

**Black Point Beach Association  
Board of Governors  
June 30th, 2021 Special Meeting Minutes**

Present: Steve Beauchene  
Will Fountain  
Tom Cherry (arrived at 6:13 p.m.)  
Janet Bonelli  
Tom Meggers  
John Cellino

Also Present: Jim Moffett, Association Manager  
Al Capozza, Treasurer  
Ruth Ames, Tax Collector  
Brooke Stevens, Recording Secretary  
Jim Ventres, Zoning Enforcement Officer

Absent: Sharon Bruce

The Special Meeting of the Black Point Beach Club Association Board of Governors, was held on Wednesday June 30th, 2021 at 6:00 p.m. at the Black Point Clubhouse located at 6 Sunset Avenue, Niantic, CT.

**I. Call Meeting to Order & Attendance**

Ms. Bonelli called the meeting to order at 6:03 p.m., did roll call, and noted a quorum was present.

The Commission noted Mr. Cherry would be a few minutes late and decided to switch Public Comment with the Executive Session portion of the meeting.

**II. Executive Session**

**MOTION (1)**

**Dr. Beauchene moved to enter Executive Session for the purpose of discussing the Recreation Program as well as Pending Litigation and invited Mr. Moffett and Mr. Ventres to join them.**

**Mr. Meggers seconded the motion.**

**Motion carried, 5-0-0.**

Mr. Cherry arrived at 6:13 p.m. and joined the Executive Session taking place in the conference room.

The Board exited Executive Session at 7:20 p.m.

**III. Public Comment**

1. Maureen Lowney of 52 Bellaire said she has a few comments:
  - She knows they're a lot of new people on the Board but there are certain reasons to have executive sessions such as personnel, money, or pending litigation and not the rec program.
  - It might be helpful for Tom Hennick from the Freedom of Information Commission to come and review meeting rules for the new commission members.
  - In regards to tennis, we used to have somebody that taught tennis which we got around because they gave a donation to the rec program or something of that nature.
  - If you get rid of the tennis lessons, you're going to have to get rid of yoga, the road race, and golf tournament.

Mr. Fountain and Dr. Beauchene said this item will be addressed later in the meeting.

There were no further Public Comments.

### **III. Consent Agenda**

1. Approval of Minutes
  - a. May 27, 2021
  - b. May 30, 2021

#### **MOTION (2)**

**Dr. Beauchene moved to approve the meeting minutes of May 27th, 2021 and May 30th, 2021 as presented.**

Mr. Capozza said he has a few corrections:

1. In the May 30th, 2021 minutes, page 3, bullet point 8 reads "**peers**" when it should read "**piers.**"
2. Page 6, 5th bullet point reads "**\$44,800**" when it should read "**\$24,800.**"
3. Page 10, in regards to the effect the masterplan has on the mill rate, it reads "**2.18**" when it should read "**.18.**"

#### **MOTION (3)**

**Dr. Beauchene moved to approve the meeting minutes of May 27th, 2021 and May 30th, 2021 as amended.**

**Mr. Meggers seconded the motion.**

**Motion carried, 6-0-0.**

### **2. Reports –**

#### **a. Tax Collector**

Ms. Ames had some of the following comments:

- For the current year, we are 60% collected; \$246,467 has been collected.
- The outstanding balance is \$99,348 and represents the 344 people that have paid out of the 581.
- Relative to removing postal box 715, the cost of a postbox for a year is \$162.
- Mr. Capozza is nice enough to deliver all the mail that is tax related and mistakenly addressed to 715, to her.
- Many people pay online and they don't pay any attention to the fact that the tax post office box 274, was established 5 years ago, and they still send it to Mary Cahill or post office box 715.



- The problem is going to come at the end of the month, when those people are still sending it to 715; no dates are on those envelopes.
- If she gets it on August 3rd, she has to charge those people interest.
- She thinks getting rid of the other post office box was a very poor idea.

Colleen Chapin, the ZBA Chair was in attendance and noted she was unaware of the PO Box change and said this is important information that needs to be communicated given the time sensitive mail the ZBA receives. Mr. Moffett said that currently all mail sent to the former PO Box is being forwarded to the 6 Sunset Avenue address.

#### **b. Treasurer**

Mr. Capozza said he sent the financial highlights via email (attached) and said the following:

- Our total income through the 27th of this month is \$222,500; compare that to the budget and we're \$4,500 over budget for that.
- From the expense side, we're looking at about \$190,000, and that's coming out about \$28,000 under budget.
- From a profit standpoint, we're looking at, like \$33,000 of profit which goes into our surplus.
- He needs additional check signers and the optimum is adding two more, because each check requires two signatures.

Ms. Bonelli and Mr. Meggers both agreed to be additional signatories.

#### **c. Beach Manager**

Mr. Moffett noted he emailed his report (attached) and said some of the following:

- He, Jimmy Allen, and Larry Connors built two kayak racks and installed one on Old Black Point and one on Sea Spray.
- Currently he has 3 staff members but could use another for beach patrol.

Mr. Fountain asked about the painting of the buoys and Mr. Moffett detailed how they paid the vendor \$1,000 to paint 10 buoys which will save us a few years. Mr. Moffett added that they look great and meet Coast Guard regulations.

Mr. Moffett also shared the following:

- #7 of our rules says that the clubhouse playground is reserved for the recreation program on Monday through Friday mornings during the summer season.
- The pickleball players want to reserve the tennis courts at 10 o'clock on Mondays and Wednesdays.
- He told them no because it's reserved for the Club during the summer.
- He asked that the pickleball group work around the recreation schedule during these 7 weeks.
- They can play anytime, from 9:30 to 11:30.

- Parents drop off their kids and they expect the kids to be with their counselors, and the two Rec Directors, and have adults unrelated to the Club intermingling in and out of the playground.

The Board agreed that court preference should be given to the Club kids.

Mr. Moffett said he needs confirmation that the motion from the previous regular meeting reflects what should be written on the Dinghy Beach sign and the Board agreed that it does.

Mr. Meggers observed that he saw much more diving there last year and Ms. Bonelli said she thinks that was the case since there was no raft.

Dr. Beauchene said they didn't do a motion but that the Board collectively decided that the dock will be marked by the floats and wraps, and we'll say *"active loading and unloading only, no jumping or diving."*

### **3. Charter Commission**

Ms. Bonelli said she's not sure what Ms. Bruce wanted to share in regards to the Charter Commission and is not in attendance to present her report.

Ms. Bonelli announced that Ms. Bruce has resigned from the Board of Governors and read her resignation letter into the record (attached.)

Ms. Bonelli said she believes Ms. Bruce will carry on with her work on the Charter Commission and the Charter Commission update should be forthcoming; she enjoyed working with Ms. Bruce is sorry she left, but respects her opinion.

## **V. Old Business**

### **1. July 4<sup>th</sup> picnic & parade**

Ms. Bonelli asked for an update on the 4th of July picnic and parade and Mr. Moffett shared the following:

- He's been stockpiling supplies from Costco such as water, hamburgers, hot dogs and so forth.
- He has individual potato chip bags and is planning on individually wrapping Costco cookies.
- He has a tent and they have grills to use.
- People will begin gathering at 10:00 a.m. and the festivities will start at 11:00 a.m.
- He has staff who will be working on bikes at the bottom of East Shore and Billow and will instruct from there.
- The picnic will start at noon.
- Once the parade begins the grillers will get together and begin cooking.
- He is planning on 600 guests attending.
- He would also like to have an ice cream truck come but needs Board approval for that.
- He estimates the cost will be \$350-\$400 but the ice cream vendor is able to work with any budget.
- The truck could sit onsite for an hour and this is something special we can do for the kids which we have never done before.

The Board discussed having an ice cream truck and how the particulars would work.

Mr. Meggers said if they're concerned about cost he thinks many members will be willing to donate to fund this expense. He suggested that kids get the same cup of ice cream to be consistent but that parents can pay the difference if they want something more elaborate.

Mr. Fountain asked if the selling of ice cream is permissible when it's not being done on a commercial property.

Dr. Beauchene said he takes exception to this, despite only having two commercial properties within Black Point Beach Club, that doesn't mean business cannot be transacted; parents pay babysitters and our paying for a service being rendered, and the same can be said about yoga and tennis lessons. He added that having two commercial properties doesn't mean that's the only place where commerce can take place.

The Board further discussed the prospect of having an ice cream truck for the picnic.

#### **MOTION (4)**

**Dr. Beauchene moved that they budget up to \$500 for ice cream for the 4th of July picnic, for children aged fourteen and under.**

**Ms. Bonelli seconded the motion.**

**Motion carried, 6-0-0.**

Ms. Bonelli asked Mr. Moffett to let them know if he needs any assistance with the preparations.

#### **2. Right-of-way pinning**

Dr. Beauchene reminded everyone that he had been talking to Dave Coonrod who was finally able to get back to him and give him a price; no more than \$1,250 for each right-of-way. He also spoke with Fred Gunther of Docko, inc. and noted that he's the gentleman who is going to do the West lane pinning and mapping. He said Mr. Gunther gave them a price of \$1,000 per right-of-way, with pinning and maps of the right-of-way.

Dr. Beauchene said there are 13 right-of-ways, so it will be a \$13,000 line item but it's important that we determine what we have once and for all, and do what they've been talking about doing for years.

#### **MOTION (5)**

**Dr. Beauchene moved that they hire Fred Gunther to survey the Association right-of-ways with pinning and mapping, at the rate of \$1,000 per right-of-way.**

**Ms. Bonelli seconded the motion.**

**Motion carried, 6-0-0.**

#### **3. Adverse possession**

Dr. Beauchene said there has been some concern about people maintaining right-of-ways near their property and the possible detriment to Black Point if they should make the claim that they have maintained this property for 15 or 20 years, whether they have the right to take possession of that property.

Dr. Beauchene said the opinion they received from our attorney shows it'd be a very rare instance where a municipality would suffer from that because our right-of-ways are being used pretty much all the time by members.

Mr. Cellino gave a little history on adverse possession and detailed the opinion from the Attorney he reached out to regarding both adverse possession and our attorney's opinion.

Mr. Cellino said some of the following:

- Every time somebody who lives on a right-of-way has done anything to improve it, it raises the perceived issue of whether the owner is taking the property over themselves.
- The prior Board said in December that they were going to cut the grass on all the right-of-ways as a means of avoiding adverse possession.
- The previous Board and the Association Attorney were wrong.
- Adverse possession doesn't become involved with this value unless it's a very very unusual circumstance and would be like getting hit by lightning.

Mr. Cherry observed that It's not an issue and even less of an issue than indicated.

Mr. Cellino further said the following:

- Abutters have often maintained the right-of-ways and when the Association's vendor cuts the right-of-ways it's not always up to the same standards.
- That being said, he thinks it would be nice if they as an Association encouraged members to take care of their properties.
- The goal is to promote cohesiveness and vegetation that looks good and provides a sense of community.
- He thinks they should be giving out a weekly award to people who keep up their property nicely.
- We have some people around here who actually manicure their properties and we should encourage this.
- Instead we are discouraging people from taking care of their property.

Dr. Beauchene said he thinks Mr. Cellino's statements are fine, but one of his statements was that they should maintain their property, but right-of-ways are not their property. He added that last year the Zoning Board did work on property maintenance guidelines; right now they're guidelines but perhaps in a few years they may become laws, or maybe the master plan will incorporate some of this as well, so it's a work in progress.

Dr. Beauchene further said that they got an opinion from the Attorney, because the letter they received was a notarized statement saying that they would never make a claim that for adverse possession; He read the State Statutes and it said it wasn't an issue but they were under the impression they still needed it. He told Mr. Cellino no disrespect, but he felt strange taking information from a person who lives on a right-of- way, but this is all clear now.

Mr. Cherry asked if there is a mechanism for people who agree, to opt from making a claim and Dr. Beauchene replied that's what they essentially did two months ago with the notarized letter.

Mr. Meggers noted that Mr. Cellino does a beautiful job of maintaining the right-of-way that abuttes his property.

The Board further discussed maintaining and manicuring right-of-ways.

Ms. Bonelli suggested tabling this item until the next meeting and the rest of the Board agreed.

#### **4. PO Box elimination**

Ms. Bonelli said they discussed the PO Box elimination at the onset of this evening's meeting and noted the change has already been made.

Mr. Capozza asked that the change be mentioned in the meeting minutes and Ms. Stevens replied that she will also post a notice on facebook, the website, and send a mass email to the Black Point email list.

#### **5. Tennis lessons**

Ms. Bonelli said they've already spoken a bit about tennis lessons and Dr. Beauchene reiterated why he believes yoga or tennis are acceptable transactions to have even if they're not held on a commercial property. He suggested having the Board approve similar activities before they're permitted to occur.

The Board further discussed the holding of classes and lessons.

Dr. Beauchene said he spoke with Mary Cahill about the origin of the monetary donation Ms. Lowney referred to during the public comment portion of the meeting, and thinks a monetary donation is unnecessary.

#### **MOTION (6)**

**Dr. Beauchene moved to approve yoga classes and tennis lessons and that all other future classes or lessons be approved on an individual basis by the Board before being conducted.**

**Mr. Cherry seconded the motion.**

**Motion carried, 6-0-0.**

#### **VI. New Business**

##### **1. Investment policy – need volunteers to create/document policy**

Mr. Capozza discussed how this topic came up at the Annual Meeting and he did some research, and there is no actual written investment policy.

Dr. Beauchene said this basically concerns the capital improvement fund and the Board briefly discussed how funds might be invested safely.

Mr. Capozza said he's willing to research this and Dr. Beauchene said he's willing to assist; he knows a few investment people who work for, not for profits, and they work for a youth group, have minimal fees, and are very conservative in their investments.

Mr. Meggers briefly discussed how he works for Hartford Healthcare and how successful they've been through investments.

Dr. Beauchene asked if anyone has any suggestions or potential contacts, to let him or Mr. Capozza know.

2. **Beach managers job** – return to employees reporting to beach manager  
Ms. Bonelli said a few years back, all employees reported to Mr. Moffett, and they would like to go back to that, so his title and job description will change.

#### **MOTION (7)**

**Ms. Bonelli moved to change Mr. Moffett's job title to Association Manager which will be reflected in his job description.**

**Mr. Cherry seconded the motion.**

**Motion carried, 6-0-0.**

3. **Liaisons** – prior BOG members were named as liaisons to various activities  
Ms. Bonelli said the Zoning Board of Appeals is in need of a Board Liaison and Dr. Beauchene agreed to fulfill that role. Ms. Bonelli said this will hopefully improve communication so something like being unaware of the PO Box removal doesn't happen again.

Ms. Bonelli said a replacement is needed for the Finance and Labor Liaison since Mr. Lombardo is no longer on the Board. She asked if any of the new Board Members would be willing to fulfill this role and agreed to do it herself when no one came forward.

Mr. Fountain said he's been handling the fishing and kayak permits since Mr. Diachenko left the Board, and is willing to continue.

The Board briefly discussed the Board vacancy due to Ms. Bruce's resignation and instructed Ms. Stevens to post an inquiry on the website to see if anyone is interested in completing the two year term.

Mr. Cellino said he believes Colleen Hayes is interested in serving on the Board and will instruct her to notify the Board if this is the case.

#### **4. Policy manual update**

Ms. Bonelli said Ms. Bruce put this item on the agenda and suggested tabling so they could consult her and determine what she was specifically referring to.

