PREPARED FOR: ANTHONY CAPASSO 1003 MIDDLETOWN AVE. NORTFORD, CT, 06472
PROPERTY OWNER: MAGUIRE WALTER L JR 160 UNCAS POINT RD GUILDFORD, CT, 06437

EROSION CONTROL DETAILS

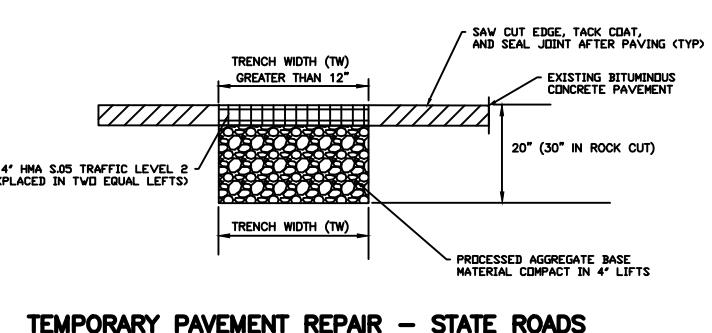
NAFIS & YOUNG ENGINEERS, INC. 1355 Middletown Avenue Northford, Connecticut 06472 Phone: (203) 484-2793 Fax: (203) 484-7343 Email: nyeng@nafisandyoung.com

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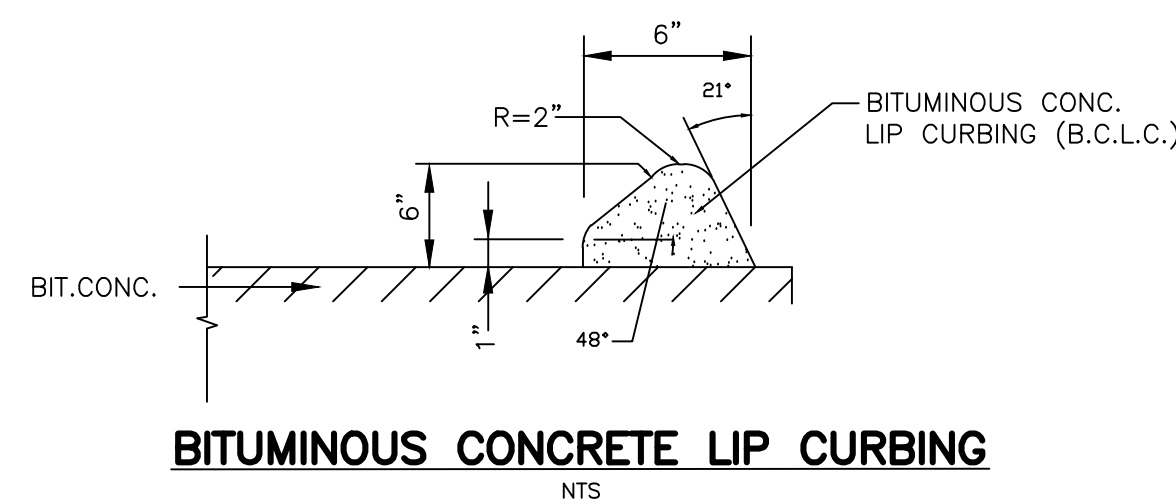
JOB NO. 2023-037 SHEET NO. 07



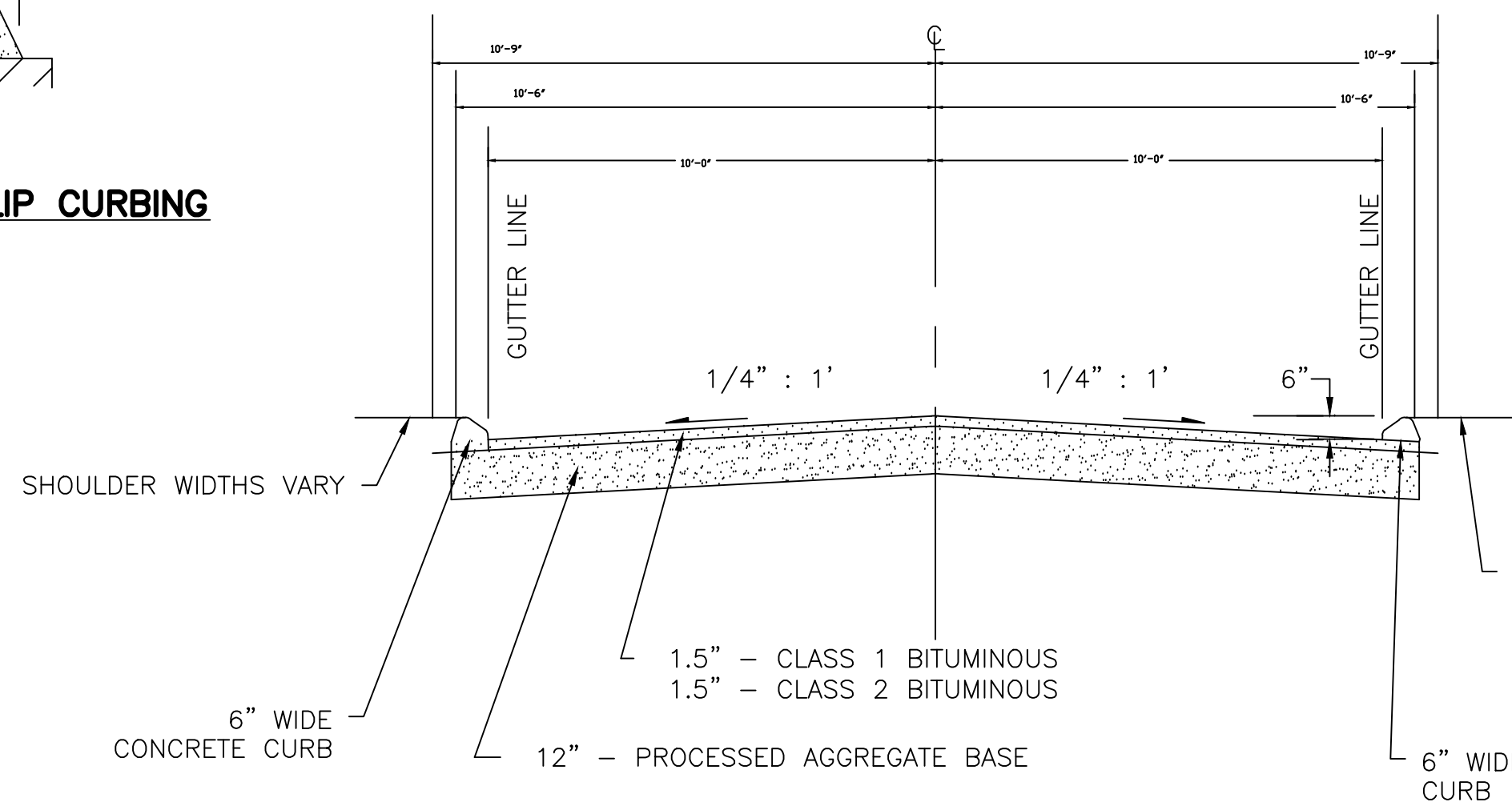
**PERMANENT PAVEMENT REPAIR - STATE ROADS**  
NTS



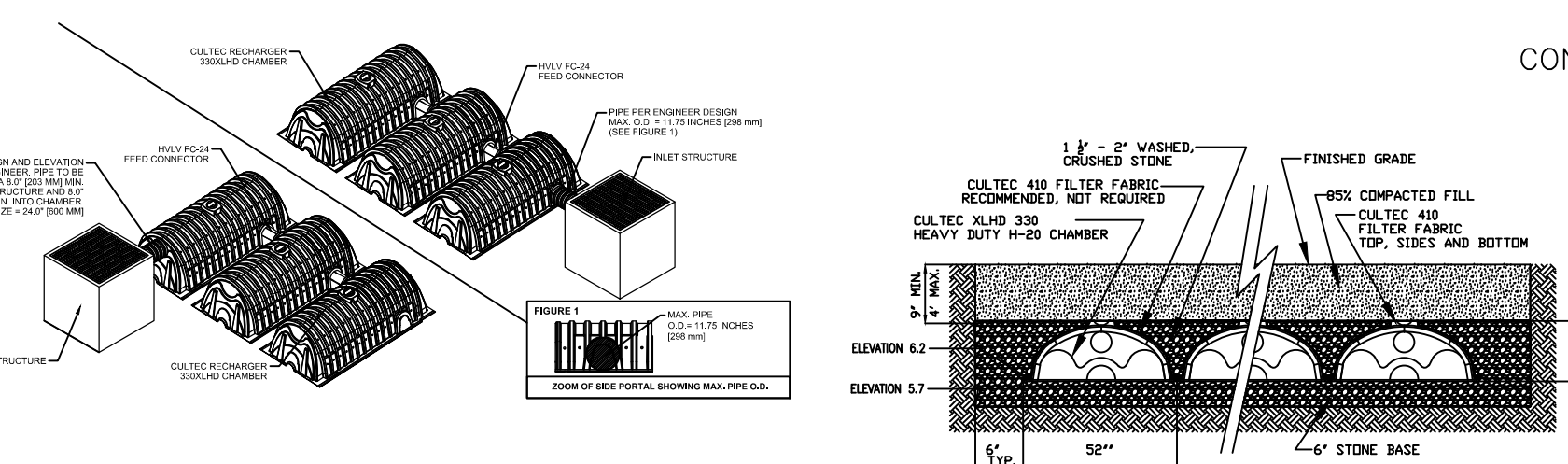
**TEMPORARY PAVEMENT REPAIR - STATE ROADS**  
NTS



**BITUMINOUS CONCRETE LIP CURBING**  
NTS



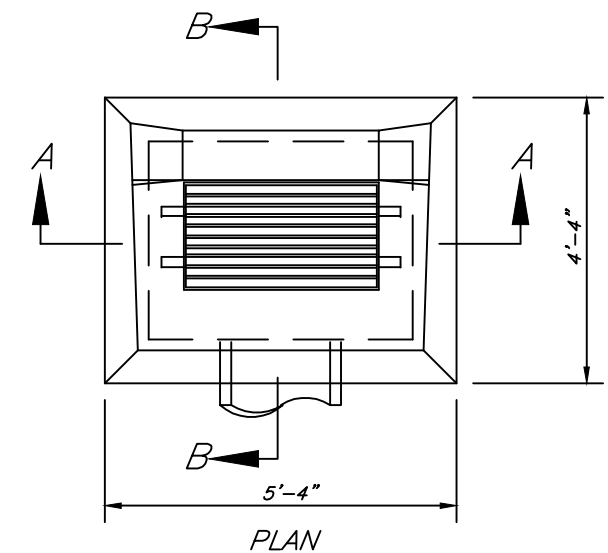
**TYPICAL ROADWAY SECTION**  
NTS



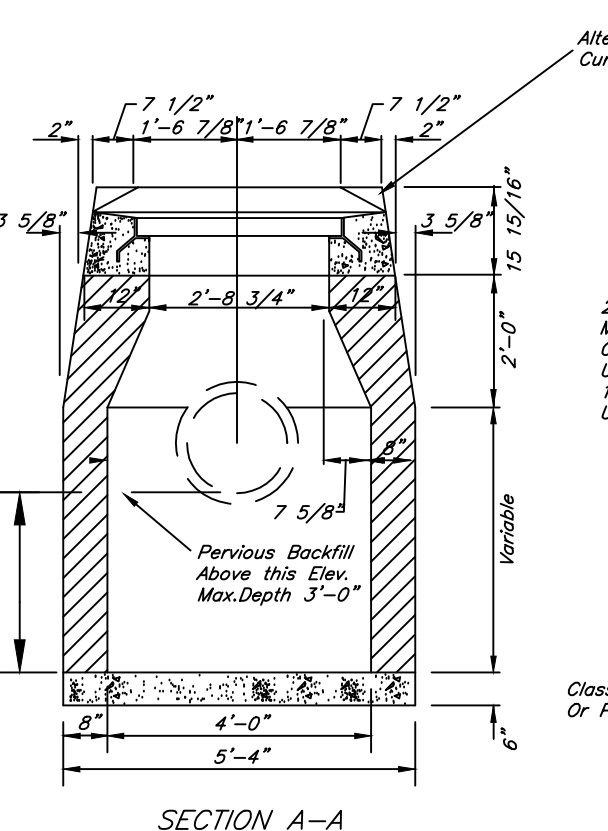
**CATCH BASIN STRUCTURE WITH TYPE "CL" TOP**  
NTS

**CATCH BASIN STRUCTURE WITH TYPE "C" TOP**  
NTS

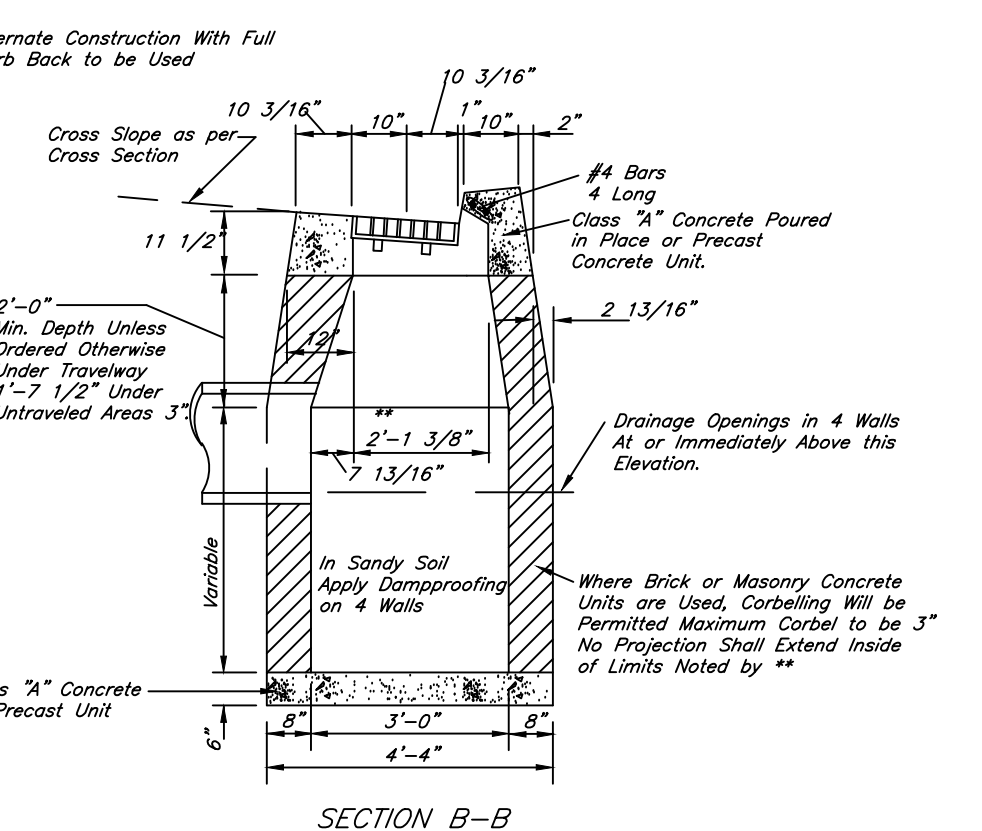
**CATCH BASIN STRUCTURE**  
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**PLAN**



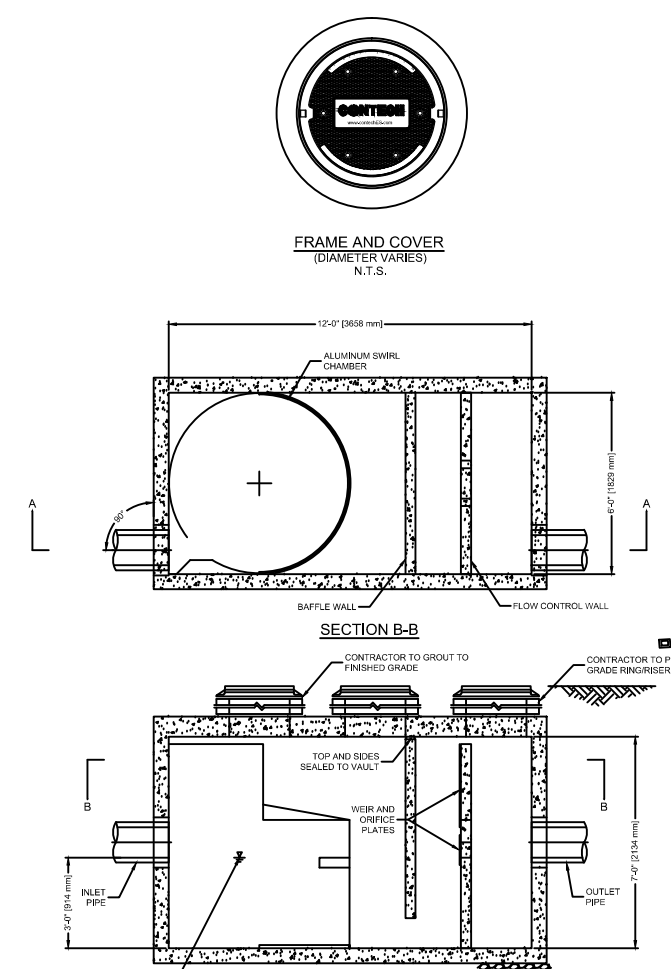
**SECTION A-A**



**SECTION B-B**

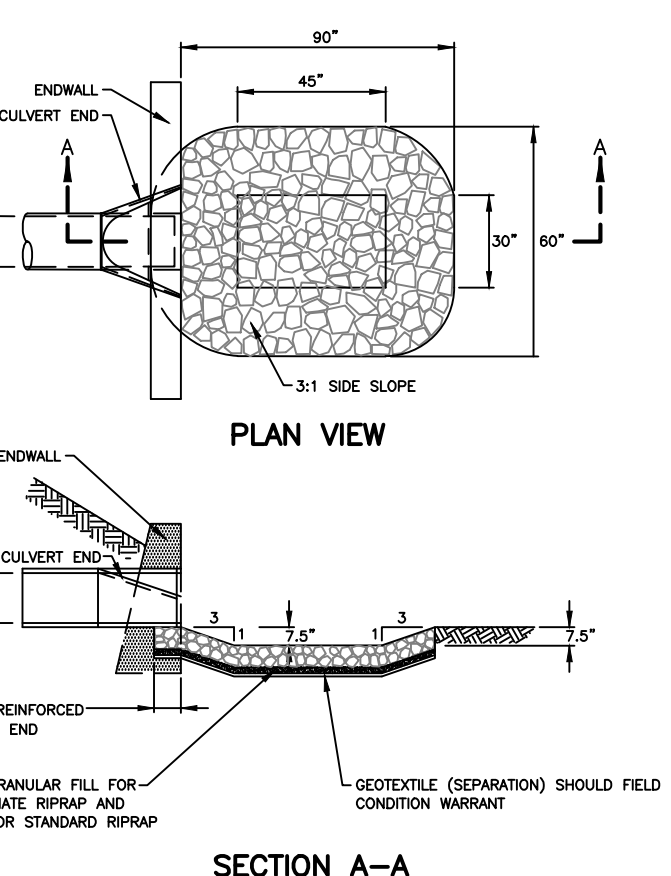
**TYPE "C" CATCH BASIN**  
NTS

NOTE: CATCH BASIN TOP OF FRAME AT GUTTERLINE SET BELOW TOP OF CURB OR AS DIRECTED BY ENGINEER.

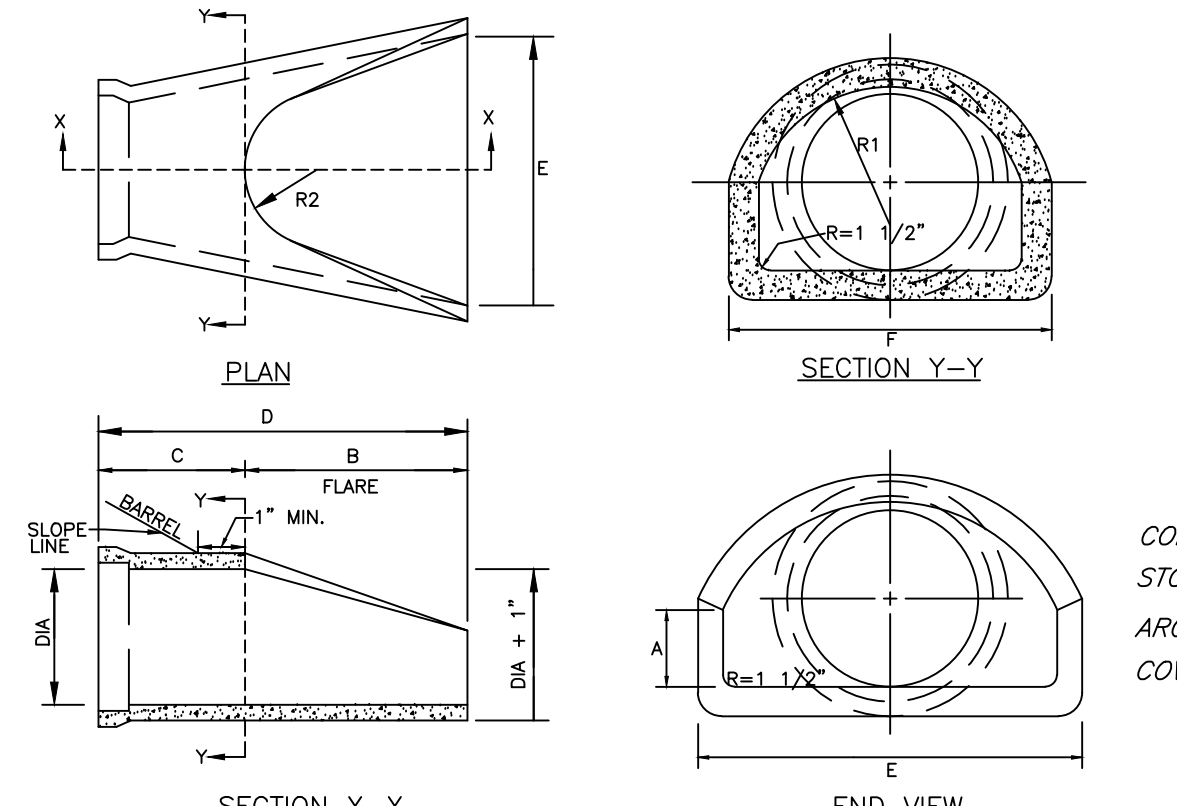


**POND OUTFLOW STRUCTURES PLAN VIEW**  
NTS

- TRASH RACK NOTES:**
1. TRASH RACK TO BE CENTERED OVER OPENING.
  2. STEEL TO CONFORM TO ASTM A-36. SURFACES TO BE COATED WITH ZINC COLD GALVANIZING COMPOUND AFTER WELDING.
  3. 3 LB/FT<sup>2</sup> EXPANDED STEEL GRATE ON TOP, BOTTOM AND SIDES.
  4. WELD 1" x 1" x 1/8" ANGLE OVER ALL EDGES (TYP.)