The Board briefly discussed access to the Old Black Point Gate and the potential existence of an easement. Mr. Cherry said he will look into this matter.

#### **VII. Further Public Comment**

1. Mike Johnson of 45 Bellaire asked about the sign that's being erected on Dinghy Beach and Dr. Beauchene detailed the verbage for him and explained how DEEP doesn't consider it to be a permitted swimming area.

#### **VIII. Adjournment**

##### **MOTION (8)**

**Dr. Beauchene moved to adjourn the June 30th, 2021 Board of Governors Special Meeting at 8:47 p.m.**

**Mr. Meggers seconded the motion.  
Motion carried, 6-0-0.**

Respectfully Submitted,

Brooke Stevens, Recording Secretary

**From:** acapozzajr@aol.com,

**To:** amesy.1938@gmail.com, bpbcmanger@gmail.com, brookers2@aol.com, janet.bonelli@gmail.com, john@invcap.com, mrwill34@gmail.com, sharonbruce926@gmail.com, slbvm@gmail.com, thomasmeggers3@gmail.com, thoscherry@icloud.com,

**Subject:** Treasurer's Report- June 27, 2021

**Date:** Mon, Jun 28, 2021 2:25 pm

**Attachments:** Financial Report\_Budget VS Actual as of 6-27-21 .xls (59K), Detail p&L as of 6-27-21 (3).pdf (66K), Check Register-4-1-21 to 6-27-21.pdf (3069K)

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Good Afternoon All,

Attached are the monthly reports for June, thru 6/27/21 YTD:

1.)Current Year Budget vs Actual with Year End Forecast; 2.)Detail P&L; 3.)Check Register.

**The highlights thru June 27, 2021, Year to Date(YTD) are:**

Total YTD Income amounted to \$222,552, an increase of \$1,273 vs last month YTD report. Items contributing to the increase were:

Zoning Permits (\$495), ZBA permits(\$450), Clubhouse rental(\$300), and investment income(\$28).

Total YTD Expenses amounted to \$186,967, an increase of \$31,617 vs last month YTD report. Items contributing to this increase were: Payroll costs(\$12,812), Capital Expenditures (\$5,961), Waterfront Maintenance (\$5,880), Tennis Courts (\$2,886), Clubhouse (\$1,127), Legal Fees (\$930), Supplies(\$771) and all others(\$1,250).

Please Note: This year's fiscal year closes at June 30. If you are aware of a vendor who's doing or completed work for our Association but hasn't issued an invoice yet, please contact them and request they submit any outstanding invoices ASAP in order to be recorded against this years budget.

If you have any questions or need additional information please contact me: Cell:860-235-8945;  
Email [acapozzajr@aol.com](mailto:acapozzajr@aol.com)

Thanks,

Al Capozza



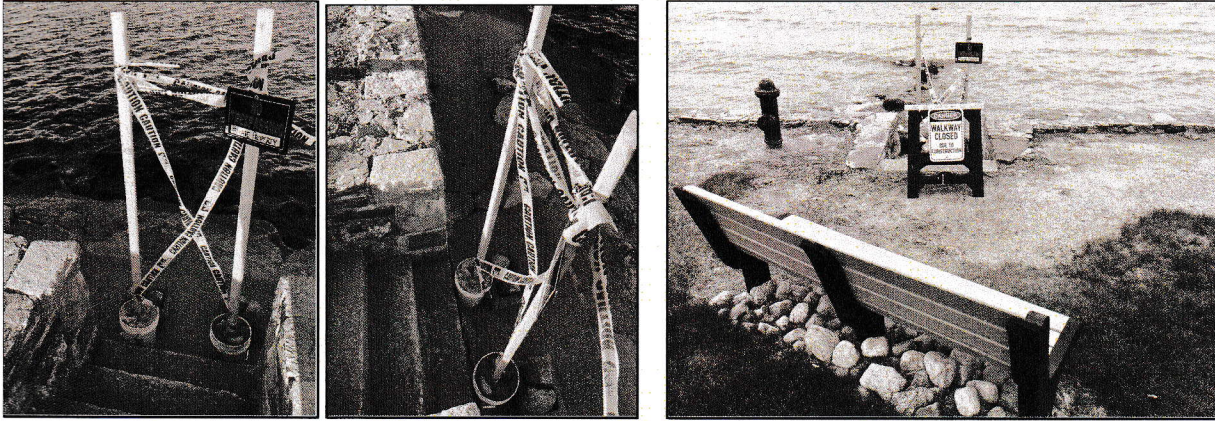
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7/11/2021  
C:\Users\SMayo.DESKTOP-3J4GHFV\Downloads\Financial Report Budget VS Actual as of 6-27-21

ZB/ZBA		\$3,300	\$644	-\$2,656	\$644	20%	-2656
<b>Total Other Expenses</b>		<b>\$69,456</b>	<b>\$20,406</b>	<b>-\$49,050</b>	<b>\$21,201</b>	29%	<b>-\$48,255</b>
<b>Personnel Services</b>							-
Beach Patrol		\$8,500	\$9,284	\$784	\$9,284	109%	784
Medicare		\$950	\$895	-\$55	\$895	94%	-55
Recreation Personnel		\$20,000	\$0	-\$20,000	\$0	0%	-20000
Unemployment Comp.		\$1,000	\$0	-\$1,000	\$0	0%	-1000
Association Manager		\$22,000	\$22,000	\$0	\$22,000	100%	0
Secretary		\$7,500	\$7,500	\$0	\$7,500	100%	0
Treasurer		\$7,500	\$7,500	\$0	\$7,500	100%	0
Tax Collector		\$8,500	\$8,500	\$0	\$8,500	100%	0
Zoning Officer		\$14,000	\$14,000	\$0	\$14,000	100%	0
<b>Total Personnel Services</b>		<b>\$89,950</b>	<b>\$69,679</b>	<b>-\$20,271</b>	<b>\$69,679</b>	77%	<b>-\$20,271</b>
<b>TOTAL EXPENSES</b>		<b>\$270,101</b>	<b>\$186,967</b>	<b>-\$83,134</b>	<b>\$190,024</b>	69%	<b>-\$80,077</b>
<b>NET INCOME</b>		<b>\$0</b>	<b>\$35,585</b>	<b>\$35,585</b>	<b>\$32,528</b>		<b>\$32,528</b>
Note 1							
Capital Expenditures-FY20/21							
\$							
Bank Balances- statements dated as of : 5/28/2021							
80" x 10 FT-Seaview dock replmt 2490							
Bench and Installation 1077							
Replmt float and assessories 3703							
2- backless benches 1043							
Wood for 2 kayak racks 640							
Supply and install 25' piling 575							
9528							
Note 2							
On March 16, 2021, \$8,500 was transferred out of the checking acct to the LT Capital Savings acct							



# June 2021

- I check the Clubhouse grounds and Association properties during my daily walks, looking for anything amiss or any irregularities.
- I periodically pick up plastics, empties, butts, discarded paper, 🍷, to keep our beaches clean through. This includes walking out on the piers where I have found left-behind fishing hooks, broken glass, and even razor blades.
- I pick up mail every few days and deliver to the Chair.
- I put out garbage barrels on Sunday nights and return them on Monday mornings every week, as necessary.



Illegal signage up again on our property. Please advise.

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*Dumpster Rental for the top of Billow:*



Mike Nebelung low bid - \$150 plus \$110/ton - If Mike's guys load it, it will be an additional \$200.  
Solari Broth - \$335 includes 1 ton = no loading

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Relamping with high efficiency *LED lighting at basketball court* = \$760 (Approved)

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There were two (2) Clubhouse reservations during June 2021. No problems, everything ran smooth.

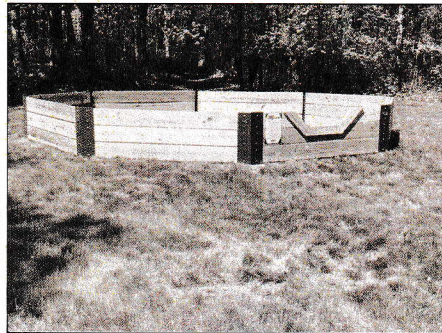
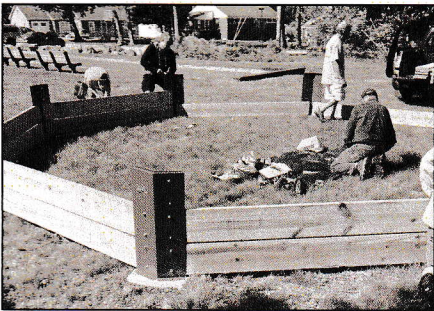




5/19/21 - Low Bid from Mike is \$800 to convert to grass. Both areas included.

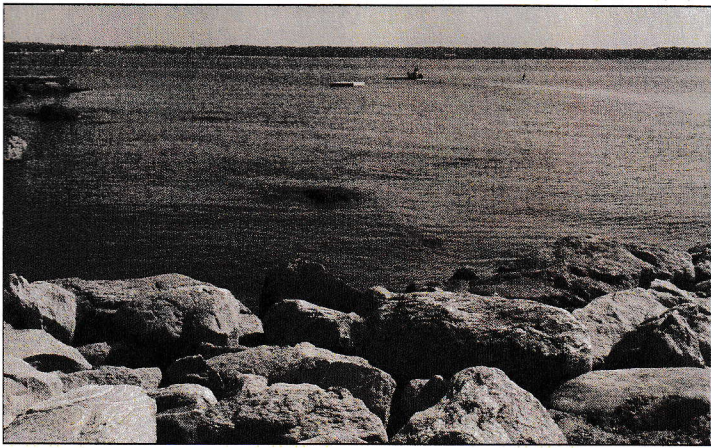


5/19/21 - New piling installed.

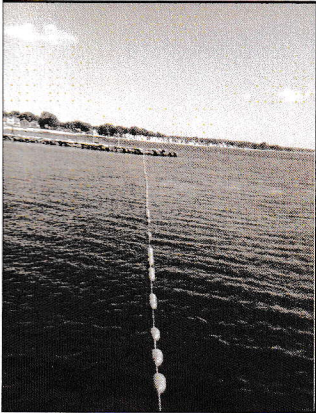


5/22/21 - Put together GaGa Pit



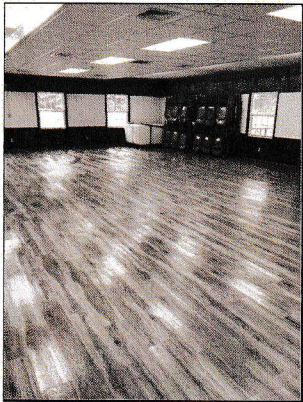


5/27/21 - Swim lines are in.



5/28/21 - Current situation at Sea View south pier adjacent to Sea View beach.

5/28/21 - Sprinkler guy came to clay courts. He replaced 2 sprinklers, tested & set all.

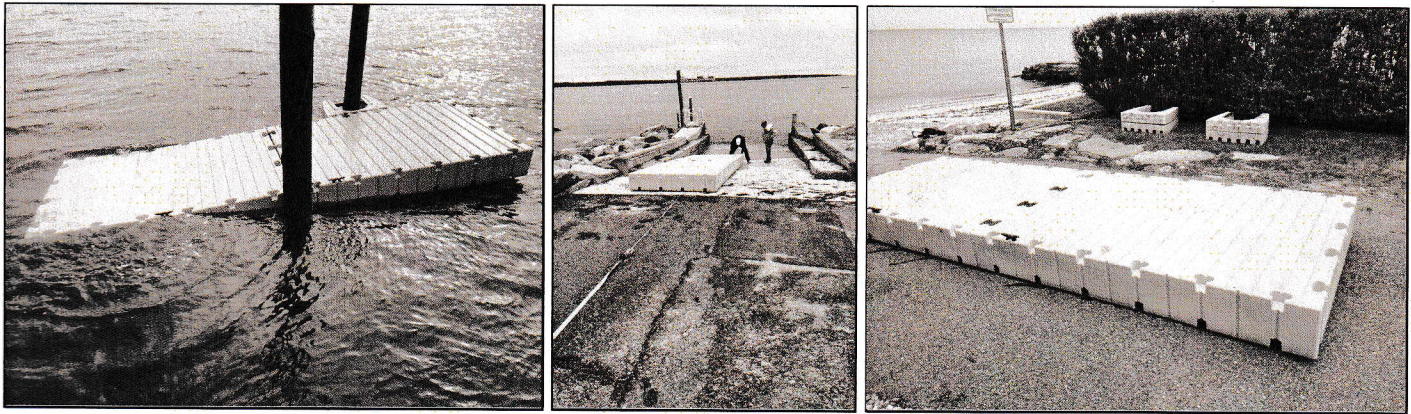
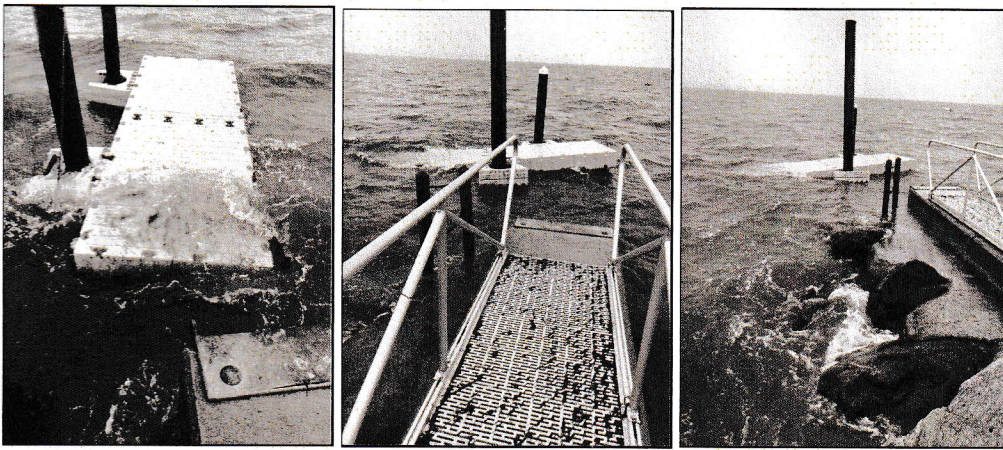


Before

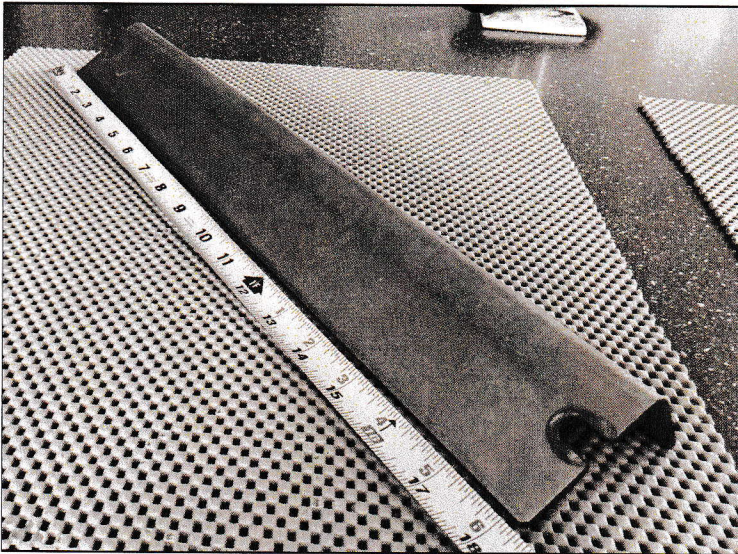
After

5/28/21 - Set up for Annual Meeting





5/31/21 - Storm damage over the weekend.