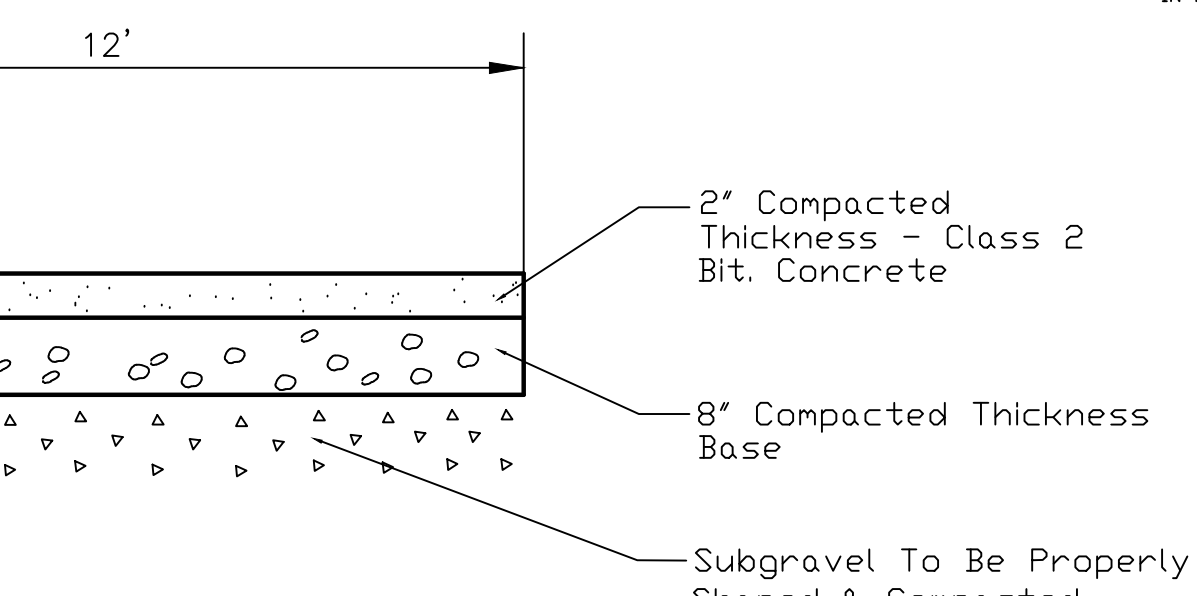


**SCOUR HOLE**  
NTS

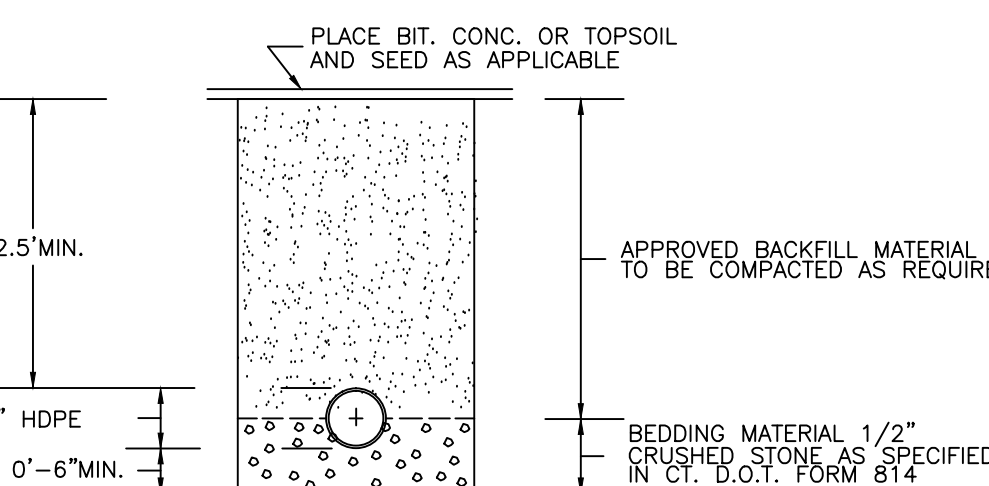


**CONC. FLARED END DETAIL**  
N.T.S.

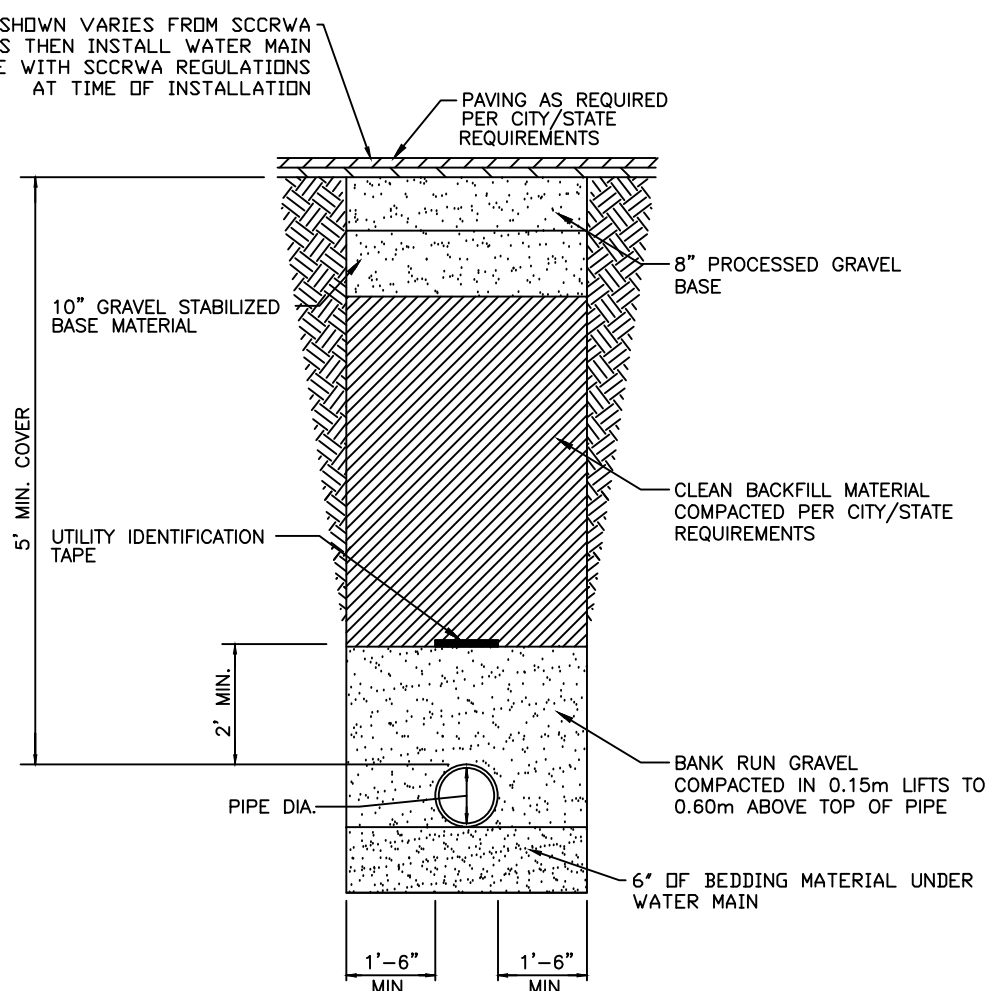
DIA	DIMENSIONS FOR REINFORCED CONCRETE CULVERT END							FLARE REINFORCEMENT		
	A	B	C	D	E	F	R1	R2	MIN. AREA OF LONGITUDINALS SO IN. PER FT.	MIN. AREA OF TRANSVERSE STEEL SO IN. PER FT.
12"	4"	2'-0"	4'-3/8"	6'-3/8"	2'-0"	1'-7 1/4"	10 1/4"	9"	0.048	0.048
15"	6"	2'-3"	3'-10"	6'-1"	2'-6"	2'-5 1/16"	1'-1 1/2"	11"	0.054	0.054
18"	9"	2'-3"	3'-10"	6'-1"	3'-0"	2'-5 1/16"	1'-3 1/2"	1'-0"	0.060	0.060
21"	9"	2'-11"	3'-2"	6'-1"	3'-4"	2'-7 1/2"	1'-4"	1'-1"	0.066	0.066
24"	9 1/2"	3'-7 1/2"	2'-6"	6'-1 1/2"	4'-0"	3'-9 3/16"	1'-4 1/4"	1'-2"	0.072	0.072
30"	1'-0"	4'-6"	1'-7 3/4"	6'-1 3/4"	5'-0"	3'-1"	1'-6 1/2"	1'-3"	0.084	0.084
36"	1'-3"	5'-3 1/2"	10 3/4"	8'-1 3/4"	6'-0"	3'-11 3/4"	2'-5 1/16"	1'-8"	0.096	0.096



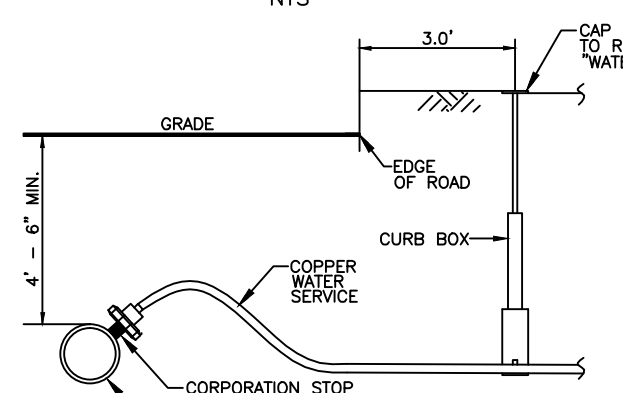
**TYPICAL DRIVEWAY PAVEMENT**  
NTS



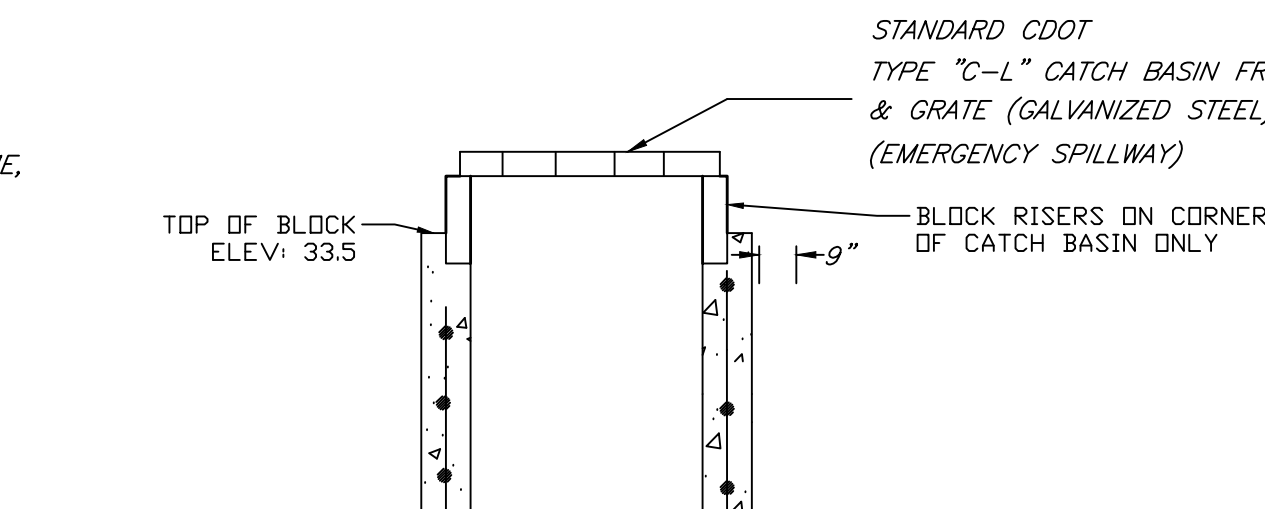
**TYPICAL STORM WATER TRENCH DETAILS**  
NTS



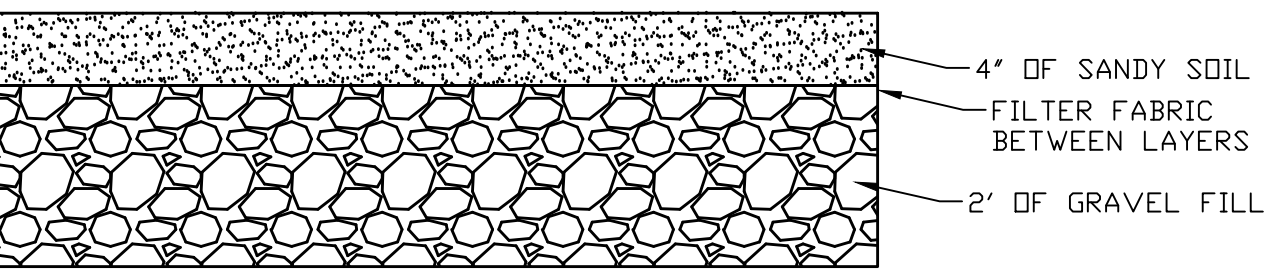
**TYPICAL WATER MAIN TRENCH CROSS SECTION**  
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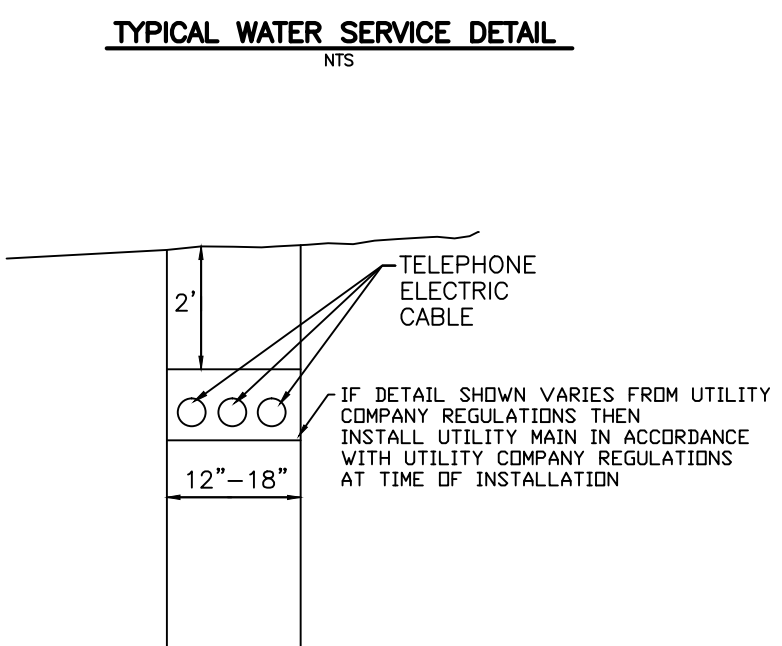
**TYPICAL WATER SERVICE DETAIL**  
NTS



**POND OUTFLOW STRUCTURES - PROFILE VIEW**  
NTS



**BOTTOM OF POND DETAIL**  
NTS



**X-SECTION (TYP.) UTILITY TRENCH**  
NTS

66, 76-82 TOTOKET ROAD & 0 TWEED ROAD RESUBDIVISION BRANFORD, CONNECTICUT

PREPARED FOR: ANTHONY CAPASSO 1003 MIDDLETOWN AVE NORTHFORD, CT, 06472  
PROPERTY OWNER: MAGUIRE WALTER L JR 160 UNCAS POINT RD GUILFORD, CT, 06437

**DETAILS**

**NAFIS & YOUNG ENGINEERS, INC.**  
1355 Middletown Avenue Northford, Connecticut 06472  
Phone: (203) 484-2793 Fax: (203) 484-7343 Email: nyang@nafisandyoung.com

DATE: MARCH 9, 2023 REV: JULY 5, 2023 REV: JULY 21, 2023  
REV: SEPTEMBER 6, 2023 REV: OCTOBER 17, 2023

JOB NO. 2023-037 SHEET NO. 08

D:\17\_2023-12-20\2023-03-07\Projects\BRANFORD\TIDCKET\_REV66\_TIDCKET\_REV66-037\CURRENT\SUB\_DETAILS.dwg

LOCATION AND ELEVATION OF UNDERGROUND UTILITIES UNLESS OTHERWISE NOTED IS UNKNOWN AND SHOULD BE FIELD VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION  
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EXISTING HOUSE LOT-1

TP 13 EXISTING HOME
DATE: 1-4-13
DEPTH: SOIL CONDITIONS
0-7" DARK BROWN TOPSOIL
7"-20" COMPACTED MISC. FILL
BROWN SILTY SAND
20"-41" MOIST COMPACTED BROWN
SOME SILT, MED/COARSE
SAND GRAVEL
41"-99" CLEAN FINE MED SAND &
GRAVEL
ROOTS @ 40"
NO WATER
NO MOTTLING
NO LEDGE
RL @

TP 14 EXISTING HOME
DATE: 1-4-13
DEPTH: SOIL CONDITIONS
0-6" DARK BROWN TOPSOIL
6"-24" COMPACTED BROWN SILTY
SAND MISC. FILL
MODERATELY COMPACTED
MOIST FINE/MED. SAND
& GRAVEL
32"-94" BONEY MODERATELY
COMPACTED W/ COARSE
SAND & GRAVEL
NO WATER
NO MOTTLING
NO LEDGE
RL @

P-1
DATE: 1-4-13
DEPTH: 12"
DIAMETER: 8"
PRESOAK: OVERNIGHT
TIME READING (IN.) DROP (IN.)
10:05 1 3/4
10:15 3 3/4 2
10:25 4 1/2 3/4
10:35 5 1/2 1
10:45 6 1/2
10:55 6 1/2 1/2
11:05 7 1/2
PERC = 20 INCH/MIN.

P-7 EXIST.
DATE: 1-4-13
DEPTH: 31"
DIAMETER: 7"
PRESOAK: OVERNIGHT
TIME READING (IN.) DROP (IN.)
9:59 11 3/4
10:05 22 3/4 11
10:11 26 1/2 3 3/4
10:17 28 5/8 2 1/8
10:23 30 5/8 2
10:29 DRY
PERC = 1-10 INCH/MIN.

TP 1
DATE: 6-5-13
DEPTH: SOIL CONDITIONS
0-8" TOPSOIL DK BROWN W/
ROOTS
8"-24" M/C SAND & GRAVEL,
TRACE SILT. @24"
SLIGHTLY COMPACT DK
BROWN
24"-100" COARSE SAND & GRAVEL
W/ SILTS AND COBBLES
WATER @ 82"
NO MOTTLING
NO LEDGE
NO RL

PT LOT-1
DATE: 8-15-18
DEPTH: 20"
DIAMETER: 8"
PRESOAK: OVERNIGHT
TIME READING (IN.) DROP (IN.)
10:45 6
10:55 8 1/2 2 1/2
11:05 10 1/4 1 3/4
11:15 11 1/2 1 1/4
11:25 12 1/2 3/4
11:35 13 1/4 3/4
11:45 14 3/4
PERC = 10.1-20 INCH/MIN.

LOCATION AND ELEVATION OF UNDERGROUND
UTILITIES UNLESS OTHERWISE NOTED IS
UNKNOWN AND SHOULD BE FIELD VERIFIED BY
CONTRACTOR PRIOR TO CONSTRUCTION
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AND HOLD NAFIS & YOUNG ENGINEERS, INC.
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FEES ARISING OUT OF THE MODIFICATION
OR REUSE OF THESE MATERIALS.