6/1/21 - Reached out to Hillery Company, Groton metal manufacturer. (Dennis). They can manufacture the above piece for Sea View dock.

6/6/21 - Weeded Bocce court.  
- Weeded the Clay Tennis court.

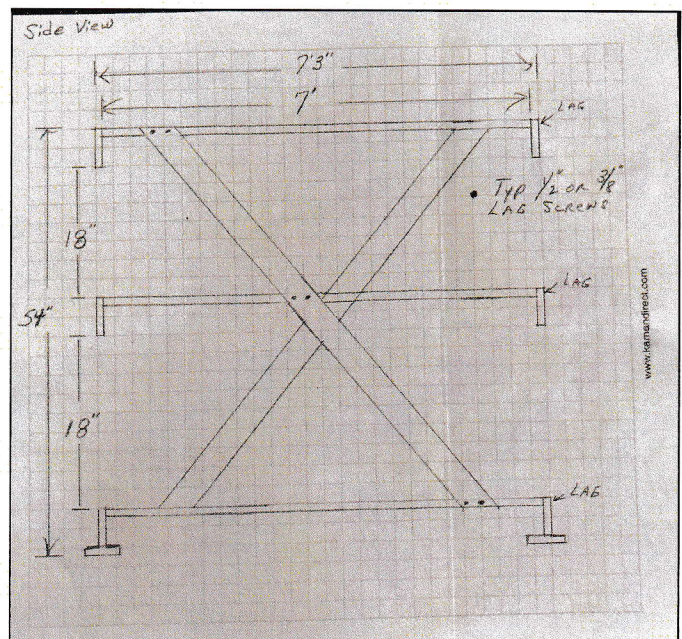
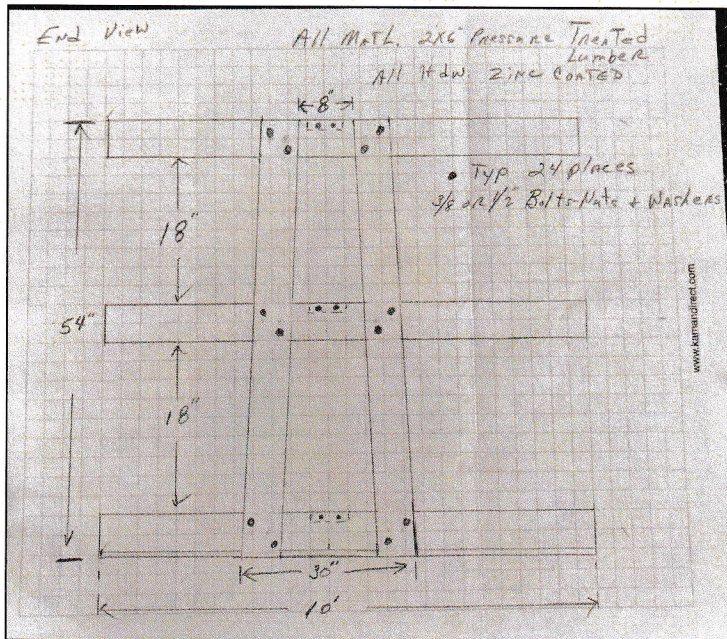
6/7/21 - Spoke to new Members of Billow. Asked for permission to park at Whitecap today because of a family party. Permission Granted.



## 2 Kayak Racks for Black Point Beach Club.

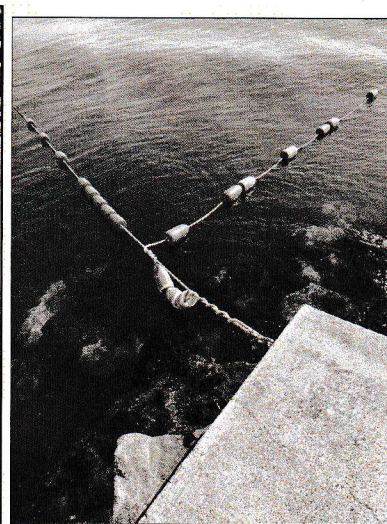
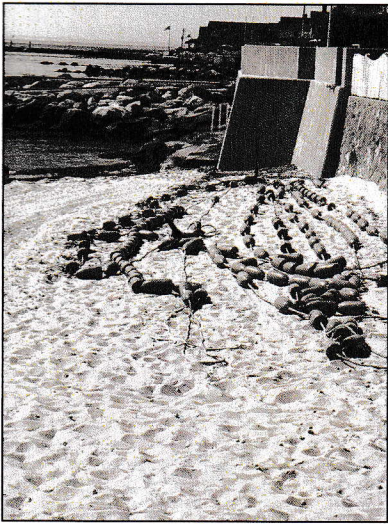
Enclosed drawing of proposed kayak racks.

- We would like the two (2) racks constructed out of pressure-treated lumber, all hardware is to be galvanized or zinc-coated.
- The docks can be built at the Clubhouse, wood can be ordered/stored in garage.
- Limited availability after July 1st (Club Rec Program begins.)



- Work is being donated by Larry Connors - The "Crew" will be assembling on June 23, 24th.

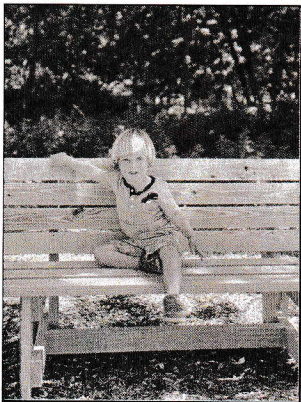




6/12/21 - Working with Plaut to finish installing lines.



6/10/21 - Removed this rebar at the Sea View boat beach. DONE





6/11/21 - Our new bench at the Clubhouse Playground donated by Larry Connors with a picture of his Grandson, Teddy Evans, who is Larry's Quality Control Manager - deliverable accepted!

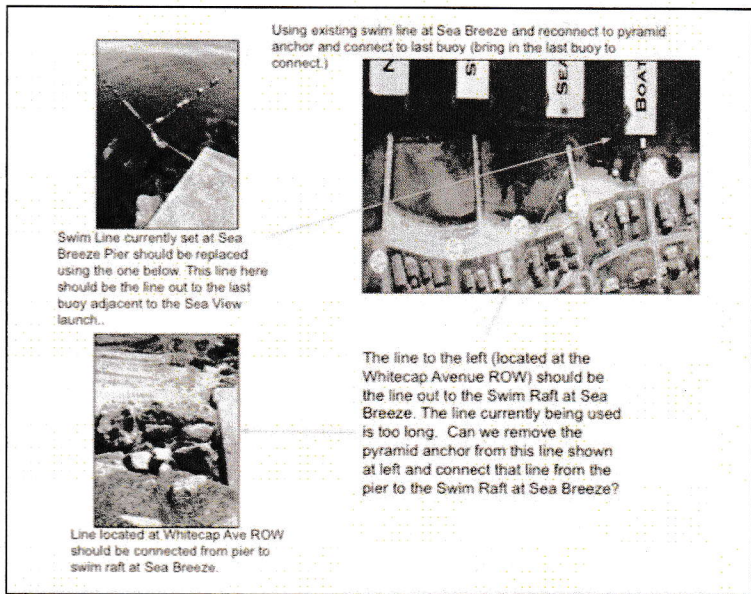


6/12/21 - The "Crew" volunteering and making BP better & safer - Mike, Will and Skip.

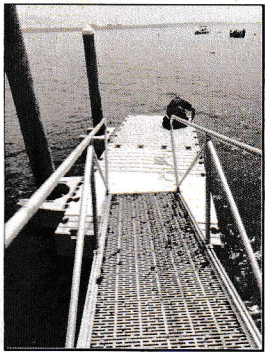


6/13/21 - Contacted by BP Member on Cottage Lane. Apparently an unoccupied summer cottage at #16 had a burst pipe. Contacted EL Water Dept to shut off the road and I contacted the homeowner.



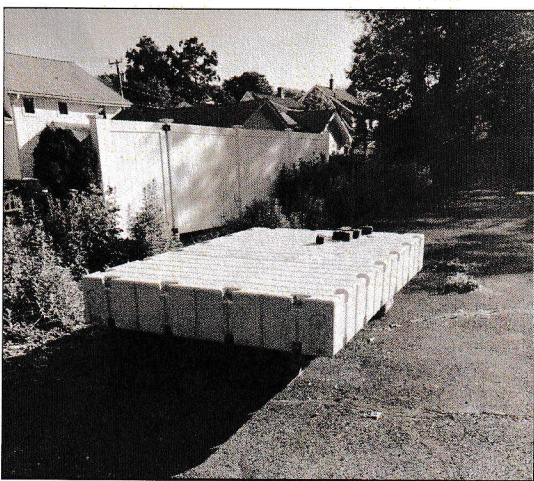


6/13/21 - Setting up the remaining swimlines.



6/14/21 - Reinstalled NEW BOAT DOCK AT SEA VIEW to replace damaged one from Memorial Day.

-Spoke to S. Smith about cleaning, she will get in there on Friday before the zoning meeting at 6p. And can then get in there anytime on Sunday for a total of two hours for the COVID cleanse.



6/13/21 - Damaged raft will be moved to top of Billow.

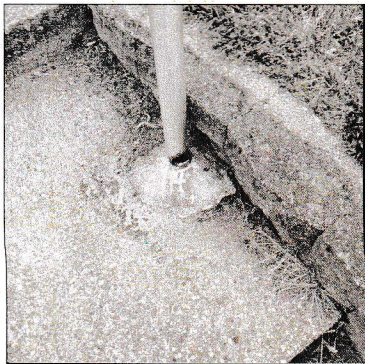




6/15/21 - Swim Lines are out at South Beach



6/17/21 - Picked up news Beach Patrol staff uni's.



6/19/21 - Discovered repair needed at railing at Cahill Way, will repair soon.

Estimate for the following sign to replace sign at Sea View Boat Dock and for it to say:

**"Boating and Small Craft Launching Area**

**All Others Please Yield**

**Boaters Have Priority (See DEEP Rules for Boating Access Areas)"**

Red lettering with white background, engineer grade reflective aluminum, 24" X 36" or as close to that size as possible.

6/21/21 - Put the garbage barrels and brought in later.

**From:** cmaries70@yahoo.com,

**To:** bog@blackpointbeachclub.com,

**Subject:** FILED AFFIDAVIT IN THE EAST LYME LAND RECORDS TO BE SCANNED IN BY CLERK

**Date:** Wed, Jun 2, 2021 8:06 am

**Attachments:** BPBCAAFF.pdf (149K), FILEDPERRY.pdf (67K)

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Volume 01057 PAGE 00707  
AFFIDAVIT Re: Facts Relating to Real Estate  
Under Connecticut General Statutes 47-12a

STATE OF CONNECTICUT     )  
  )     SS. New London                     June \_\_1\_\_, 2021  
COUNTRY OF NEW LONDON )

Premises Affected:

**References for ELIZABETH J. PERRY'S PROPERTIES** in East Lyme Ct, states her **RIGHT OF WAY** is **Located OFF OF OLD BLACK POINT RD. Niantic, CONNECTICUT**, and recorded in East Lyme Land Records in the **Warranty Deed at Volume 68 Page 223.**

**West Lane LOT**  
**Owner Elizabeth J. Perry**  
**Old Black Point Road**  
**Niantic, Ct. 06357**

Personally, appeared, Cynthia M. Trocki, who, being duly sworn, deposes and says:

1. I am over the age of eighteen (18) years of age, and understand and believe in the obligation of an oath.
2. I am an owner of 22 Blue Heron Road, Niantic CT., which is located in Black Point Beach Club Association Municipality/Politic subdivision and its territorial limits of 669.50' abut Perry's subdivision lot, and has a reserve 1' foot reserve strip 625' more or less.
3. **The survey submitted to the Town of East Lyme Planning Department for Boundary LOT Layout SHEET D2**, references are made to the following DEEDS on file in the Town of East Lyme Land records:
  - a. Court of Probate Town of East Lyme from estate of John T. Lambert to Elizabeth J. Perry recorded in Vol 843 PG 278
  - b. Map of Black Point Lands in the Town of East Lyme, Ct. Formerly belonging to Norman J. Bond ESQ. dated 1915.
  - c. Map showing property of Marjorie R. Lambert **Located OFF OF OLD BLACK POINT RD. Niantic, Conn**, SCALE 1'=100' DATED APRIL 10, 1986 BY DAVID M. COONROD LLS
  - d. MAP SHOWING REVISED PROPERTY LINE 212 OLD BLACK POINT ROAD Niantic, CT. PREPARED FOR JOHN T. LAMBERT JR. SCALE 1'=50' DATED FEB. 21, 1997 BY DAVID M. COONROD LLS
  - e. DRIVEWAY & UTILITY EASEMENT IN FAVOR OF LOTS 1,2,3,4, &5
  - f. EASEMENT IN FAVOR OF THE TOWN OF EAST LYME FOR WATER & SEWER



4. Volume 27 Pages 168-174, on October 19, 1926, 1. Said to Ada S. Bond and A. Maud Bond shall take the following tract; Beginning at the Northeast corner of the described within tract being in the Southerly line of land belonging to Robert G. Payne and the **NORTHWESTERLY CORNER of land now or formerly of James Jay Smith, THENCE RUN SOUTHERLY BY THE WALL AND SAID SMITH LAND 678 FEET MORE OR LESS TO A CORNER**, thence Westerly with land set to Stephen N. Bond and by course of compass about North  $85^{\circ} 52'$  West 785 feet more or less to a mere stone in the easterly side of **A PROPOSED ROAD**, thence Westerly along **THE NORTHERLY SIDE OF SAID ROAD 360 FEET TO ANOTHER MERE STONE**; thence Northerly bounding land set to Sara B. Ryan 375 feet more or less to the wall and land of James Gamble Rogers and land of James Jay Smith 1168 feet to the point of beginning.
5. **Warranty Deed Volume 68 Page 223**, Ada S. Bond and A. Maud Bond, granted Marjorie Richmond Lambert land **situated at OLD BLACK POINT** in the Town of East Lyme, County of New London and State of Connecticut, designated as Tract (1) on Plan showing the Mutual Distribution of the Norman J. Bond Estate in October, 1926, as of record. Said Tract is more particularly bounded and described as follows:

Beginning at the northwesterly corner of the conveyed premises at a point in wall line bounding the Bond lands from formerly of the heirs of Robert G. Payne, this point being distant (915) feet easterly, measured along said wall line, **from the easterly line of the New Highway to Black Point**, and also defining the northeast corner of tract (9) set off in said distribution to Sara B. Ryan; running southerly, bounding said Ryan land on the west, (375) feet, more or less, to a mere stone set in the northerly line of **A 40-FOOT RIGHT OF WAY RUNNING EASTERLY FROM SAID BLACK POINT ROAD**; thence run easterly following the northerly line of said right of way in a course bearing south  $75^{\circ} 33'$  East (magnetic 1926) 360 feet, more or less, to another merestone set at an angle point in said right of way; thence following the east side of said right of way and running in a course bearing south  $3^{\circ} 58'$  east, a distance of 293.3 feet, more or less, to another merestone set for the northwest corner of tract 2 as laid off to Stephen N. Bond; thence run easterly by and with said tract 2 in a course bearing south  $85^{\circ} 52'$  east, about 785 feet to the corner of a stonewall and the northeast corner of the said tract 2; **THENCE RUN NORTHERLY BY AND WITH SAID WALL LINE, FOLLOWING FOR A FEW FEET THE WEST SIDE OF A NARROW RIGHT OF WAY THROUGH BOND PROPERTY, AND CONTINUING ALONG PROPERTY CONVEYED TO JAS. JAY SMITH, A TOTAL DISTANCE OF 678 FEET, MORE OR LESS TO THE NORTHEAST CORNER OF THE CONVEYED TRACT**; thence westerly by and with wall and bounding lands of Robert G. Payne, later of Jas. Jay Smith Co., land formerly of James Gamble Rogers, and land formerly of the heirs of Robert G. Payne, a total distance of 1168 feet, more or less to the point of beginning. To have and to hold the above granted and bargained premises, with appurtenances thereof unto to her, the said Grantee, her, heirs and assigns forever, to her and their own proper use and behoof. And also, we, the said grantors, do for ourselves, heirs,

executors, administrators, and assigns, covenants with the said Grantee, her heirs and assigns, that at and until the ensembling of these presents we are well seized of the premises as **A GOOD INDEFEASIBLE ESTATE IN FEE SIMPLE**, and have good right to bargain and sell the same matter and form as is above written; and that the same is free from all encumbrances whatsoever.