LOT-2

TP 9 LOT-2
DATE: 12-13-12
DEPTH: SOIL CONDITIONS
0-1" LEAF LITTER
1"-8" DARK BROWN TOPSOIL
8"-28" BROWN SILTY LOAM TRACE
GRAVEL
28"-62" TIGHT, WET BROWN SILTY
FINE, SOME GRAVEL, SOME
SANDS, GRAVEL &
COBBLES
NO WATER
NO MOTTLING
NO LEDGE
NO RL

TP 5
DATE: 12-18-12
DEPTH: SOIL CONDITIONS
0-1" LEAF LITTER
1"-6" TOPSOIL (DARK BROWN)
6"-24" MISC. FILL ORIGINAL
24"-28" ORGANIC BLACK TOPSOIL
LAYER
28"-31" BROWN FINE SILTY LOAM
31"-52" MODERATELY COMPACTED
DARK BROWN FINE SAND
MOTTLED THROUGHOUT
52"-84" COMPACTED BROWN FINE
TO MED. SAND MOTTLED
THROUGHOUT
WATER @ 84"
MOTTLING @ 31"
NO LEDGE
RL @

TP 6 LOT-2
DATE: 12-18-12
DEPTH: SOIL CONDITIONS
0-1" LEAF LITTER
1"-9" DARK BROWN TOPSOIL
9"-22" MOIST SILTY LOAM BROWN
22"-43" MODERATELY COMPACTED
BROWN SILTY FINE TO
MED. SAND W/ SOME
GRAVEL & COBBLES
43"-88" COMPACTED REDDISH
BROWN SILTY FINE TO
MED. SAND SOME GRAVEL
SOME COBBLES
ROOTS @ 54"
NO WATER
NO MOTTLING
LEDGE @ 93"
RL @ 93"

TP 7 LOT-2
DATE: 12-18-12
DEPTH: SOIL CONDITIONS
0-1" LEAF LITTER
1"-8" TOPSOIL D/B
8"-36" BROWN SILTY LOAM
36"-58" COMPACTED BROWN SILTY
FINE TO MED. SAND SOME
GRAVEL & SOME COBBLES
NO WATER
NO MOTTLING
NO LEDGE
NO RL

TP 8 LOT-2
DATE: 12-18-12
DEPTH: SOIL CONDITIONS
0-7" TOPSOIL D/B
7"-33" BROWN SILTY LOAM
33"-38" SILTY LOAM TRACE GRAVEL
BROWN
38"-72" COMPACTED FINE TO M/
SAND TRACE GRAVEL DRY
OLIVE
NO WATER
NO MOTTLING
LEDGE @ 72"
RL @ 72"

P-2 LOT-2
DATE: 1-4-13
DEPTH: 15"
DIAMETER: 10"
PRESOAK: OVERNIGHT
NEAR POND
TIME READING (IN.) DROP (IN.)
10:03 8 1/2
10:13 9 3/4 1 1/4
10:23 10 3/4 1
10:33 11 1/8 3/8
10:43 12 7/8
10:53 12 1/8 1/8
11:03 12 1/4 1/8
PERC = 30.1-45 INCH/MIN.

TP-2B
DATE: 6-26-18
DEPTH: SOIL CONDITIONS
0-3" LEAF LITTER
3"-9" DARK BROWN TOPSOIL
8"-42" BROWN SILTY LOAM TRACE
GRAVEL
NO WATER
NO MOTTLING
LEDGE @ 42"
RL @ 42"

DTP-2A
DATE: 8-15-18
DEPTH: SOIL CONDITIONS
0-8" TOPSOIL LOAMY FINE SAND
8"-21" 10 YR 4/6, GRAVELLY
FINE SANDY LOAM W/
COBBLES & BOULDERS
VERY GRAVELLY FINE
SANDY LOAM W/ COBBLES
21"-42"
ROOTS TO 38"
NO WATER
NO MOTTLING
LEDGE @ 42"
RL @ 42"

DTP-2B
DATE: 8-15-18
DEPTH: SOIL CONDITIONS
0-9" TOPSOIL 10 YR 4/6,
GRAVELLY FINE SANDY
LOAM
9"-38" 10 YR 4/4, GRAVELLY
FINE SANDY LOAM
38"-48" 7.5 YR 4/4, GRAVELLY
FINE SANDY LOAM
48"-67" 7.5 YR 4/3, GRAVELLY
FINE SANDY LOAM, FIRM
ROOTS TO 64"
NO WATER
NO MOTTLING
LEDGE @ 68"
RL @ 68"

PT LOT-2
DATE: 8-15-18
DEPTH: 18"
DIAMETER: 10"
PRESOAK: OVERNIGHT
TIME READING (IN.) DROP (IN.)
9:32 7
9:42 12 5
9:52 14 2
10:02 15 1/2 1 1/2
10:08 DRY
PERC = 1-10 INCH/MIN.

LOT-3

TP 10 LOT-3
DATE: 12-13-12
DEPTH: SOIL CONDITIONS
0-1" LEAF LITTER
1"-8" DARK BROWN TOPSOIL
8"-37" BROWN SILTY LOAM
COMPACTED
37"-64" COMPACTED BROWN MOIST
SILTY FINE TO MED. SAND,
TRACE GRAVEL, FEW
COBBLES.
NO WATER
NO MOTTLING
NO LEDGE
NO RL

TP 12 LOT-3
DATE: 12-13-12
DEPTH: SOIL CONDITIONS
0-1" GRASS
1"-8" TOPSOIL DARK BROWN
8"-34" BROWN SILTY LOAM
34"-41" MODERATELY COMPACTED
MOIST BROWN SILTY
FINE/MED. SAND W/
GRAVEL, SOME COBBLES.
41"-74" VERY COMPACTED BROWN
SILTY FINE TO MED. SAND
MOTTLED THROUGHOUT
NO WATER
MOTTLING @ 41"
LEDGE @ 74"
RL @ 41"

P-3 LOT-2
DATE: 1-4-13
DEPTH: 21"
DIAMETER: 12"
PRESOAK: OVERNIGHT
BEHIND SHED
TIME READING (IN.) DROP (IN.)
10:04 10 1/2
10:14 12 1/4 1 3/4
10:24 14 1 3/4
10:34 15 1
10:44 16 1
10:54 16 1/2 1/2
11:04 17 1/2
PERC = 10.1-20 INCH/MIN.

PT LOT-3
DATE: 8-15-18
DEPTH: 22"
DIAMETER: 10"
PRESOAK: OVERNIGHT
TIME READING (IN.) DROP (IN.)
10:15 8
10:45 16 3/8 8 3/8
10:55 19 1/4 2 7/8
11:05 21 1 3/4
11:15 21 5/8 5/8
11:25 Dry
PERC = 10.1-20 INCH/MIN.

TP 20 DETENTION POND NE CORNER
DATE: 07-07-23
DEPTH: SOIL CONDITIONS
0-12" TOPSOIL
12"-24" SILTY LOAM
24"-72" SANDY SILTY LOAM
NO WATER
NO MOTTLING
NO LEDGE
ROOTS AT 27"

TP 11 LOT-3
DATE: 12-13-12
DEPTH: SOIL CONDITIONS
0-1" GRASS
1"-7" DARK BROWN TOPSOIL
7"-27" BROWN SILTY LOAM
27"-39" TIGHT MOIST SILTY BROWN
FINE/MED. SAND SOME
GRAVEL.
39"-72" COMPACTED MOIST SILTY
BROWN FINE/MED. SAND
SOME GRAVEL, SOME
COBBLES.
NO WATER
NO MOTTLING
NO LEDGE
NO RL

DEEP 1 LOT-3
DATE: 12-18-12
DEPTH: SOIL CONDITIONS
0-1" LEAF LITTER
1"-10" TOPSOIL
10"-24" SILTY LOAM
24"-87" COMPACT SILTY FINE
SANDS MOTTLED
THROUGHOUT
WATER @ 87"
MOTTLING @ 15"
NO LEDGE
RL @ 15"

P-6
DATE: 1-4-13
DEPTH: 22"
DIAMETER: 8"
PRESOAK: OVERNIGHT
TIME READING (IN.) DROP (IN.)
10:00 6 1/4
10:10 9 3/8 3 1/8
10:20 10 1/2 1 1/8
10:30 12 7/8 2 3/8
10:40 13 3/4 7/8
10:50 14 1/4
11:00 14 1/2 1/2
PERC = 23 INCH/MIN.

DETENTION POND & INFILTRATORS TP

TP 21 DETENTION POND CENTER
DATE: 07-07-23
DEPTH: SOIL CONDITIONS
0-8" TOPSOIL
8"-27" LOAMY SOIL
27"-50" SANDY SILTY LOAM
50"-75" SAND
NO WATER
NO MOTTLING
NO LEDGE
ROOTS AT 27"

TP 22 DETENTION POND NW CORNER
DATE: 07-07-23
DEPTH: SOIL CONDITIONS
0-10" TOPSOIL
10-31" SANDY LOAM
31-60" SAND W/COBBLES
60-78" SAND
NO WATER
NO MOTTLING
NO LEDGE
ROOTS AT 38"

MPF TP 2 LOT-4
DATE: 12-18-12
DEPTH: SOIL CONDITIONS
0-1" LEAF LITTER
1"-9" TOPSOIL DARK BROWN
9"-16" MODERATELY COMPACT
SILTY LOAM
16"-32" MOTTLED SILTY FINE
SANDS
32"-44" SILTY FINE TO MED.
SANDS W/ REDUX
44"-78" COMPACT GREENISH
MOTTLED FINE SANDS.
NO WATER
MOTTLING @ 16"
NO LEDGE
RL @ 16"

PT 1
DATE: 6-5-13
DEPTH: 24"
DIAMETER: 8"
PRESOAK: OVERNIGHT
TIME READING (IN.) DROP (IN.)
10:20 8.75
10:30 11 2.25
10:40 12 1.0
10:51 13.25 1.25
11:01 14 0.75
11:11 15 1.0
11:21 15.875 0.875
PERC = 10.1-20 INCH/MIN.

TP 2
DATE: 6-5-13
DEPTH: SOIL CONDITIONS
0-8" TOPSOIL DK BROWN W/
ROOTS
8"-25" LIGHT BROWN SILTY LOAM,
POCKET OF MOIST SAND
25"-42" MOIST FINE BROWN SILTY
LOAM, FEW GRAVEL
42"-94" @42" SLIGHTLY COMPACT
MOIST FINE SILTY LOAM
FEW GRAVEL
WATER @ 77"
MOTTLING @ 36"
NO LEDGE
NO RL

TP-3A
DATE: 6-26-18
DEPTH: SOIL CONDITIONS
0-7" FOREST LITTER
7"-12" DARK TOPSOIL
12"-40" REDDISH BROWN SLIGHTLY
COMPACT LOAM W/ SILT
AND TRACE SANDS
40"-71" BROWN COARSE SANDY
LOAM TO SILT & COBBLES
SLIGHTLY LESS COMPACT
NO WATER
NO MOTTLING
NO LEDGE
RL @

PT LOT-3
DATE: 8-15-18
DEPTH: 19"
DIAMETER: 10"
PRESOAK: OVERNIGHT
TIME READING (IN.) DROP (IN.)
9:33 10
9:43 19 9
9:53 20 1
9:55 DRY
PERC = 1-10 INCH/MIN.

TP 3 LOT-4
DATE: 12-19-12
DEPTH: SOIL CONDITIONS
0-1" LEAF LITTER
1"-9" DARK BROWN TOPSOIL
9"-27" BROWN MODERATELY
COMPACTED SILTY LOAM
27"-43" REDDISH BROWN SILTY
FINE TO MED. SAND
43"-92" BROWN/RED COMPACTED
MOTTLING FINE SAND
WATER @ 90"
MOTTLING @ 22"
NO LEDGE
RL @ 22"

PT 2
DATE: 6-5-13
DEPTH: 25"
DIAMETER: 8"
PRESOAK: OVERNIGHT
TIME READING (IN.) DROP (IN.)
10:21 8.875
10:31 11 2.125
10:41 12.125 1.125
10:51 13.125 1.0
11:01 14.25 1.125
11:11 15.50 1.25
11:21 16.375 0.875
PERC = 10.1-20 INCH/MIN.

TP 3
DATE: 6-5-13
DEPTH: SOIL CONDITIONS
0-9" DK BROWN TOPSOIL W/
ROOTS
9"-28" LIGHT BROWN SILTY LOAM,
POCKET OF MOIST SAND
28"-112" MOIST FINE MED. SAND,
FEW GRAVELS, FEW
COBBLES, DARK BROWN
WATER @ 102"
MOTTLING @ 30"
LEDGE @ 79"
RL @ 30"

TP-3B
DATE: 6-26-18
DEPTH: SOIL CONDITIONS
0-5" FOREST LITTER
5"-11" DARK ORGANIC TOPSOIL
11"-27" REDDISH BROWN COARSE
SANDY LOAM
27"-48" MILDLY COMPACT BROWN
COARSE SANDY LOAM W/
SILT
48"-80" SLIGHTLY LOOSE BROWN
COARSE SANDY LOAM W/
SILT
WATER @ 70"
NO MOTTLING
NO LEDGE
RL @ 70"

DTP-3B
DATE: 8-15-18
DEPTH: SOIL CONDITIONS
0-8" TOPSOIL 10 YR 2/2
8"-48" LOAMY FINE SAND
7.5 YR 4/4, GRAVELLY
FINE SANDY LOAM
ROOTS TO 34"
NO WATER
NO MOTTLING
LEDGE @ 48"
RL @ 48"

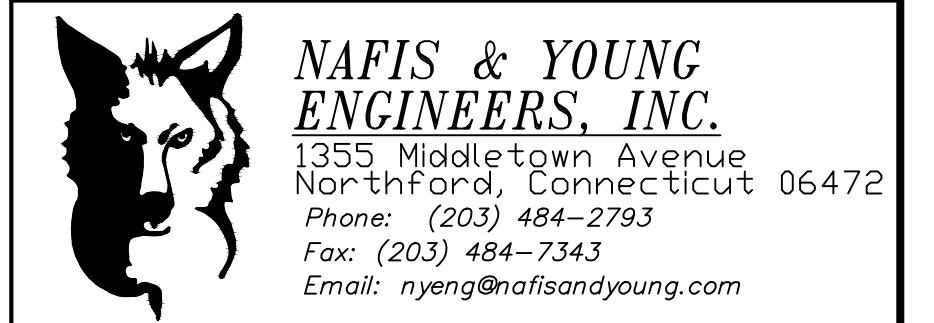
LOT-4

TP 4 LOT-4
DATE: 12-19-12
DEPTH: SOIL CONDITIONS
0-1" LEAF LITTER
1"-9" TOPSOIL DARK/BROWN
9"-24" MISC. FILL SILTY W/
GRAVEL & COBBLES W/
RED CLAY PIPE
24"-34" BROWN SILTY FINE TO
MED. SAND W/ REDUX
34"-88" MODERATELY COMPACTED
MOTTLED, FINE TO MED.
SAND
NO WATER
MOTTLING @ 9"
NO LEDGE
RL @

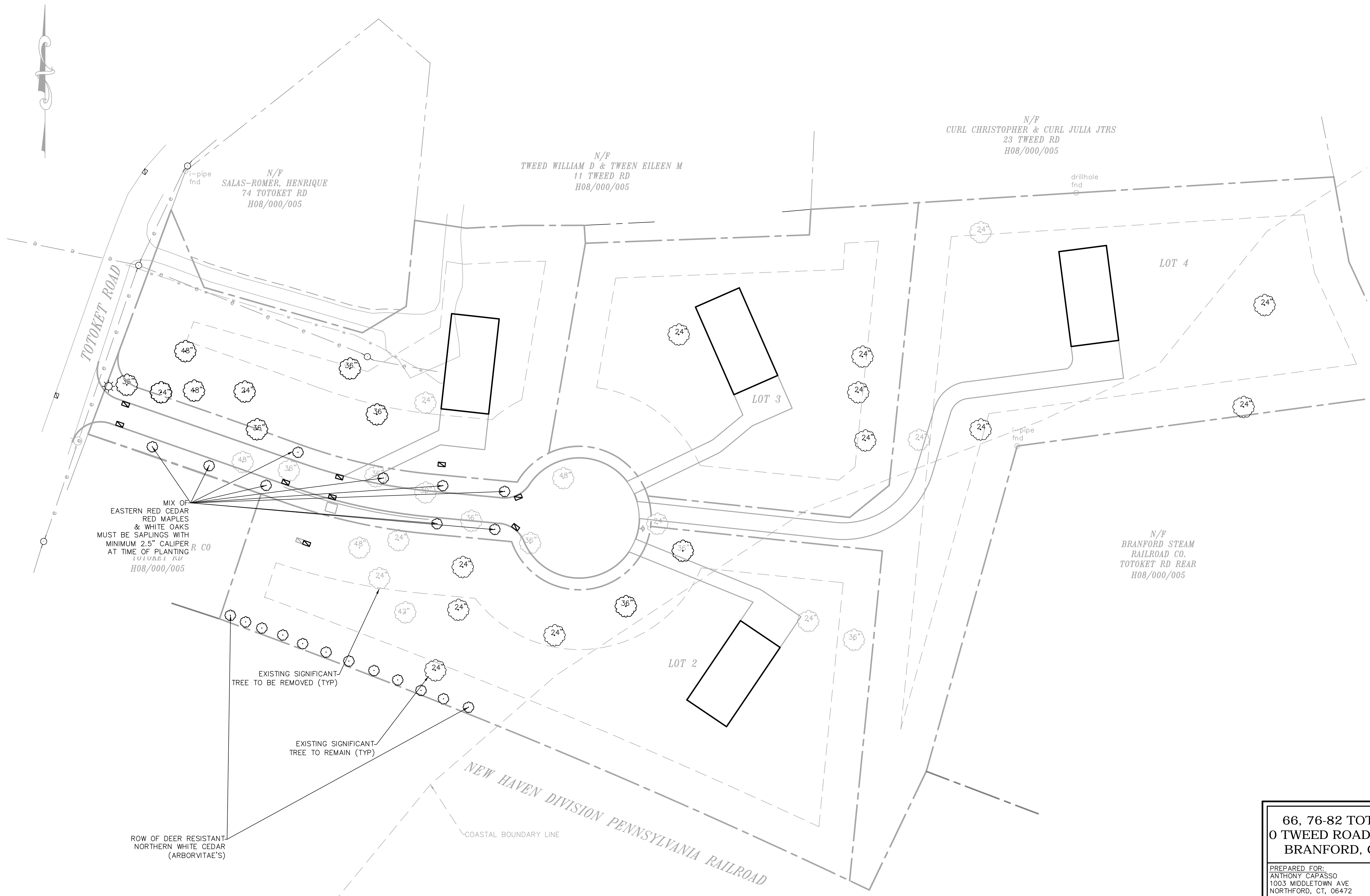
66, 76-82 TOTOKET ROAD &
O TWEED ROAD RESUBDIVISION
BRANFORD, CONNECTICUT

PREPARED FOR: ANTHONY CAPASSO
1003 MIDDLETOWN AVE
NORTHFORD, CT, 06472
PROPERTY OWNER: MAGUIRE WALTER L JR
160 UNCAS POINT RD
GUILFORD, CT, 06437

SOIL TEST DATA



DATE: MARCH 9, 2023
REV: JULY 5, 2023
REV: JULY 21, 2023
REV: SEPTEMBER 6, 2023
REV: OCTOBER 17, 2023



MIX OF EASTERN RED CEDAR, RED MAPLES & WHITE OAKS MUST BE SAPLINGS WITH MINIMUM 2.5" CALIPER AT TIME OF PLANTING  
 10/10/2023 R CO  
 H08/000/005

EXISTING SIGNIFICANT TREE TO BE REMOVED (TYP)

EXISTING SIGNIFICANT TREE TO REMAIN (TYP)

ROW OF DEER RESISTANT NORTHERN WHITE CEDAR (ARBORVITAE'S)

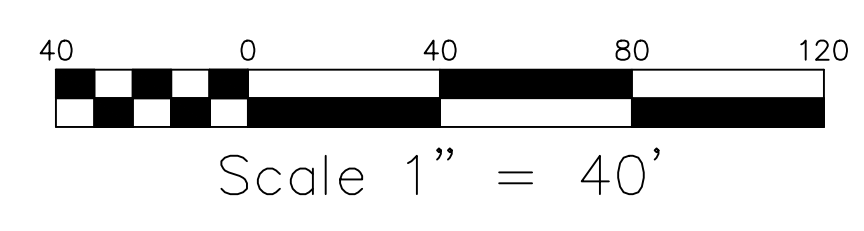
NEW HAVEN DIVISION PENNSYLVANIA RAILROAD  
 COASTAL BOUNDARY LINE

**LANDSCAPING NOTES:**

1. Trees picked are based on current availability.
2. Equivalent trees may be used at time of construction due to availability at that time.
3. Existing trees in black are proposed to remain as part of the project.
4. Existing trees in gray are proposed to be removed as part of project.
5. Existing trees in area's of future construction will be included on the individual site plan's.
6. New trees shall be planted, protected, staked, and maintained using good horticultural practice.
7. Any tree not surviving one (1) year after the completion of all required subdivision improvements shall be replaced at the developer's expense.
8. A financial guarantee shall be provided to ensure such replacement

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**66, 76-82 TOTOKET ROAD & 0 TWEED ROAD RESUBDIVISION  
 BRANFORD, CONNECTICUT**