And Furthermore, we, the said Grantors do by these presents, bind ourselves and our heirs and assigns forever to Warrant and Defend the above granted and bargained premises to her, the said Grantee, her heirs and assigns, against all claims and demands whatsoever.

In Witness, Whereof, we have unto set our hands and seal this 19<sup>th</sup> day of May 1955.

6. **Volume 843 PAGE 278, CERTIFICATE OF DEVISE, COURT OF PROBATE**, Estate of John T. Lambert, Jr. died on 12/21/2008 and the following real property of the decedent is devised to Elizabeth J. Perry, all of the decedent's 100% interest in those piece or parcels located in the Town of East Lyme, County of New London, and State of Connecticut, more particularly described as follows;

- A. Land recorded in Volume 430 Page 162 of the East Lyme Land Records. Together with right of way referenced in said deed recorded in Volume 430 Page 162 of said Land Records.

- B. Land located on West Lane, recorded in Volume 543 Page 312 of the East Lyme Land Records. Together with right of way referenced in Volume 543 Page 312.

1. **Volume 543 PAGE 312** dated 12/1/2000, Marjorie R. Lambert DEVISE property to John T. Lambert Jr., West Lane, Niantic, Ct.

A certain tract of land with the building and improvements thereon and the appurtenances therein, known as West Lane (adjoining property identified as 212 Old Black Point Road), **OLD BLACK POINT, NIANITIC, CT.** shown on a survey map entitled "MAP SHOWING REVISED PROPERTY LINE 212 OLD BLACK POINT ROAD NIANITIC, CT PREPARED FOR JOHN T. LAMBERT JR. Scale 1" = 50' Feb 21, 1997 David M. Coonrod L.L.S. Niantic, Ct" filed in drawer 5 #447. Said tract is conveyed **TOGETHER WITH A RIGHT OF WAY 40 FEET IN WIDTH RUNNING EASTERLY FROM OLD BLACK POINT ROAD**, as shown on said survey map, and as shown on earlier plan entitled "Map of Black Point Lands-Town of East Lyme, Ct. formerly belonging to Norman J. Bond, Esq.-1915" prepared by Daboll & Crandall and filed in the East Lyme Land Records at Drawer 5 # 602;

Said Tract is conveyed subject to the following easements:

- (1) Right of way for 208 Old Black Point Road
- (2) Pole and Utility Easement for 208 Old Black Point Road
- (3) A Pole and line utility easement Volume 250 Page 58 to be **WITHIN this LOT CALLED** West Lane.
- (4) Right of way, **WITHIN this LOT CALLED** West Lane from Volume 239 Page 210.

- C. Being the **remaining property** of that conveyed to Marjorie Richmond Lambert by the Warranty Deed of Ada S. Bond and A. Maud Bond dated



May 19, 1955 and recorded in said **Volume 68 PAGE 223**, excepting the parcels previously conveyed to John T. Lambert, Jr. by deeds dated April 16, 1987 at Volume 239 Page 210; March 8, 1997 at Volume 423 Page 458; and June 19, 1997 at Volume 430 Page 162.

**This affidavit is being made pursuant to the provisions of Connecticut General Statutes, Section 47-37, 47-38, and 47-41**

**This affidavit is to be considered notice by the affiant to dispute any rights Elizabeth J. Perry, or any others may assert regarding said Black Point Beach Club Association Property being West of West Lane and boundary line of 669.50' and its reserve line of 1' wide and 625'+/-, where mature trees have been recently cut, along with shrubs and grass owned by BPBCA, when clear cutting activities have taken place on Lambert/Perry property. Trespassing during these times of clear cutting activities on Perry LOT has happened from and over BPBCA property lines along with the removal of the stones from the stonewall referenced in many deeds and owned by BPBCA, and this is a constructive notice and is to be considered an interruption of said use and intended to prevent an acquisition of property rights through adverse possession. Reports have been countless to the Town Planner and Police from owners/neighbors residing in BPBCA, in hopes to have a cease and desist order applied especially from trespassing between property lines between Perry LOT or BPBCA property lines; 669.50' or reserve of 625'+/-. This property line of 669.50' is a territorial limit of BPBCA.**

Signed, sealed and delivered in the State of Connecticut, Country of New London and Town of East Lyme this day \_\_\_\_1\_\_ day of June, 2021

Cynthia M. Trocki  
Signature of Cynthia M. Trocki  
22 Blue Heron Road  
Black Point Beach Club Association  
Niantic, Ct. 06357

Subscribed to and sworn before me this \_\_\_\_1\_\_ day of June, 2021

Joanne Cain  
Notary Public  
My Commission Expires on



STATE OF CONNECTICUT )

SS. New London

June 1, 2021

COUNTRY OF NEW LONDON )

Premises Affected:

**Plan No. 2 Documents Territorial limits of****Black Point Beach Club Association (BPBCA) Property**

P.O. Box 715

6 Sunset Ave.

Niantic, Connecticut 06357

Personally, appeared, Cynthia M. Trocki, who, being duly sworn, deposes and says:

1. I am over the age of eighteen (18) years of age, and understand and believe in the obligation of an oath.
2. I am an owner at 22 Blue Heron Road, Niantic CT. 06357, which is located in Plan No. 2 of Black Point Beach Club Association Property, a corporation duly Chartered by the General Assembly of the State of Connecticut. Together with the Right In common **with** all owners of other lots on this property to use all streets, avenues or roads as shown on said map for passing and repassing, but not for commercial uses or purpose, and also the right to use the beach for the purpose of bathing, docking, and approach by boats.
3. Probate Court orders of Norman J. Bonds Farm Estate in 1892 is where the land for Harrison W. Bond (now known as BPBCA Plan No. 2) ownership originated and recorded at **Volume 4 Page 159**, documents West boundary line **measures 669.50', beginning at the Southerly line of Robert G. Payne, now known as the back of 32 Brightwater and running a stonewall Southerly to a merestone**, thence and past Harrison W. Bond property lied Stephen N. Bond property and now known as **Old Black Point private right of way, named West Lane, this is the portion abutting PERRY's land is about 7' then meets 30 West Lane and both; the private right of way named West Lane and 30 West Lane LIES OLD BLACK POINT DISTRICT**. Also, Harrison W. Bond Southerly line begins the end of the 669.50' South end which runs across the boundary line of Old Black Points West Lane and Southside of Bond Street from and is referred on PAGE 159 of Stephen N. Bond Northerly line. **Map No. 3 page 45 and 46** by Surveyor Gorton states Harrison W. Bond's West boundary line being **669.50'** and the Southerly line at **789'** and dated November 14, 1892.
4. This Probate Court order was also filed in the Clerk's office of The Town of East Lyme land records at **Volume 8 Pages 402-407**, and referred to as **the Mutual Distribution of Norman J. Bond Farm Estate**, which refers **West of West Lane located in BPBCA property and being 669.50' for Harrison W. Bond and his southerly line meeting to define the 789'** with Stephen N. Bond's Northerly

boundary line. **Map No. 3 page 45 and 46** by Surveyor Gorton states Harrison W. Bond's West boundary line being 669.50' and the Southerly line at 789' and dated November 14, 1892.

5. To the best of my knowledge and believe that **lot line of 669.50' West of West Lane in Plan No. 2 of Black Point Beach Club Association Property** has remained consistent to today since it was created in 1892 from Norman J. Bond Farm Estate mutually distributed in **Volume 4** pages 156-163, and more particularly **page 159** to Harrison W. Bond of a West boundary line of 669.50' with a southerly boundary line of 789' and being Stephen N. Bond Northerly boundary line which was Probate Order with **Map 3 dated November 14, 1892** by Surveyor Robert Gordon.
6. Harrison W. Bond recorded deed from Norman J. Bond Farm Estate, **Volume 18 Page 228**, in June 20, 1904, which **referred the Probate Record** and convey the about described premises in a manner and from aforesaid.
7. A Warranty Deed **Volume 22 Page 504**, on March 5, 1925 Harrison W. Bond grants James Jay Smith this above land from PC4/159 and East Lyme filed records volume 8 Pages 402-407, with BOUNDARY AND DESCRIBED AS FOLLOWS;  
Beginning at the wall intersecting the wall bounding the Southerly portion of land of Robert G. Payne thence running Southerly by said wall, six Hundred and sixty-nine and five tenths~**669.5-** to a mere stone. Thence south 65°30' East to a mere stone of the shore thence northerly along said wall about Nine Hundred and Fifty-one feet (**951 ft.**) to the wall dividing Bond Farm from land of Robert G. Payne thence westerly along said wall about Nine Hundred and thirty-two feet (**932 ft.**) to the land of the beginning.  
TODAY;  
  
The point of beginning is now known as the back of 32 Brightwater and runs Southerly along West Lane in BPBCA for **669.50'** continuing this line is the old Black Point Association private right of way called West Lane, for a few feet, being about 7'+/-, then meets 30 West Lane in Old Black Point District, this being the corner where Lambert/Perry east boundary line abuts all three owners. This deed claimed it being the same premise set in the original distribution to Grantor and **as wall; fenced and occupied by him.** IN THIS WARRANTY DEED HARRISON W. BOND sold to JAMES JAY SMITH was FOR A GOOD **INDEFEASIBLE ESTATE IN FEE SIMPLE.** And have a good right to bargain and sell the same in manner and form as written in; excepting as to the reservations noted.
8. On June 19, 1930, James Jay Smith sold Black Point Beach Club Property to Shore & Lake in a Warranty Deed **Volume 31 PAGE 270-271** of a corporation organized under the laws of the State of Connecticut and being Plan 1 & 2, Map and **a reserve line on BPBCA property, West of West Lane on BPBCA**, as well as the right **TO USE a certain right of way** leading to the southerly from the corner of Bond Street and



West Lane in Old Black Point **with the right to erect and maintain poles and wires** along and upon the right of way for the purpose of carrying electricity. Same right of way mentioned in volume 22 page 504. **Together with all streets, avenues or roads shown on plan 1 and 2 said streets are deeded to the Corporation SUBJECT TO THE RIGHTS OF ALL PROPERTY OWNERS ON SAID PROPERTY to use same for passing and repassing** but not for commercial uses or purposes. **These properties are sold** subject to all the conditions, restrictions, reservations and limitations set forth **in the common deed to other Grantees on this property. APPURTENANCE** thereof to them and **their own proper use and behoof.** A good and **INDEFEASIBLE ESTATE in fee simple** and has good rights to bargain and sell the same manner and form as is above written

9. A Forever Quit-Claim, **Volume 31 Pages 385-386** on May 16, 1931, with James Jay Smith to Shore & Lake Corporation Plan No. 2 lots and reserve beach, plan 1 and the reserve beach, SALT MARSH, West Lane right of way in Old Black Point leading Southerly, the right to erect and maintain poles and wires along and upon right of way for electricity. The same right of way mentioned in deed of Harrison W. Bond and James Jay Smith. Also, **all streets, avenues or roads as shown on said maps, Plan 1& 2, which streets are deeded to the corporation subject to the rights of all property owners on said property to use same for passing and repassing** but not for commercial uses or purposes. Same of the streets or roads, as shown on Plan 2, are **subject to all rights therein of Harrison W. Bond, as shown on map made by Daboll & Crandall, C. E., for Harrison W. Bond.** A **1 foot in width Strip Reserve** shown on Map. The premises herein conveyed subject to all the conditions, restrictions, reservations and limitations, as set forth in the **COMMON FORM OF DEED** from Shore & Lake to Wollschleger for water supplies agreement Volume 31 Page 386. **Intent of this deed** to vest and confirm the title to Shore & Lake and assigns, to **all of Smith ownership and rights.** All the appurtenance unto Shore & Lake or assigns forever, so THAT NEITHER I, THE RELEASER, NOR MY HEIRS NOR ANY OTHER PEROSN UNDER ME OR THEM **SHALL HEREAFTER HAVE ANY CLAIM, RIGHTS OR TITLE IN OR TO THE PREMISES OR ANY PART THEREOF BUT THEREFORM I AND THEY ARE BY THESE PRESENTS FOREVER BARRED AND SECLUDED.**
10. **Volume 102 Page 663 states Plan No. 2 of Black Point Beach Club Property a one (1) foot strip of land lying and being on the West side of West Lane a distance of 625 feet more or less.** Being a portion of the premises conveyed to the grantor by deed from James Jay Smith dated May 16, 1931 and recorded in Volume 31 Page 385.
11. A Quit- Claim unto the Association, Volume 35 Pages 304-36, September 1, 1934 was when Shore & Lake Corporation used Whereas **THE PURCHASERS OF SAID LOTS or ASSOCIATION** and obtained a **Charter** and now maintaining the Association for the general purpose of improving and controlling to some extent the conditions in the neighborhood of and **in connection with said tracts** of land and Shore & Lake **grant**

**to the Association PERPETUAL AND PERMANENT CONTROL AND MANAGEMENT  
OF ALL ROADS, STREETS, COURTS, TRAILS, AVENUES, DRIVES, AND LANES.**

12. This affidavit is being made pursuant to the provisions of Connecticut General Statutes, Section 47-37, 47-38, and 47-41

This affidavit is to be considered notice by the affiant to dispute any rights Elizabeth J. Perry, her Attorney Ted Harris, her surveyor Robert Pfanner, or any others may assert regarding said Black Point Beach Club Association Property being West of West Lane and boundary line of 669.50' and its reserve line of 1' wide and 625'+/-, where of mature trees have been cut, shrubs and grass since 2015. When clear cutting activities have taken place on Lambert/Perry property, trespassing from and over BPBCA property line has taken place with removal of the stones from the wall, and this is a constructive notice and is to be considered an interruption of said use and intended to prevent an acquisition of property rights through adverse possession. Reports have been countless to the Town Planner and Police from owners/neighbors residing in BPBCA, in hopes to have a cease and desist order applied especially from crossing over from BPBCA property line and entrance into Perry's lot from West Lane.