PREPARED FOR: ANTHONY CAPASSO  
 1003 MIDDLETOWN AVE  
 NORTHFORD, CT, 06472

PROPERTY OWNER: MAGUIRE WALTER L JR  
 160 UNCAS POINT RD  
 GUILFORD, CT, 06437

**LANDSCAPING & STREET TREES PLAN**

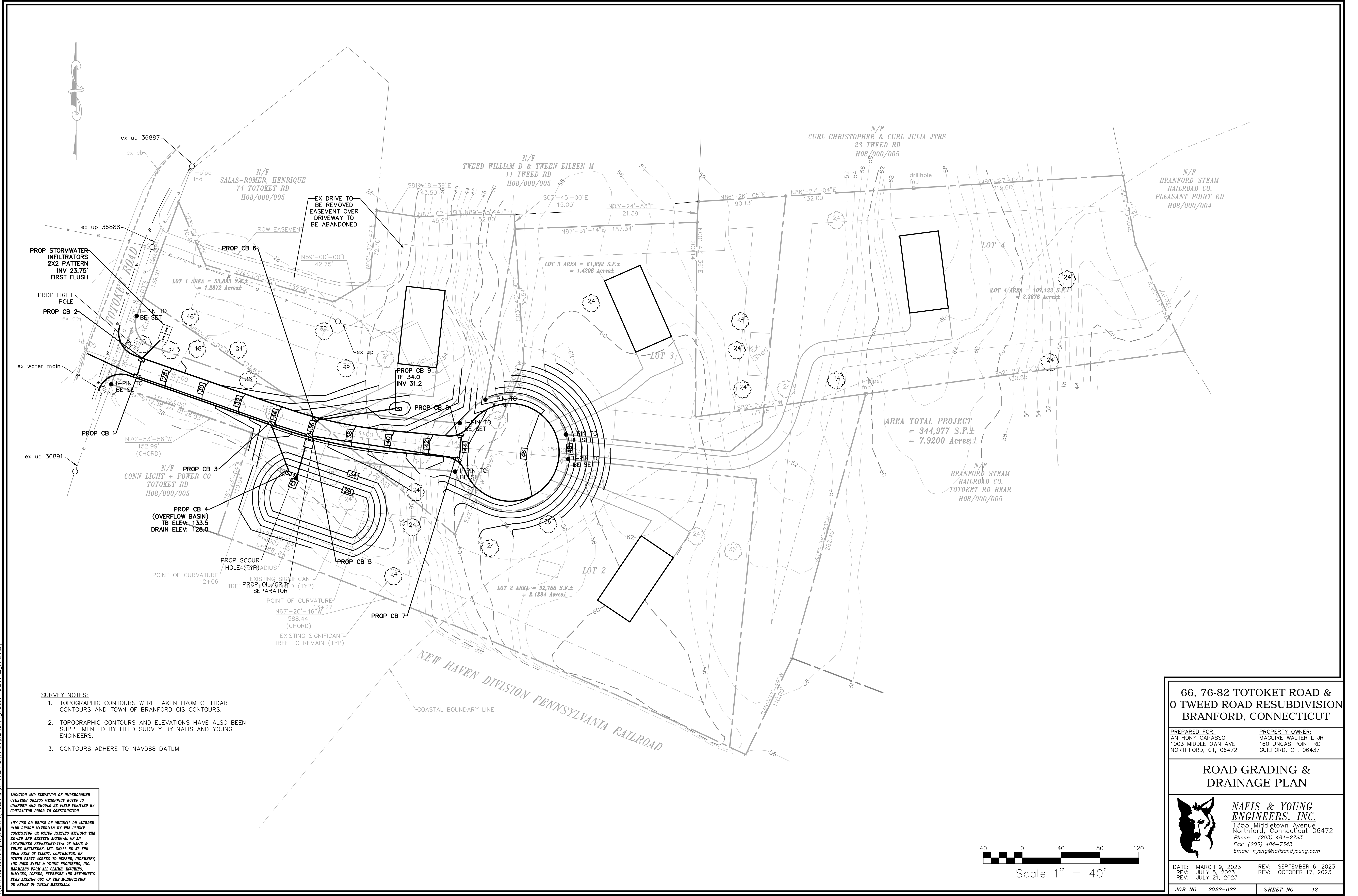
**NAFIS & YOUNG ENGINEERS, INC.**  
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 Northford, Connecticut 06472  
 Phone: (203) 484-2793  
 Fax: (203) 484-7343  
 Email: nyeng@nafisandyoung.com

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15/17 06/25 10:25 AM  
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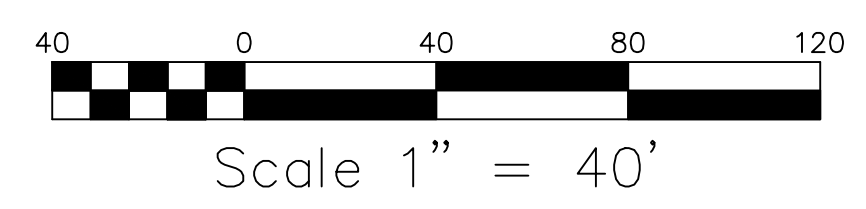
- SURVEY NOTES:**
1. TOPOGRAPHIC CONTOURS WERE TAKEN FROM CT LIDAR CONTOURS AND TOWN OF BRANFORD GIS CONTOURS.
  2. TOPOGRAPHIC CONTOURS AND ELEVATIONS HAVE ALSO BEEN SUPPLEMENTED BY FIELD SURVEY BY NAFIS AND YOUNG ENGINEERS.
  3. CONTOURS ADHERE TO NAVD88 DATUM

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AREA TOTAL PROJECT  
= 344,977 S.F.±  
= 7.9200 Acres±

NEW HAVEN DIVISION PENNSYLVANIA RAILROAD  
COASTAL BOUNDARY LINE



**66, 76-82 TOTOKET ROAD & 0 TWEED ROAD RESUBDIVISION  
BRANFORD, CONNECTICUT**

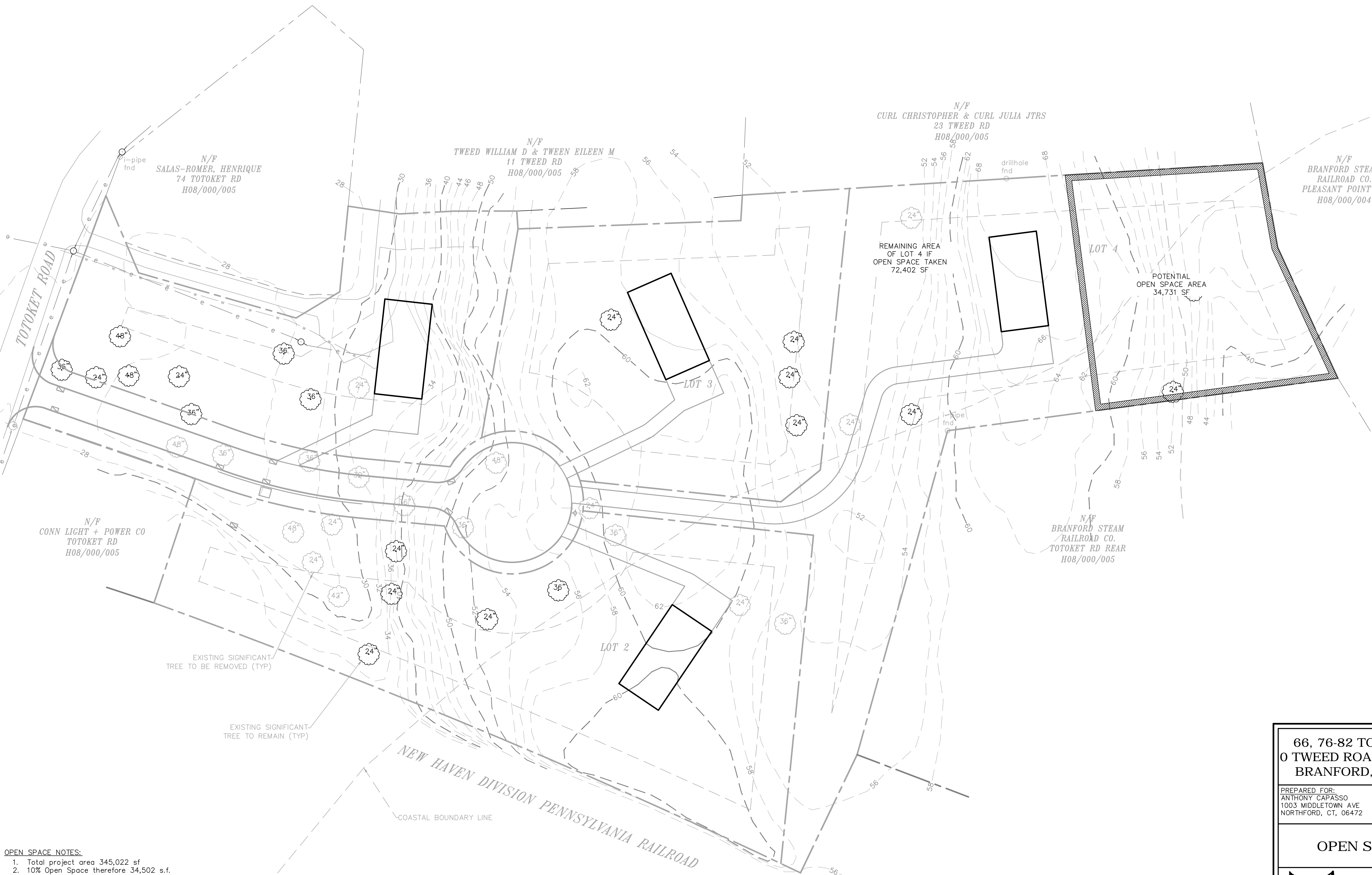
PREPARED FOR: ANTHONY CAPASSO 1003 MIDDLETOWN AVE NORTHFORD, CT, 06472	PROPERTY OWNER: MAGUIRE WALTER L JR 160 UNCAS POINT RD GUILFORD, CT, 06437
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**ROAD GRADING & DRAINAGE PLAN**

**NAFIS & YOUNG ENGINEERS, INC.**  
1355 Middletown Avenue  
Northford, Connecticut 06472  
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Email: nyeng@nafisandyoung.com

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JOB NO. 2023-037 SHEET NO. 12



- OPEN SPACE NOTES:**
1. Total project area 345,022 sf
  2. 10% Open Space therefore 34,502 s.f.
  3. 34,702 s.f. located in area of open space
  4. 72,402 s.f. remaining in lot 4 if open space taken
  5. Applicant is proposing to pay the Fee-in-lieu
  6. Map showing potential location of open space provided per town regulations

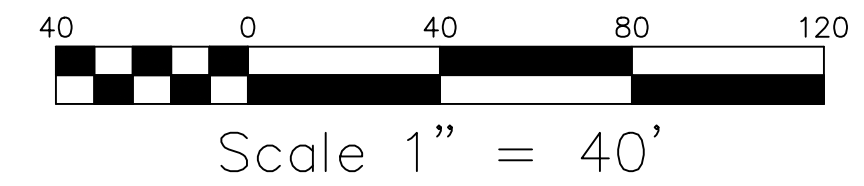
EXISTING SIGNIFICANT TREE TO BE REMOVED (TYP)

EXISTING SIGNIFICANT TREE TO REMAIN (TYP)

NEW HAVEN DIVISION PENNSYLVANIA RAILROAD  
COASTAL BOUNDARY LINE

LOCATION AND ELEVATION OF UNDERGROUND UTILITIES UNLESS OTHERWISE NOTED IS UNKNOWN AND SHOULD BE FIELD VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION

ANY USE OR REUSE OF ORIGINAL OR ALTERED CAD DESIGN MATERIALS BY THE CLIENT, CONTRACTOR OR OTHER PARTIES WITHOUT THE REVIEW AND WRITTEN APPROVAL OF AN AUTHORIZED REPRESENTATIVE OF NAFIS & YOUNG ENGINEERS, INC. SHALL BE AT THE SOLE RISK OF CLIENT. CONTRACTOR, OR OTHER PARTY AGREES TO DEFEND, INDEMNIFY, AND HOLD NAFIS & YOUNG ENGINEERS, INC. HARMLESS FROM ALL CLAIMS, INJURIES, DAMAGES, LOSSES, EXPENSES AND ATTORNEY'S FEES ARISING OUT OF THE MODIFICATION OR REUSE OF THESE MATERIALS.