13. Being the same premises described in Black Point Beach Club Charter Section 2.

The limits and territory of said The Black Point Beach Club Association are defined and established as follows: All that territory in the town of East Lyme bounded easterly by the mean high water mark of Niantic bay, which is part of Long Island Sound; southerly in part by land formerly known as the land of the estate of Norman J. Bond, in part by land of the Payne heirs, in part by land of Gamble Rogers, in part by land of John Manwarring and in part by land of Thomas Watrous; westerly in part by land of the Payne heirs, in part by land of John Manwarring, in part by land of Thomas Watrous and in part by the highway known as Black Point road and northerly in part by land of Mrs. Calvin S. Davis, in part by land of F.R. Dart and in part by land of George Geeri being all the land plotted as shown on a map entitled "Black Point Beach Club Property at Niantic, Town of East Lyme, Conn., Owned by Jas. Jay smith", and all the land plotted as shown on a map entitled "**Plan No.2, Black Point Beach Club Property at Niantic, Town of East Lyme, Conn., Owned by Jas. Jay smith**", to be filed in the town clerk's office in East Lyme, and all the land on the east side of East Shore drive north of the north line of the estate formerly of Norman J. Bond.



14. Plan No. 2 BLACK POINT BEACH CLUB PROPERTY AT Niantic, Town of East Lyme, Conn. owned by Jas. Jay Smith. Jas Jay Smith Co., Developers, 1328 Broadway, New York, and Niantic, Conn. Plan No. 2 of Black Point Beach Property as the same is laid out in building lots and plans filed for reference April 3, 1931 with the clerk of the Town of East Lyme. (Attached and states West Lane width to be 19' in width and in the territorial limits of the BPBCA property but not drawn into map)
15. Conn. Gen. Stat. 7-130d (2001) Municipalities are granted authority to regulate right of way, and BPBCA deeds above documentation of owning the road of the political subdivision, as well as the Charter given BPBCA the right to control right of ways in their territorial limits.
16. Conn Gen. Stat. 7-148 (2001). Municipalities may regulate installation of facilities and control excavation procedures. **Sec. 7-148. Scope of municipal powers.** BPBCA has water and sewer supplies by the Town of East Lyme and Perry's land is in a district of no public sewers, and yet the Town of East Lyme has granted Perry attachment through BPBCA property to water and sewer, which I understand needs BPBCA authorization, as well. A deed pole and wires location on BPBCA property west of West Lane near the southerly end of 669.50' boundary line has a work order authorization to relocate it. I nor the Board of BPBCA knows who has authorized the work order to relocate pole #3083, with much efforts of contacting Eversource.
17. According to Black Point Beach Club Association Charter Section 7 "Nothing herein shall be construed as authorizing the board or the association to change by regulation **restrictions in deeds** "
18. There is a dispute as to the location of lot lines.

Signed, sealed and delivered in the State of Connecticut, County of New London and Town of East Lyme this day   1   day of June, 2021

Cynthia M. Trocki  
Signature of Cynthia M. Trocki  
22 Blue Heron Road  
Black Point Beach Club Association  
Niantic, Ct. 06357

Subscribed to and sworn before me this   1   day of June, 2021

Joanne Cain  
Notary Public  
My Commission Expires on

**From:** cmaries70@yahoo.com,

**To:** bog@blackpointbeachclub.com, cmaries70@yahoo.com,

**Subject:** Roads improved in front of lots

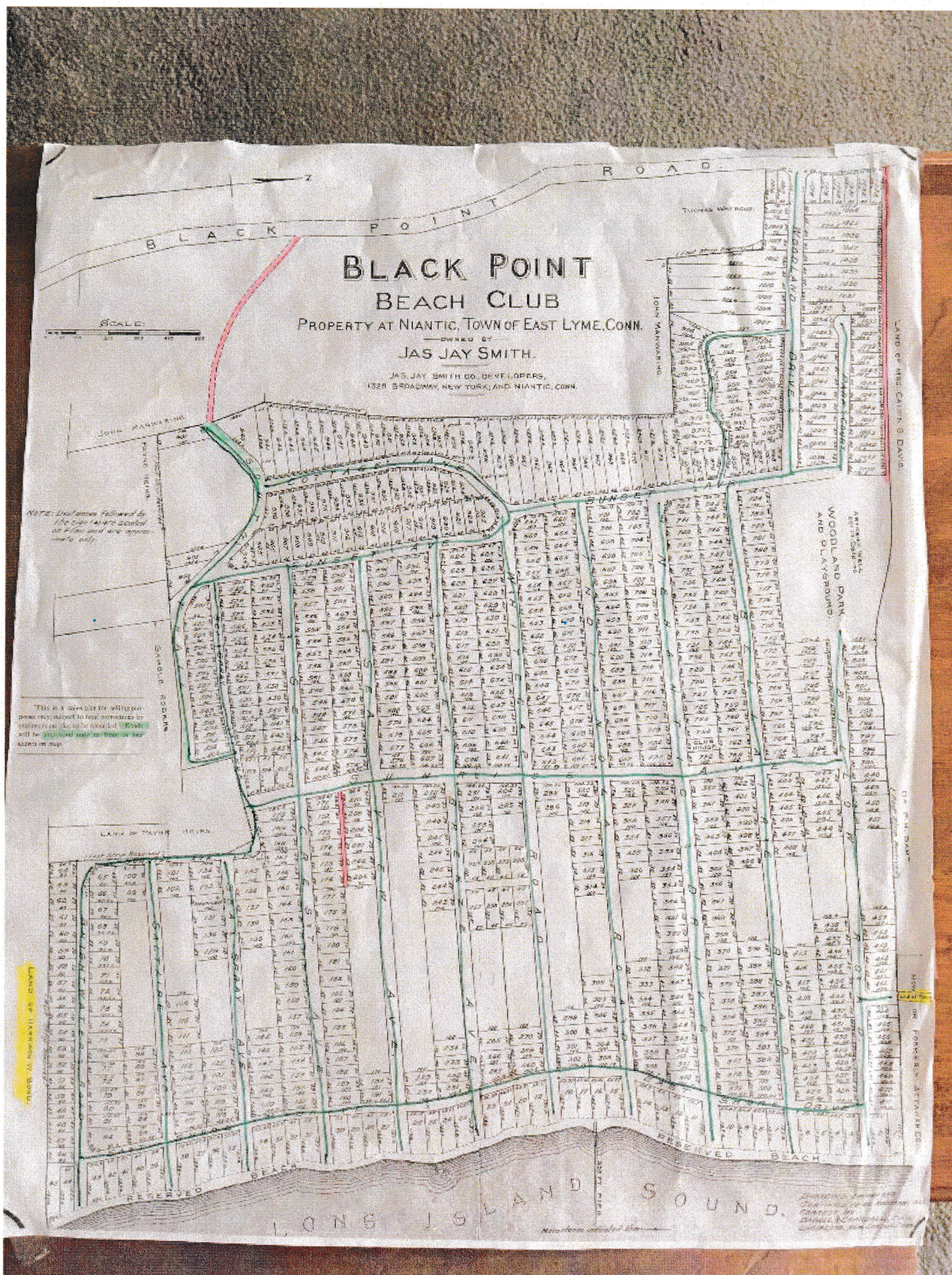
**Date:** Sun, Jun 6, 2021 8:11 am

**Attachments:**

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After JJ Smith purchased Plan No. 2, it was **merged** with Plan 1, so they became whole and complete together, as Black Point Beach Club Property.







**From:** slbvmd@sbcglobal.net,

**To:** cmaries70@yahoo.com, bog@blackpointbeachclub.com,

**Subject:** POCD

**Date:** Tue, Jun 8, 2021 8:48 am

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Cindy

As it was explained to you several times, this master plan will not affect property lines. It will establish policies the community wishes to create for the long term planning for BP. It will survey the members to find out what they want to see at BP so we can move forward in an organized and efficient manner.

I am assuming that you are aware any fees charged by our attorney for addressing your concerns will be your responsibility and not the responsibility of BP.

Steve Beauchene



**From:** sharonbruce926@gmail.com,  
**To:** bog@blackpointbeachclub.com,  
**Subject:** Fwd: Comments on SLR Proposal for Conservation & Development (Master) Plan  
**Date:** Tue, Jun 8, 2021 9:21 am  
**Attachments:**

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Good Morning,

Just sharing this email from Peter Baril regarding the Master Plan. We can discuss it during our next meeting.

Thank you,  
Sharon

----- Forwarded message -----

**From:** Peter Baril <[peter.baril@gza.com](mailto:peter.baril@gza.com)>  
**Date:** Wed, Jun 2, 2021 at 1:52 PM  
**Subject:** Comments on SLR Proposal for Conservation & Development (Master) Plan  
**To:** Steve Beauchene ([slbvmd@sbcglobal.net](mailto:slbvmd@sbcglobal.net)) <[slbvmd@sbcglobal.net](mailto:slbvmd@sbcglobal.net)>, Janey Bonelli ([janet.bonelli@gmail.com](mailto:janet.bonelli@gmail.com)) <[janet.bonelli@gmail.com](mailto:janet.bonelli@gmail.com)>, Sharon Bruce ([sharonbruce926@gmail.com](mailto:sharonbruce926@gmail.com)) <[sharonbruce926@gmail.com](mailto:sharonbruce926@gmail.com)>  
**Cc:** Alice Baril (wife) ([a.baril@verizon.net](mailto:a.baril@verizon.net)) <[a.baril@verizon.net](mailto:a.baril@verizon.net)>

I've had a chance to review the proposal from SLR for the development of the Master Plan. Hopefully my comments are still timely. Also, I'd be happy to participate on the Working Group if you're looking for volunteers.

Regards,

**Peter Baril (17 SeaView)**

Here are my comments, in no particular order (more of a stream of consciousness)

1. Could SLR provide copies of previous Conservation & Development Plans from nearby municipalities? Perhaps you have already asked for samples of their work. Can they expand upon the number of previous client references (only two were given).
2. Ask SLR how a master Plan for a beach community differs from one they've development for a municipality. How will their effort/scope differ than for plans for full-fledged municipalities?
3. Have SLR provide examples and sample contents for these engagement tools, pop up exercises & meetings mentioned in their proposal cover letter.
4. It'll be important for SLR to better understand the coastal dynamic characteristics and relationship between beaches and groins (aka piers). Review GNC and GZA engineering reports (don't have them reinvent the wheel).
5. It will be important for the Working Group to spend the time gathering available exiting engineering reports, maps, photos, etc. and provide them to Consultant. This will cut down on SLR's time and effort and our \$\$\$.



6. I would think the majority of the master planning will focus on the beaches. Did GNCB issue a companion report dealing with all our groin (aka: pier) structures?
7. Task 2: Baseline Conditions: The Working Group should read and become familiar with the Town of East Lyme Master Planning documents that are on-line, especially the Town's CRCASS report.
8. For Community Engagement Task 3, I'm not sure if COVID is still a relevant issue. It'll be important for SLR to meet face to face with general membership and the Working Group, in particular (rather than Zoom meetings). Need to get widest participation possible.
9. Developing a heightened degree of "connectivity" among BP members is very important. To that end, an improved website/social media platform should be a recommendation of the Master Plan.
10. Understanding and presenting the history of Black Point (via pamphlets, permanent displays (like on the Boardwalk) should also be a recommendation of the Master Plan, IMO.
11. As discussed at annual meeting, a hard copy of the survey/questionnaire should also be sent out for those members uncomfortable with computers. I also recommend that the Working Group members go door to door to those who don't initially respond to the survey.
12. Task 3: Who are the "key stakeholders"? Is this just a generic term? There appears to be a conflict about the stated number of meetings with key stakeholders....is it two or four meetings included in the budget?
13. Community Forums: Given difficulty in getting members together and seasonality of many, it may be better to reach consensus with good-sized Working Group rather than have multiple community forums with the greater membership community. Have SLR make presentation to the community once there is agreement by Working Group of the Draft Master Plan.
14. Have SLR Keep this draft plan short or else SLR will spend too many hours and our \$\$\$ producing it.
15. Fee Schedule: scope and fee are responsibility of SLR not BPBA!
16. I suggest that SLR revise proposal and give an approximate itemization of Level of Effort (hours) and costs for each task. The \$26,000 budget will not be exceeded without written authorization by the BOG.

**Peter H. Baril, P.E. (MA/CT/NH/ME)**

**Consultant/Hydrologic Engineer**

GZA | 249 Vanderbilt Avenue | Norwood, MA 02062

c: 781.760.6419 | [peter.baril@gza.com](mailto:peter.baril@gza.com) | [www.gza.com](http://www.gza.com)

GEOTECHNICAL | ENVIRONMENTAL | ECOLOGICAL | WATER | CONSTRUCTION MANAGEMENT

Known for excellence. Built on trust.



From: cmaries70@yahoo.com,  
 To: bog@blackpointbeachclub.com, slbvmd@gmail.com,  
 Cc: cmaries70@yahoo.com,  
 Subject: Deed Information for surveyor on West of West Lane  
 Date: Wed, Jun 9, 2021 8:45 am

Good Morning Steve and BOG,

I have this deed below, describing where the West of West Lane's 669.50' territorial limit starts behind **32 Brightwater's/Payne's owned stonewall** intersecting the stonewall running southerly, **owned and occupied by Harrison W. Bond/BPBCA**. The crucial point is to be sure the starting point does start on the Westside of the stonewall running southerly which intersects with the Brightwater stonewall at the Northwest of BPBCA property, **as it is written in the deeds**. Along with this deed and other deeds on land, I would like to be sure all the information is given to the surveyor; to ensure the surveyor has all the information, filed on our territorial limits of BPBCA PLAN NO. 2 PROPERTY.

May the information I have supplied, be used to help with required markers of BPBCA territorial limits and one foot reserve strip being surveyed. There is great hope this surveying will also help in protecting the area from trespassing and getting back us stonewall with shading trees along the quiet end territorial limits of the BPBCA property.

I am appreciating to you and others who serve on the board and in our community.

Sincerely,

Cindy Trocki

P.S. I attached another deed in reference to this VOL 3 PG 404 to confirm the transfer to Norman J. Bond ownership before it was Probated.

Volume 3

Page 404

May 9, 1853

Robert Gorton Warranty Deed to William G. Gorton

To all People to whom these presents shall come, Greeting;

Know Ye That I Robert Gorton of the Town of East Lyme in the County of New London + State of Connecticut for the Consideration of One Thousand Dollars to me in hand paid by my son William

The first tract is called **THE BLACK POINT FARM** containing (one hundred and eighty-seven acres) be it the same more or up with all the Buildings and APPURTENANCES, these to belonging and bounded and described as follows VI 30 links **TO THE END OF A WALL BY the Salt Marsh**; thence South 58" East 20 Chains **BY the last Mr. S. Payne Lands AS THE FENCE** + 64 links **AS THE FENCE and stand the IN LINE of Mr. Payne lands to a heavy stone**. Water piece at Black Point Bay. Thence Southerly by mid Bay 64 chains to the end of Black Point.

The Second tract of lot adjoining the foregoing at the Northwest part thereof and is called Sandiness **BEACH AND THE SALT MEADOW** containing in the whole twenty three acres more or up bounded Beginning at the Bend of the Beach aforesaid and runs Westerly by The Sound 33 chains to a point of Rock

86 links to a stake #1's fences. Thence North 18° 30' East 3 chains + 60 links to a stake by the Water. Thence Southerly by the Water 14 1/2 chains to the point of Meadow. Thence Southerly and Westerly by the Water 12 Chains +

17 Links to a Stake marked. Thence South 11 1/4 West 5 chains 17 links by the Caulkin's Meadow to a Stake + Stones. Thence by Caulkin's Meadow South 79° East 2 chains 83 links to a stake and stones. Thence by at Caulkin's Meadow North 9° East 3 chains 33 links to a stake by the Water. Thence Easterly

28 links to a stake and stones by the Great Creek. Thence North 55° 30' East 7 chains 28 links to a stake and stones by lands formerly owned by Joseph Smith. Thence Southerly as the Marsh bound by the Road 17 chains +

4 twenty nine links to the West end of a wall + at the Northwest corner of the first mentioned tract. Thence South 15° East 11 chains 130 links by the first mentioned tract to the place of the beginning;

The "3" tract or lot containing . acres, 2 \_\_\_\_\_ +

18 rods more or Up. Bounded beginning at a corner of Davidian J Mainwaring's land by the Highway leading from Black Point to markers and runs North 72° 30' East 7 rods by a highway. Thence East by "A" highway 10 rods. Thence South 80° East 110 rods by Davidian J. Mainwaring's land to a heap of stones

90 links by Indian lands to a corner of a wall. Thence North 80 1/4 West 7 chains + 39 links by Davidian J. Mainwaring's land to a corner of a wall. Thence, North 17° East 7 Chain + 65 Links by Davidian J. Mainwaring's to the first station.

Volume 4

Page 482

June 6, 1874

To all People to whom these Presents shall come, ----Greeting:

Know Ye that I **William G. Gorton** of the Town of East Lyme, County of New London and State of Connecticut for the consideration of Eighteen thousand dollars received to my full satisfaction of

**Norman J. Bond** said Town of East Lyme do give, grant, bargain, sell and confirm unto the said Norman J. Bond a certain lot of land situated in said Town of East Lyme and bounded and described as follows by Northerly by land of John J. Cowslock land and John Manwarring's land of Simon Payer Easterly by Niantic Bay Southerly by Long Island Sound and Westerly by the Great Creek (and of Simon Payer and land to Daniel Caulkin being the I am the same and all the same land described in the deed of my father Robert Groton to me dated May 9th 1853 and recorded in **East Lyme Land records Book 3 Pages 404 + 405** as the first and second tracts but not including the 3rd & 4th tracts names in said deed and that referrers as him had from a move particular of the land conveyer & by foresaid courses and distances where is a highway between the land of said Comstock and Manwarring and said Payne & Caulkins have a right of way from the land to said highway and said Payer has a right to use the scow-ditch on said land

TO HAVE AND TO HOLD the above granted and bargained premises, with the **APPURTENANCES THEREOF**, unto him the said Grantee his heirs **AND ASSIGNS FOREVER, TO MY AND THEIR PROPER USE AND BEHOOF**. And also I the said Grantor do for myself my heirs, executors and administrators, covenant with the said Grantee his heir and assigns, that at and until the ensealing of these presents I am well seized of the premises, as a good indefeasible estate in fee simple, and have good right to bargain and sell the same in manner and form as is above written, and that the same is free from all incumbrance whatever. Except as mention in the above description

AND FURTHERMORE, I the said Grantor do by these presents bind my elf and my heirs forever to warrant and defend the above granted and bargained premises to the said Grantee his heirs and assigns, against all claims and demands whatever. Except as above

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this Month day of June A.D. 1874

Signed, sealed and delivered in presence of

Henry R. Bond

Alfred Cout

William G. Gorton SS

State of Connecticut

New London County, ss. New London June 9th 1874

PERSONALLY APPEARED William G. Gorton

Signer and Sealer of the foregoing instrument, and acknowledge the same to be his free act and deed, before me.

Alfred Cost

Recorded June 9th 1874

Justice of the Peace

By M W Comstock

Town Clerk & Notary Public



**From:** sharonbruce926@gmail.com,  
**To:** cmaries70@yahoo.com, bog@blackpointbeachclub.com,  
**Subject:** Re: West lane being access for Perry activities  
**Date:** Thu, Jun 10, 2021 1:36 pm

---

Cindy,

Please see except from the May 30th Meeting minutes with regard to West Lane:

Dr. Beauchene said some of the following: • We do have our attorneys looking into this and that the Board did move at our last meeting to have that line surveyed, so we know exactly where it is. • There's also an issue about a telephone pole there. • He's talked to Eversource and they couldn't have been nicer. • They said if there's a problem with a poll, it needs to be moved, they'd be happy to move it. • We'll get a group of our engineers to make sure that the placement of the poll is appropriate for the development. • It's a work in progress but we can't put those trees or put the stone wall back. • Our attorneys are looking into what remediation we can get from the developer, if any.

I hope this answers your questions.

Thank you,  
Sharon

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Cindy Trocki

Sent from my iPhone



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To: cmaries70@yahoo.com, bog@blackpointbeachclub.com,

Subject: Re: West lane being access for Perry activities

Date: Thu, Jun 10, 2021 3:38 pm

Attachments: bog minutes - 08-03-2019.pdf (542K),

Cindy,

Attached, please find the minutes of the August 3, 2019 Board of Governors meeting (page 5 highlighted): "Ms. Colangelo replied that the Board feels we have explored this more than adequately and we don't feel we as a Board need to do anything more to protect the Association and properties that fall under the Association; we encourage anyone that has an individual issue to proceed with whatever they feel they need to do."

Sharon

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The objects of said association shall be to provide for the improvement of the lands in said territory and for the health, comfort and protection and convenience of the inhabitants thereof.

Section 7

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Verizon

11:21 AM

40%

Done

9 of 9







Verizon



12:40 PM



70%



Done

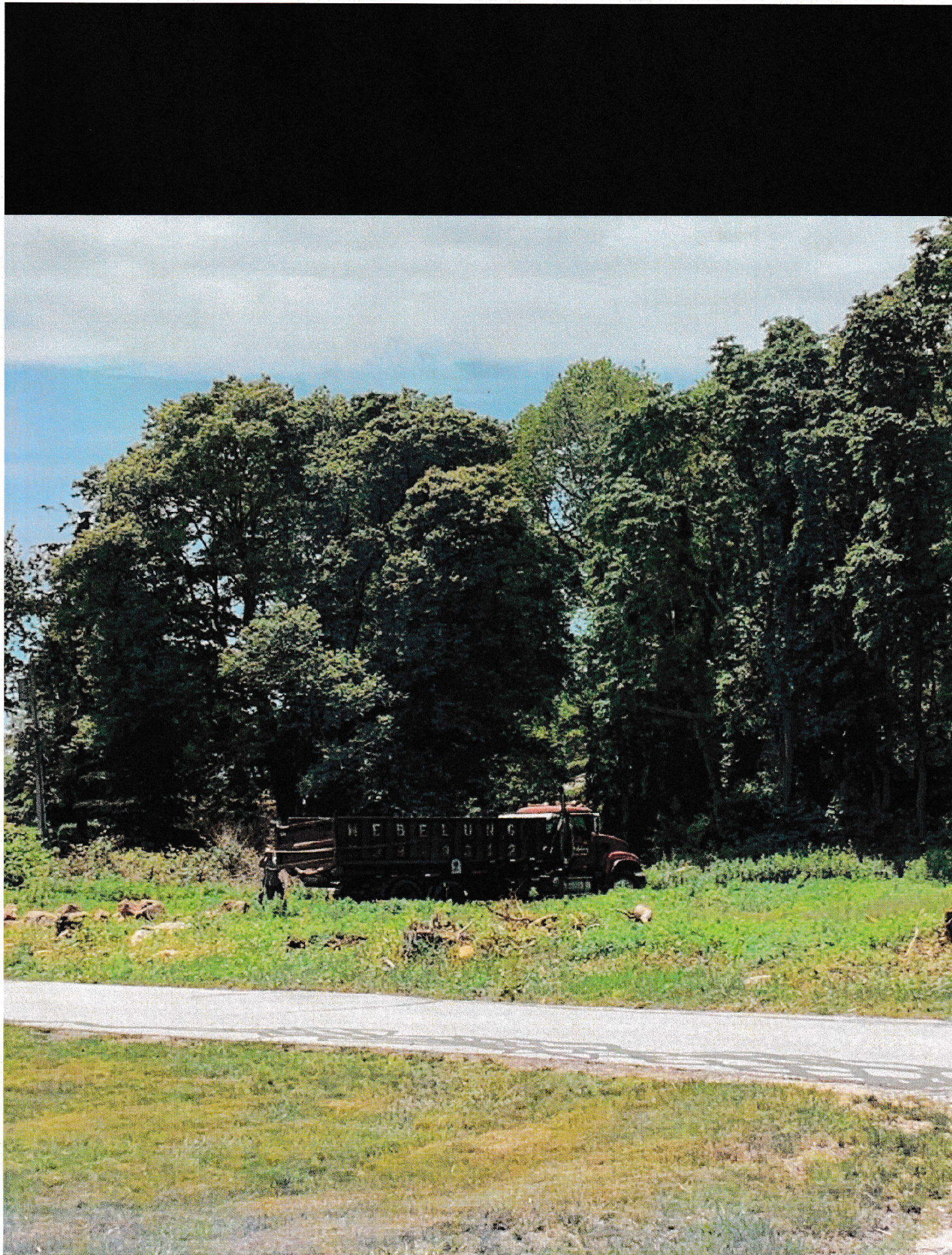
8 of 25















Sent from my iPhone

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Sent from my iPhone



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**To:** sharonbruce926@gmail.com,  
**Cc:** bog@blackpointbeachclub.com,  
**Subject:** Re: West lane being access for Perry activities  
**Date:** Thu, Jun 10, 2021 5:09 pm

---

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John@invcap.com  
860.490.2734

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Sent from my iPhone

<bog minutes - 08-03-2019.pdf>



**From:** cmaries70@yahoo.com,

**To:** bog@blackpointbeachclub.com,

**Subject:** Tape to post no trespassing BPBCA PROPERTY

**Date:** Thu, Jun 10, 2021 5:10 pm

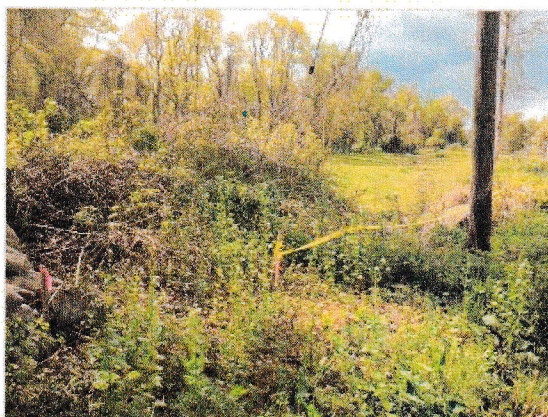
**Attachments:** IMG\_0409.JPG (4792K), IMG\_0407.JPG (5928K), IMG\_0408.JPG (5630K), IMG\_0410.JPG (6421K)

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West of West Lane owned by BPBCA FROM PERRY's LOT called West Lane

Sent from my iPhone

4 Attached Images





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**To:** cmaries70@yahoo.com,  
**Cc:** bog@blackpointbeachclub.com,  
**Subject:** Re: Tape to post no trespassing BPBCA PROPERTY  
**Date:** Fri, Jun 11, 2021 8:52 am

---

Good Morning Cindy,

I'm confused about this email. Did you place the tape up or did the property owner/agent place the tape?

When I walked by this morning, the tape was down.

Thank you,  
Sharon

On Thu, Jun 10, 2021 at 5:12 PM Cindy Trocki <[cmaries70@yahoo.com](mailto:cmaries70@yahoo.com)> wrote:  
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Sent from my iPhone



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**To:** john@invcap.com,  
**Cc:** bog@blackpointbeachclub.com,  
**Subject:** Re: West lane being access for Perry activities  
**Date:** Fri, Jun 11, 2021 9:56 am

---

Good Morning John,

Please see the discussion from the May 27<sup>th</sup> BOG meeting:

**Excerpt from the May 27, 2021 BOG Minutes**

*Pinning- West Lane (western edge of 1 foot strip), ROWs Dr. Beauchene reported that he sent an email to Fred Guenther, the surveyor that we've used, and he said he would be willing to do the western edge of the West Lane one foot strip so we know where our property ends. He said it will be \$800 to survey it and stake it, that it wouldn't be associated with a map, he just wants to go out there and put the pins in.*

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Please let me know if you have any questions.

Thank you,

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**Date:** Fri, Jun 11, 2021 8:57 pm

---

Sharon, property rights issues are a special interest of mine and deal with them on a regular basis. As such I'd be glad to become the liaison. I will be in touch. Thanks.

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Sharon

On Thu, Jun 10, 2021 at 5:09 PM John J. Cellino <[john@invcap.com](mailto:john@invcap.com)> wrote:

Good afternoon Sharon, I request this topic be put on the agenda for this month's upcoming board meeting for further discussion. I have some background and perspective directly related to this issue as I've had discussions with Mary, Cheryl, several other BOG members, recommended and discussed in detail with attorney Tim Furey (not the usual BPBC attorney) who was hired and represented the BPBC at the town hearings, spoke at said hearings, had discussions with Massey re appeal, and have been occasionally contacted by other BPBC members with updates and views. Let me say, in my opinion, the BOG's interest should be to fully understand and protect the boundaries and rights of BPBC and its properties. This particular issue is just one of several, presently and in the past, that the BOG's decisions have and/or will have a permanent impact to BPBC and its properties. As such, all proper due diligence and consideration should be taken. Thank You.

John J. Cellino  
[John@invcap.com](mailto:John@invcap.com)  
860.490.2734

On Jun 10, 2021, at 3:39 PM, Sharon Bruce <[sharonbruce926@gmail.com](mailto:sharonbruce926@gmail.com)> wrote:

Cindy,

Attached, please find the minutes of the August 3, 2019 Board of Governors meeting (page 5 highlighted): "Ms. Colangelo replied that the Board feels we have explored this more than adequately and we don't feel we as a Board need to do anything more to protect the Association and properties that fall under the Association; we encourage anyone that has an individual issue to proceed with whatever they feel they need to do."

Sharon

On Thu, Jun 10, 2021 at 2:56 PM Cindy Trocki <[cmaries70@yahoo.com](mailto:cmaries70@yahoo.com)> wrote:

Thank you for the information. I do know they have removed more rocks from the line yesterday and the work going on today with digging is not in BPBCA BEST INTEREST. BPBCA attorney is from the same attorney firm as the towns and he was the town's attorney up until a few months ago. The BPBCA **CHARTER Section 3.**

The objects of said association shall be to provide for the improvement of the lands in said territory and for the health, comfort and protection and convenience of the inhabitants thereof.

Section 7

**Nothing herein shall be construed as authorizing the board or the association to change by regulation restrictions in deeds**

The deeds state we have the right to erect and maintain pole and wires, which have existed there and now are being moved for non- inhabitants of BPBCA. BPBCA Own its West Lane and a property line they are digging into today. The stewardship of the BOG on West of West Lane is lacking of being protected



from adverse possession. I have been hopeful the BOG would see this and protect it, but I realize the conflict for our attorney. Ignorance is no excuse for the law or blissful. I continue try to share information and inform the BOG, and yet the BOG keeps working with people stealing BPBCA property and making the action on West of West Lane more illegal. The work on West of West Lane is for the BOG to insist a cease and desist order for illegally taking of land belong to BPBCA. The deeds state everything is not to be in part, but WHOLE.