**66, 76-82 TOTOKET ROAD & 0 TWEED ROAD RESUBDIVISION  
BRANFORD, CONNECTICUT**

PREPARED FOR: ANTHONY CAPASSO 1003 MIDDLETOWN AVE NORTHFORD, CT, 06472	PROPERTY OWNER: MAGUIRE WALTER L JR 160 UNCAS POINT RD GUILFORD, CT, 06437
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**OPEN SPACE PLAN**

**NAFIS & YOUNG ENGINEERS, INC.**  
1355 Middletown Avenue  
Northford, Connecticut 06472  
Phone: (203) 484-2793  
Fax: (203) 484-7343  
Email: nyeng@nafisandyoung.com

DATE: MARCH 9, 2023	REV: SEPTEMBER 6, 2023
REV: JULY 5, 2023	REV: OCTOBER 17, 2023
REV: JULY 21, 2023	

JOB NO. 2023-037 SHEET NO. 13

S:\17\_2023\_037\_037\2023-037-037\BRANFORD\TOTOKET RD\06\_TOTOKET RD\02-037-CURRENT\LD\_LANDSCAPING PLAN\_23-037.dwg

**PINE ORCHARD ASSOCIATION**  
**180 Pine Orchard Road**  
**Branford, CT 06405**

MEMO-Draft

December 8, 2023

To: Pine Orchard Association  
Zoning Committee

RE: Special Permit, 4-lot Re-Subdivision, Land of Walter Macquire  
66, 76-82 Totoket Road, 0 Tweed Road, Branford, Connecticut

Dear Members,

Property known as 66, 76-82 Totoket Road, 0 Tweed Road received re-subdivision and Coastal Area Management (CAM) approval of the Planning and Zoning Commission of the Town of Branford on October 5, 2023 (see approval letter, attached).

I have reviewed the plans entitled *66, 76-82 Totoket Road, 0 Tweed Road, Branford, Connecticut*, revised through October 17, 2023 for conformance with the Pine Orchard Zoning Ordinance.

The property is located in an AA-1 zone. Single family homes are allowed as of right in this zone, per Section 4 of the Pine Orchard Zoning Ordinance. New lots will be served by water and septic.

All lots meet or exceed the bulk requirements set forth in Section 6 for the AA-1 Zone in regarding lot area and width. In addition, the proposed house locations shown on the plans demonstrate that compliance with the Ordinance is obtainable within the building square. Individual site plans for the new homes will be required prior to construction.

The 20' paved access required by Section 5.2.5 has been provided. Accommodations for one off-street parking space and parking/driveway surface types will be confirmed as part of the review of the individual lots.

Accommodations have been proposed to address stormwater (basin on lot 2, roof leaders for individual lots to connect).

A sediment and erosion control financial guarantee will be submitted to the Town to ensure that erosion issues can be dealt with in the event of a failure.

If not already addressed by the Town of Branford P&Z, questions to consider would be timing of the installation of the road and basin to ensure that stormwater can be managed in all phases of site development. In addition, it would be important to know whether the proposed areas of non-disturbance will be recorded on the deeds for individual lots to alert perspective buyers of limitations. While the maps will be filed, this information can sometimes be lost in the transfer.

Laura Magaraci  
Zoning Enforcement Officer  
Pine Orchard Association

# NOTICE:

**PINE ORCHARD ASSOCIATION (POA)  
PUBLIC HEARING MONDAY DECEMBER 11 AT 7PM TO  
DISCUSS SPECIAL PERMIT APPLICATION FOR TWEED  
ROAD SUBDIVISION  
\* FOLLOWED BY \*  
SPECIAL EXECUTIVE BOARD MEETING  
AGENDA NOTED BELOW  
MONDAY, DEC. 11th, 2023, at the POA Office and via Zoom**

At the call of the POA President, The Pine Orchard Executive Board will hold a special PUBLIC HEARING to (1) Discuss Special Permit Application of Anthony Capasso, Applicant, and Walter Maguire Jr, Owner, relative to a 4-lot Resubdivision of property known as 66 and 76-82 Totoket Road and 0 Tweed Road in the AA-1 Zoning District. (2) Special Executive Board Meeting to vote on said subdivision plan. Said meetings will be held at the POA offices at 180 Pine Orchards Road and via Zoom on Monday Dec. 11th, 2023, at 7PM. All are welcome to attend. The plans are available for review on the POA website ([poa-ct.org](http://poa-ct.org), home page), the POA office, (email the office manager at [om@poa-ct.org](mailto:om@poa-ct.org)) and at the Town Clerk's Office.

1) Call to order

2) PUBLIC HEARING

(To be conducted by the POA Board in its authority as Zoning Commission):

- Special Permit Application of Anthony Capasso, Applicant, and Walter Maguire Jr, Owner, relative to a 4-lot Resubdivision of property known as 66 and 76-82 Totoket Road and Tweed Road in the AA-1 Zoning District. All Public Comments accepted per Public Comment Rules as noted below.
- Public Comments
- Close public hearing

At the completion of the public hearing, the Executive Board Special Meeting will commence per the agenda note below.

3) Executive Board to consider and adopt the Zoning application as proposed if approved by 2/3 vote.

4) Review actions related to neighborhood security.

5) Executive Session - (optional) to discuss issue as noted above

6) Public Comments

7) Adjournment.

## **Notice of Public Hearing**

The Pine Orchard Association, (POA) Executive Board, sitting as the Zoning Commission, will hold a public hearing on Monday, December 11th, 2023, at 7p.m. to be held at the Pine Orchard Association Office, 180 Pine Orchard Road, Branford, and via Zoom™ to consider the following application:

Special Permit Application of Anthony Capasso, Applicant, and Walter Maguire Jr, Owner, relative to a 4-lot Resubdivision of property known as 66 and 76-82 Totoket Road and 0 Tweed Road in the AA-1 Zoning District.

Plans are available for review on the POA Website, at the POA Office and on file at the office of the Branford Town Clerk.

Vincent Giordano,  
President, Executive Board  
Pine Orchard Association

**PINE ORCHARD ASSOCIATION**  
**180 Pine Orchard Road**  
**Branford, CT 06405**

MEMORANDUM  
December 11, 2023

To: Pine Orchard Association  
Zoning Committee

RE: Special Permit, 4-lot Re-Subdivision, Land of Walter Macquire  
66, 76-82 Totoket Road, 0 Tweed Road, Branford, Connecticut

Dear Members,

Property known as 66, 76-82 Totoket Road, 0 Tweed Road received re-subdivision and Coastal Area Management (CAM) approval of the Planning and Zoning Commission of the Town of Branford on October 5, 2023 (see approval letter, attached).

I have reviewed the plans entitled *66, 76-82 Totoket Road, 0 Tweed Road, Branford, Connecticut*, revised through October 17, 2023, for conformance with the Pine Orchard Zoning Ordinance.

**Recommendation:** Approve with conditions.

**Discussion:** The property is located in an AA-1 zone. Single family homes are allowed as of right in this zone, per Section 4 of the Pine Orchard Zoning Ordinance. New lots will be served by water and septic.

All lots meet or exceed the bulk requirements set forth in Section 6 for the AA-1 Zone in regarding lot area and width. In addition, the proposed house locations shown on the plans demonstrate that compliance with the Ordinance is obtainable within the building square. Individual site plans for the new homes will be required prior to construction.

The 20' paved access (and 50' right of way) required by Section 5.2.5 has been provided. Accommodations for one off-street parking space and parking/driveway surface types will be confirmed as part of the review of the individual lots.

Accommodations have been proposed to address stormwater (basin on lot 2, roof leaders for individual lots to connect).

A sediment and erosion control financial guarantee will be submitted to the Town to ensure that erosion issues can be dealt with in the event of failure.

If not already addressed by the Town of Branford P&Z, questions to consider would be timing of the installation of the road and basin to ensure that stormwater can be managed in all phases of site development. In addition, it would be important to know whether the proposed areas of non-disturbance will be recorded on the deeds for individual lots to alert perspective buyers of limitations. While the maps will be filed, this information can sometimes be lost in the transfer.

**Recommended Conditions:**

1. As-Built Foundation Plan to be provided prior to framing construction for each lot.
2. Submission of detailed lot plans prior to construction to demonstrate compliance with off-street parking space and parking/driveway surface types.
3. No zoning compliance letter shall be issued until the proposed road, drainage and fire hydrant are constructed/installed.
4. Compliance with all conditions of approval as provided in the Branford Planning and Zoning approval of October 5, 2023.

Laura Magaraci  
Zoning Enforcement Officer  
Pine Orchard Association

Walter L Maguire Jr.  
66 Totoket Road  
Branford, CT 06405

At a meeting of the Pine Orchard Executive Board acting as the Zoning Commission held on December 11, 2023, following a public hearing, the Pine Orchard Zoning Commission made the following decision and took the following actions:

GRANTED the application for a Special Permit, 4-lot Re-Subdivision, Land of Walter Macquire 66, 76-82 Totoket Road, 0 Tweed Road, Branford, Connecticut in order to construct an access road and four new houses on the said property. Said permission is contingent of the following five (5) conditions as presented by the ZEO and one request presented by the POA Board:

1. As-Built Foundation Plan to be provided prior to framing construction for each lot.
2. Submission of detailed lot plans prior to construction to demonstrate compliance with off-street parking space and parking/driveway surface types, to also include specific nomenclature identification of the rain garden and specification of construction and vegetation in order to mitigate standing water.
3. No zoning compliance letter shall be issued until the proposed road, drainage and fire hydrant are constructed/installed.
4. Compliance with all conditions of approval as provided in the Branford Planning and Zoning approval of October 5, 2023.
5. The proposed areas of non-disturbance will be recorded on the deeds for individual lots to alert perspective buyers of limitations.

Vincent Giordano  
Executive Board President  
Pine Orchard Association

Cc: Attorney Timothy J. Lee  
Attorney Robin Sandler

December 15, 2023

Town Clerk  
The Town of Branford  
Town Hall  
Branford CT 06405

Re: Notice of Action  
The Pine Orchard Association  
POA Board acting as the Zoning Commission  
December 11, 2023

Delivered herewith for filing in your office, pursuant to Section 8-7 of the General statutes, is a Notice of Action document with respect to rulings made by the POA Board acting as the Zoning Commission on December 11<sup>th</sup> 2023. Also enclosed is a filing fee (check/cash) for \$60.00.

Vincent Giordano  
Executive Board President  
For  
The Pine Orchard Association  
Zoning Commission

Enclosures

Cc: Attorney Timothy J. Lee  
Attorney Robin Sandler

LEGAL NOTICE  
POA EXECUTIVE BOARD  
ACTING AS THE ZONING COMMISSION  
THE PINE ORCHARD ASSOCIATION  
PINE ORCHARD, CONNECTICUT

At a meeting of the Pine Orchard Executive Board acting as the Zoning Commission held on December 11, 2023, following a public hearing, the Pine Orchard Zoning Commission made the following decision and took the following actions:

GRANTED the application for a Special Permit, 4-lot Re-Subdivision, Land of Walter Macquire 66, 76-82 Totoket Road, 0 Tweed Road, Branford, Connecticut in order to construct an access road and four new houses on the said property. Said permission is contingent of the following five (5) conditions as presented by the ZEO and one request presented by the POA Board:

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Vincent Giordano  
Executive Board President