<image0.png>

<image1.png>

<image2.png>

Sent from my iPhone

On Jun 10, 2021, at 1:36 PM, Sharon Bruce  
<[sharonbruce926@gmail.com](mailto:sharonbruce926@gmail.com)> wrote:

Cindy,

Please see except from the May 30th Meeting minutes with regard to West Lane:

Dr. Beauchene said some of the following: • We do have our attorneys looking into this and that the Board did move at our last meeting to have that line surveyed, so we know exactly where it is. • There's also an issue about a telephone pole there. • He's talked to Eversource and they couldn't have been nicer. • They said if there's a problem with a poll, it needs to be moved, they'd be happy to move it. • We'll get a group of our engineers to make sure that the placement of the poll is appropriate for the development. • It's a work in progress but we can't put those trees or put the stone wall back. • Our attorneys are looking into what remediation we can get from the developer, if any.

I hope this answers your questions.

Thank you,  
Sharon

On Thu, Jun 10, 2021 at 11:29 AM Cindy Trocki  
<[cmaries70@yahoo.com](mailto:cmaries70@yahoo.com)> wrote:

Morning Sharon,

I am asking for a response of yes or no, to your knowledge of activities granted by BPBCA BOG, in any on West of West Lane.

Please let my know as soon as you receive this.

Cindy Trocki

Sent from my iPhone

<bog minutes - 08-03-2019.pdf>



**From:** colleenshayes@gmail.com,  
**To:** bog@blackpointbeachclub.com,  
**Subject:** Use of masks at Club  
**Date:** Sun, Jun 27, 2021 1:45 pm

---

I'm writing to ask that children attending Club to not have to wear masks when outside. This follows the State of CT rules for camps. See the link below, specifically number 9.

<https://www.ctoec.org/covid-19/youth-camps-covid-19-faq/>

More detailed information here:

<https://www.ctoec.org/covid-19/child-care-covid-19-faq/#section-c>

Thank you!

Colleen Hayes  
20 Sea Breeze Ave

Sent from my iPhone



**From:** sharonbruce926@gmail.com,  
**To:** bog@blackpointbeachclub.com, bpbcmanger@gmail.com, brookers2@aol.com, acapozzajr@aol.com,  
**Subject:** BP Board of Governors  
**Date:** Sun, Jun 27, 2021 10:02 pm

---

Good Evening,

Upon careful consideration, I have decided to resign from the Black Point Beach Club Board of Governors, effective immediately, Sunday, June 27, 2021 at 10:00 pm. I will attend Wednesday's meeting for continuity purposes, if the Board so chooses – please advise.

This is a very difficult decision. As a Certified Association Executive, I always counsel my board members that it is their responsibility to support an ethical and legal decision of the board; provided, they feel that all facts were considered and weighed, prior to that decision. In good conscience, I cannot support the decision of the Board to eliminate mask requirements for the recreation program for unvaccinated people, directly contrary to current CDC guidance. Ultimately, it is the Board's role to ensure the safety of our children and compliance with regulations. I am extremely concerned with the potential liability created by this decision. Given my professional role, I cannot have this decision reflect on me.

This letter should be read into the record for public notification and for the June 30<sup>th</sup> minutes.

Sincerely,  
Sharon S. Bruce, CAE



**From:** colleenshayes@gmail.com,  
**To:** bog@blackpointbeachclub.com,  
**Subject:** Follow up items from Board Meeting  
**Date:** Sat, Jun 12, 2021 5:13 pm

---

Hi there - I wanted to follow up on a few things from the meeting:

1) At the meeting, it was mentioned that BPBCA was going to have its land interest staked alongside the "West Lane" land and that the landowner of the West Lane land agreed to be conscious of BPBCA property during any construction. When is the staking going to be done? I ask because I just walked by and noticed that the majority of the stone wall (which may be the property of BPBCA) has been removed. I think time would be of the essence to get this staking done so all parties are aware of property lines.

2) At the meeting, I asked if there were any plans to invest the increased funds that are being set aside for capital improvements in order to generate some passive income from those funds. It was mentioned that BPBCA has an "investment policy" that is being followed. Will you please provide me with a copy of this policy? Or post on the website? I think it would be wise to consider investing the money in a Schwab--type brokerage account that is invested in mutual funds. The funds are generally available within three business days as needed. Make our money work for us!

Thank you!

Colleen Hayes  
20 Sea Breeze Avenue

--

Colleen Hayes  
917.743.4519 - cell  
[colleenshayes@gmail.com](mailto:colleenshayes@gmail.com)



**From:** lyme1234@yahoo.com,  
**To:** bog@blackpointbeachclub.com,  
**Subject:** Fw: Violations of a parcel (12+- ac.) in Old Black Point (R-40)  
**Date:** Mon, Jun 14, 2021 7:06 pm

---

Chair of BP Sharon Bruce - Can anybody contact Old Black Point with this sorry state of property being disturbed, please ? Happy to receive information of your election.

Cheers,

Barbara Johnston

35 Sea Crest Ave.

----- Forwarded Message -----

**From:** babara johnston <lyme1234@yahoo.com>  
**To:** Bill Mulholland <billm@eltownhall.com>  
**Sent:** Saturday, May 29, 2021, 12:57:46 PM EDT  
**Subject:** Re: Violations of a parcel (12+- ac.) in Old Black Point (R-40)

Oh yes, I've tried & Gary's been out there before this two inch rain fall but he would not do anything !!! Can't imagine what soil has eroded after the 2" or more of rain ???

I tried Bill last week. Sorry state of affairs with Old Black Point not new BP's fault. I thought Old BP would be concerned but I guess it's not back yard so let it flow into the Niantic Bay !!!! I tried real hard but not enough now let's see what DEEP does since I sent them an e-mail Last week too !!! So much for CAM too !!!

On Saturday, May 29, 2021, 12:21:16 PM EDT, Bill Mulholland <billm@eltownhall.com> wrote:

This area is the purview of the planning Commission

-----Original Message-----

**From:** babara johnston <lyme1234@yahoo.com>  
**Sent:** Thursday, May 27, 2021 2:56 PM  
**To:** Bill Mulholland <billm@eltownhall.com>  
**Subject:** Violations of a parcel (12+- ac.) in Old Black Point (R-40)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Bill - I've been following the total destruction of a wonderful parcel of land that has allowed complete tree clearing & clean cut, no hay bales to secure soil from erosion, etc. Adjoining property owners have not been able to stop through requests of the EL Town Planner.

I'm asking if any new applications have been submitted or would this be a lapse of conditional approval listed in EL regs. (4-4-6) -Subdivision ?

I've tried to review if any permits have been filed from 2018 & have expired. No updated answer from town planner office but do I need to try the State again also ?

Would appreciate any answer to help me understand why this has been not under cease & .

Barbara Johnston  
(860) 739-3830



**From:** lyme1234@yahoo.com,  
**To:** bog@blackpointbeachclub.com, bpzoning@gmail.com,  
**Cc:** bpbcmanger@gmail.com, bpbcmanger@gmail.com,  
**Subject:** Fw: Bushes cor. Sea Crest Ave. & Sunrise Black Point  
**Date:** Mon, Jun 14, 2021 6:40 pm

---

----- Forwarded Message -----

**From:** babara johnston <lyme1234@yahoo.com>  
**To:** "jbragaw@eltonhall.com" <jbragaw@eltonhall.com>  
**Cc:** Mark C. Nickerson <mnickerson@eltonhall.com>  
**Sent:** Monday, June 14, 2021, 03:52:54 PM EDT  
**Subject:** Bushes cor. Sea Crest Ave. & Sunrise Black Point

Hi Mr. Bragaw - The same old problem is still on going but much worse ! No high bushes s/b allowed. As we discussed a few years ago with the First Selectman about the EL Traffic Authority moving stop sign this on town property per your map sent to me. It's not been addressed by BPBCA recently. We have

It has become a total very dangerous situation for my self (small car) & my grandchildren with other children in the neighborhood. Black Point ZBA only agreed to have low growing plants not done to children, residents or cars.

Sincerely,  
Barbara Johnston  
35 Sea Crest Ave. Black Point

(860)739-3830



**From:** lyme1234@yahoo.com,  
**To:** bog@blackpointbeachclub.com,  
**Subject:** Fw: 2021 LIS Beach Report digital copy  
**Date:** Tue, Jun 15, 2021 12:11 pm

---

Hi - I don't understand why people don't understand it's not just one project or one person that can effect the Sound waters ? Old Black Point is not concerned ?  
Please try to have a part on the agenda to explain to new-comers especially that Sound water is 'saved' by many people ! We need to keep working to keep it clean by all. Clean sea water just doesn't happen by itself.

Barbara Johnston  
35 Sea Crest Ave.

----- Forwarded Message -----

**From:** Tracy at Save the Sound <mhain@savethesound.org>  
**To:** "lyme1234@yahoo.com" <lyme1234@yahoo.com>  
**Sent:** Tuesday, June 15, 2021, 11:38:11 AM EDT  
**Subject:** 2021 LIS Beach Report digital copy

Thank you Barbara for your interest in the 2021 Beach Report!

**[Click HERE to download your digital copy.](#)**

And thanks for your continued support of our efforts,

Tracy Brown, Regional Director, Water Protection

Save the Sound



**From:** john@invcap.com,  
**To:** BOG@blackpointbeachclub.com,  
**Subject:** BPBC / West Lane Information  
**Date:** Thu, Jul 1, 2021 5:25 am

**Attachments:** Bill Black Point Beach Association 2021.pdf (33K), Elizabeth Perry revised plans 7-31-19.pdf (2539K), Planning-Commission-August-6-2019-Minutes Detailed approval.pdf (920K), Revised Easement Covenants 7-9-19.pdf (148K), Trocki Affidavit.pdf (67K), BPBCA AFF.pdf (149K), mime-attachment (552K),

All, attached is the info supplied yesterday by attorney Furey re West Lane that was discussed last evening. Have a restful weekend.

**From:** "T. Furey" <tfurey@fureydonovan.com>  
**Date:** June 30, 2021 at 12:50:28 PM EDT  
**To:** "John J. Cellino" <John@invcap.com>  
**Subject:** RE: Black Point - Email in your invoice ASAP!

John, Attached is my bill to date and some of the documents you requested. I put the file away to watch the appeal but given COVID they have not even done scheduling orders as of June. Ms Trocki has filed affidavits on the land records(attached) one of which back handedly purports to be from the association. Attached are the most recent plans, the decision of the commission (which includes our stuff), Your surveyors correspondence to a Board member. Call with additional questions.

Timothy W. Furey

[tfurey@fureydonovan.com](mailto:tfurey@fureydonovan.com)

Furey, Donovan, Tracy & Daly PC

43 Bellevue Avenue

PO Box 670

Bristol, CT 06011-0670

(P) 860-589-4343

(F) 860-583-8674

Do not wire funds to this office unless you have first verified with us that we have requested the wire and have verified the account and routing numbers just prior to initiating the wire.



Filed Under: Uncategorized, Zoning Commission, zoning minutes

# Fred Guenther Surveyor Comments

June 26, 2019

Hi Steve. The 55 or so feet south of the end of the 1 foot strip is the west street line of West Lane and also the east boundary line of Perry's land. West Lane is a town road and is not a ROW by prescription but by dedication by the town. That means they have dominion over the road and it is a public access which Perry can access because it's free of the 1 foot strip.

I think the original report and additional email notes I sent you should provide clarity. In a nutshell, the 1 foot strip isn't long enough to block Perry from building a driveway to access West Lane, since Perry borders directly on West Lane, a public access that she has the right to access.

The Coonrod survey shows the distance as 676.54 feet, well within tolerance of the 678 foot plus or minus call.

The 676.54 feet adjoins the land formerly of Jas Jay Smith as shown on the 1915 map that is filed in Drawer 5 at Page 602 at the East Lyme land records (lands of Norman J. Bond). In fact all the dimensions around the property that is now the Perry piece are the same on the 1915 plan as they are on the Coonrod Survey of 1986 (within tolerance).

In the early 1930's Jas Jay Smith created a subdivision which included West Lane on the west side of his property and graphically shows a 1 foot wide strip inside the right-of-way on the west side of West Lane. The strip is shown graphically ending at the northerly street line of Bond Street. If one were to add up the dimensions of the lots on the east side of West Lane, the total would be 632.7 feet, leaving 45.3 feet along the West Lane street line.

In 1964 the 1 foot strip was quantified as 620 feet long and conveyed by Avy Smith to the Black Point Beach Club Association (V111 P420). This leaves 58 feet south of the end of the 1 foot strip (56.54 feet using the Coonrod surveyed dimension).

The only discrepancy I see is between a graphic depiction of a strip with an assumption that it would be a dimension equal to the sum of the dimensions on the subdivision map or a numeric deed call in the 1964 deed. As a surveyor I would side with the numeric call in the 1964 deed.

In conclusion, it's my professional opinion that there is no reason to believe that Jas Jay Smith held onto a strip across the southerly 56.54 feet of what is now Perry's land.

- the dimensions of Coonrod's map match the dimensions of the 1915 map
- West Lane is a street created by the early 1930's Jas Jay Smith map
- both the Jas Jay Smith Map and the deed conveying the 1' strip do not call for the strip to include the entire frontage of West Lane
- The 25 foot access and utility easements across the southern boundary of Perry's land were created to access the smaller parcel as shown on the Coonrod survey.

I've pored over this matter and reached a conclusion that coincides with the opinions of 2 other Connecticut Land Surveyors. I'm not open to haggling over my findings. You had hired me to stake out the 1 foot strip on the side of West Lane to show where it ended. I deemed it unnecessary upon researching the matter, hence my not conducting field work. Please contact me if you have questions.

John J. Cellino  
John@invcap.com  
860.490.2734

**FUREY, DONOVAN, TRACY & DALY P.C.**

43 Bellevue Ave  
P.O. Box 670  
Bristol Ct 06011-0670  
Phone: 860-589-4343

Client: Black Point Beach Association Inc

Address:

P O Box 715

Niantic Ct 06357

VIA email John Cellino

Statement Date: June 30, 2021

File # 42,772

DATE	ATTORNEY	SERVICE	RATE	HOURS	AMOUNT
06 02 19	TWF	Review letter from Association re Perry Project and documents	300	1.00	\$300.00
06 04 19		Prep and attend Planning Commission meeting	300	3.00	\$900.00
		Emails & discussions Attorney Ted Harris June 4, 24; July 1,8,9,26, August 7, 11, 26 2019	300	2.50	\$750.00
		Emails & discussions with Cheryl Colangelo 7/30, 7/31, 8/6	300	0.75	\$225.00
07/09/17		Prep & attend Planning Commission Meeting	300	3.00	\$900.00
07/30/19		Review draft approval/make revisions disussions Town Planner & Attorney Harris	300	1.00	\$300.00
06/04/21		Discussion Status Appeal Attorney Harris review Court records, review filed affidavits.	300	0.75	\$225.00
		TOTALS		12.00	\$0.00
		Balance due this invoice			\$3,600.00



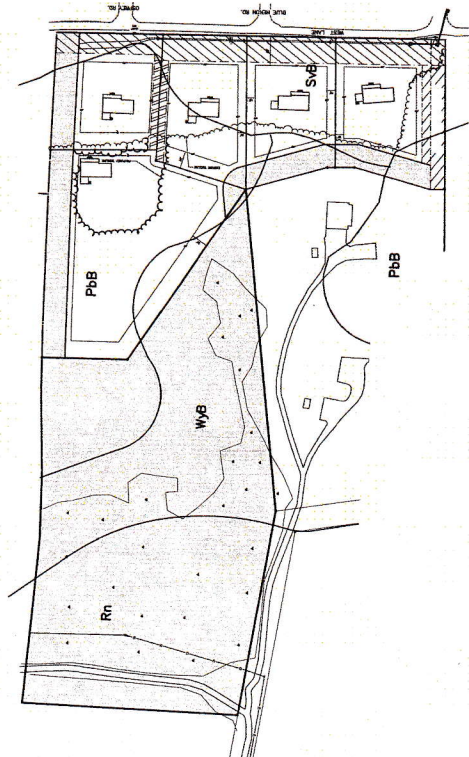
SUBDIVISION

WEST ROAD  
NIANTIC CT.

PAGE

DESCRIPTION

- SD1 COVER SHEET
- SD2 BOUNDARY LOT LAYOUT
- SD3 GRADING & E&S CONTROL
- SD4 PLAN & PROFILE DRIVEWAY
- SD5 10 SCALE INTERSECTION BOND & WEST RD
- SD6 DETAILS
- SD7 BASELINE CROSS SECTIONS
- SD8 SEWER DETAILS



**SYMBOL**  
Rn Ridgebury, Leicester, and Whitman extremely stony fine sandy loam.  
WyB Woodbridge very stony fine sandy loam, to 5 % slopes  
PdB Pottersville fine sandy loam, to 5 % slopes  
SdB Sutton fine sandy loam, 3 to 8 % slopes  
Sutton extremely stony fine sandy loam, 0 to 8 % slopes.

DATE	DATE	DATE	DATE
JANUARY 10, 2019			
NO.	DATE	DESCRIPTION	REVISIONS
3	7/25/18	NOTES ADDED AS PER DIRECTOR OF PLANNING MEMO	ASP
2	17/2/19	CONSTRUCTION SEQUENCE & MISC. NOTES ADDED	ASP
1	8/28/19	MISC. DETAILS ADDED	ASP
NO.	DATE	DESCRIPTION	REVISIONS

**J. ROBERT PFANNER & ASSOCIATES, P.C.**  
**CIVIL ENGINEERS & LAND SURVEYORS**  
37 GRAND STREET NIANTIC, CONNECTICUT 06357  
TEL. 860-739-5216 FAX 860-739-0653



GENERAL CONSTRUCTION SEQUENCE

- Secure all necessary permits. Notify "Call Before You Dig" (1-800-922-4455) at least 72 hours prior to excavation.
- Clearing limits and erosion control device location to be staked out in field by design engineer, and erosion control devices to be installed.
- Remove trees, branches and brush within areas to be installed. Chip branches and brush for use as mulch. Existing rock wall to be preserved in current condition and rebuilt where rocks are found near wall.
- Install construction exit (anti-tracking pad) and install sediment barriers along the limits of grading.
- Grub stumps and brush, remove any unsuitable soil.
- Strip and stockpile topsoil only in areas to be filled or graded, and stockpile on site in an area not in way of construction. Seed and mulch stockpile or cover with netting. Place and stake hay bales around stockpiles.
- Install catch basins, drainage structures and all underground utilities.
- Place and grade gravel base for pavement.
- Final grade, line, fertilize and seed remaining areas with formal grass seed mixture by Owner.
- Remove erosion control devices once area is stabilized.

ZONING COMPLIANCE CHART

LOT COVERAGE (MAXIMUM)	REQUIRED	PROVIDED
MINIMUM YARD SETBACK	25%	AT TIME OF BLDG.
REAR YARD SETBACK	10 FT.	10 FT.
ALONG PERIMETER OF CDD	50 FT.	50 FT.
SIDE YARD SETBACK	15 FT.	15 FT.
ALONG PERIMETER OF CDD	50 FT.	50 FT.
TOTAL AREA SUBDIVISION	520,124.6 SF.	520,124.6 SF.
MAX. # OF W/IN. U.S. LOT COVERAGE	24,149.83 SF.	372,717 SF.
MIN. # AREA REQUIRED FOR	8,627 AC.	59.0%
IN-10, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	55%	59.0%

\* NOTWITHSTANDING APPLICABLE ZONING REQUIREMENTS, LOTS NUMBER 1-4, SHALL HAVE A MINIMUM FRONT YARD SETBACK OF 50 FEET.

NOTES

- THIS SITE IS LOCATED IN A RU-40 ZONE.
- THIS SUBDIVISION DESIGNED AS PER SECTION 23 "CONSERVATION DESIGN DEVELOPMENT" OF THE EAST LYME ZONING REGULATIONS.
- EACH LOT IS TO BE SERVICED BY MUNICIPAL WATER & SEWER.
- POSSIBLE BUILDING AND DRIVEWAYS ARE SHOWN TO DEPICT SITE SUITABILITY ONLY. FINAL LOCATION WILL BE DETERMINED AT THE TIME OF BUILDING PERMIT.
- DRIVEWAY APRON TO BE PAVED TO AT LEAST THE PROPERTY LINE.
- ALL WATER AND SEWER CONSTRUCTION TO CONFORM TO TOWN OF EAST LYME WATER AND SEWER COMMISSION STANDARDS AND SPECIFICATIONS AND WATER MAIN INSTALLATIONS AND REQUIREMENTS FOR CONNECTION TO THE SANITARY SEWER SYSTEM.

Drainage Inspection & Maintenance Schedule

- All drainage structures should be inspected semi annually. Generally in the beginning of spring and at the end of fall. As well as after any major storm events. The inspection and maintenance would include the following:
- Remove any brush, litter & debris that may have collected within the swale.
  - If sediment has collected and/or accumulated it should be removed by hand tools.
  - Gross area within the basins should be mowed twice a year in late spring and early fall. The plate biomass should be removed by rolling.
  - In case of transfer of property ownership, future property owners shall be notified of the presence of the stormwater management system and requirements for property implementation of the Drainage Inspection and Maintenance Schedule.
  - Temporary hay bale check dam provided upstream of wet & DG Ennead.
  - Pole CLAP 3083 Now Ewestore is to be relocated.

LEGEND

- IRON PIN TO BE SET
- DRILL HOLE TO BE SET
- DRILL HOLE RECOVERED
- IRON PIN RECOVERED
- MESESTONE RECOVERED
- EXISTING CONTOUR
- PROPOSED CONTOUR
- BUILDING LINE
- WATER LINE
- UTILITIES (PHONE, ELEC, CABLE, TV, ETC.)
- FOUNDATION DRAIN
- SEWER LINE
- UTILITY POLE
- WETLANDS FLAG
- TREE LINE / LIMITS OF CLEARING
- STONE WALL
- REMAINS OF WIRE FENCE
- STOCKADE FENCE
- SILT FENCE
- SEWER MANHOLE
- CATCH BASIN
- WATER VALVE
- UTILITY POLE GUY WIRE
- CONSERVATION EASEMENT
- DOWNWOOD TREE TO BE PLANTED

TITLE:

SHEET NUMBER

COVER SHEET  
Property of  
Elizabeth J. Perry

LOCATION: West Road, Niantic ct

SD1

18007













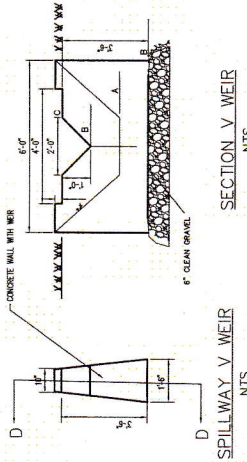




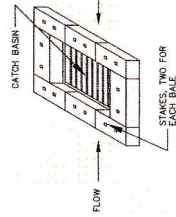
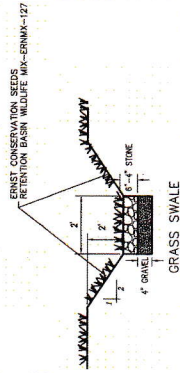


# ELEVATION FOR V-NITCHED WEIR

WEIR STA.	A	B	C
1	2+0	27.0	28.0
2	3+50	28.5	30.5
3	5+0	29.8	31.8



SECTION V WEIR  
NTS



## HAY BALE INSTALLATION AT CATCH BASINS

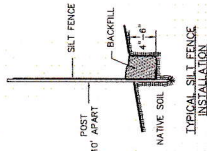
SCALE: NONE

### SOIL AND EROSION CONTROL

- HAY BALES / SILT FENCE ARE TO BE INSTALLED PRIOR TO CONSTRUCTION.
- ONLY REMOVE TREES AND VEGETATION NECESSARY FOR CONSTRUCTION.
- PERMANENT SEEDING SHOULD BE DONE AS SOON AS POSSIBLE AFTER CONSTRUCTION FINISHES. LIME AND FERTILIZER RECOMMENDED SEEDING DATES ARE APRIL 1 TO JUNE 15 & AUG. 15 TO OCT. 15.
- RECOMMENDED SEED (PER CT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL) SEED MIXTURE: 10% RED FESCUE @ 60 LBS/ACRE OR #29 TURF TYPE SEED MIXTURE @ 250 LBS/ACRE.
- HAY BALES AND SILT FENCE TO REMAIN WHERE PLACED UNTIL ALL DISTURBED AREAS ARE PERMANENTLY STABILIZED.
- NO ERODED SEDIMENT SHALL BE PERMITTED TO LEAVE THE SITE OR WASH INTO THE DRAINAGE SYSTEM.
- IF SEEDING CANNOT MEET RECOMMENDED DATES, TEMPORARY MULCH IS TO BE APPLIED IN ACCORDANCE WITH THE TABLE BELOW.

NOTES
SEED ON HAY 1/2 - 2 TONS PER ACRE
75-100% MULCH
MULCH MUST BE APPLIED TO ALL EXPOSED SOIL
OR BY HAND

- ANY HAY BALES OR SILT FENCE REMOVED DURING CONSTRUCTION SHOULD BE REPLACED EACH NIGHT.



TYPICAL SILT FENCE  
INSTALLATION

- THE GUIDELINES IN THE "2002 CONNECTICUT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL" SHALL BE USED.
- THE PARTY RESPONSIBLE FOR OVERSEENING THE EROSION CONTROL MEASURES SHALL BE RESPONSIBLE FOR THE REMOVAL OF EROSION CONTROL LIME PRIOR TO ANY WORK BEING STARTED ON SITE.

DRAWN BY: JRP DATE: January 10, 2019

NO.	DATE	DESCRIPTION	PERSONS
1	7/23/19	NOTES ADDED AS PER DIRECTOR OF PLANNING MEMO	JRP
2	7/23/19	MISC. DETAILS ADDED	JRP
3	7/23/19	MISC. DETAILS ADDED	JRP

J. ROBERT PFANNER & ASSOCIATES, P.C.  
CIVIL ENGINEERS & LAND SURVEYORS

37 GRAND STREET NANTIC, CONNECTICUT 06357  
TEL. 860-735-6216 FAX 860-735-0893

SCALE AS SHOWN

TITLE:

DETAILS

Property Belonging to  
Elizabeth J. Perry

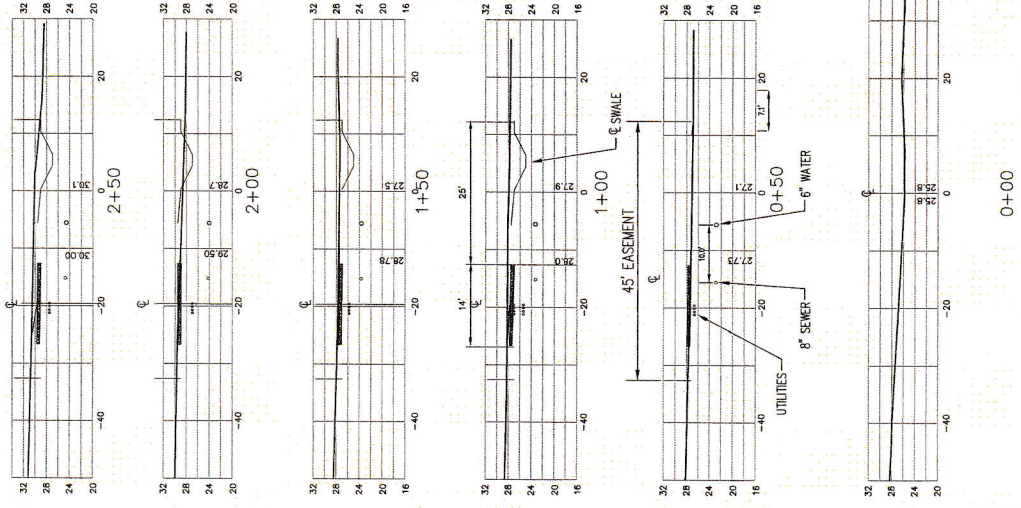
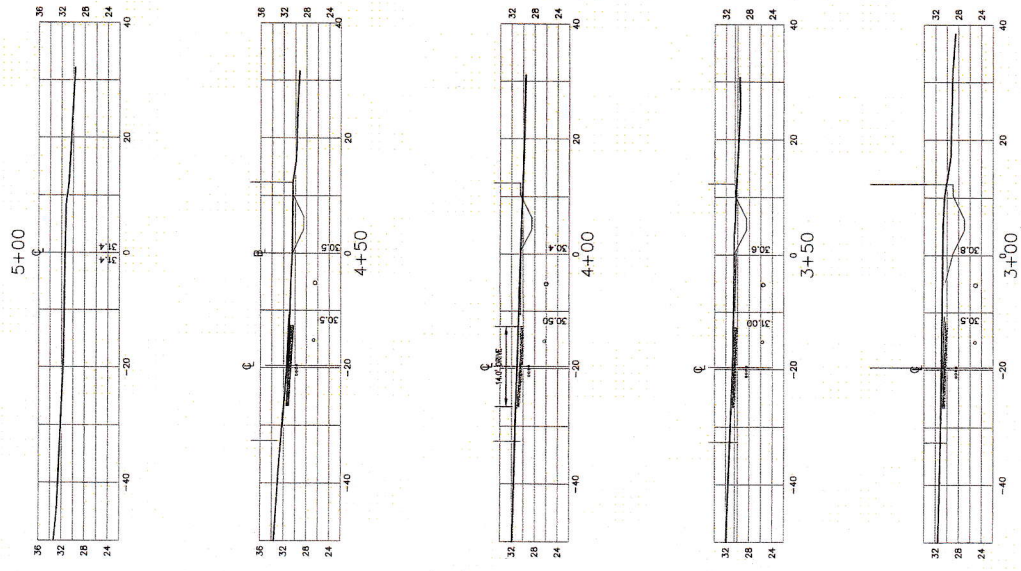
LOCATION: West Lanes, Nantico, CT

SHEET NUMBER

SD6

18007



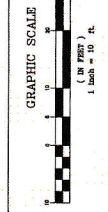


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NO.	DATE	DESCRIPTION	BY
1	7/31/19	NOTES ADDED AS PER DIRECTOR OF PLANNING MEMO	JRP
2	8/1/19	MSD: DETAILS ADDED	JRP

REVISIONS

**J. ROBERT PFANNER & ASSOCIATES, P.C.**  
**CIVIL ENGINEERS & LAND SURVEYORS**  
 37 GRAND STREET NANTIC, CONNECTICUT 06357  
 TEL 860-739-5216 FAX 860-739-0693

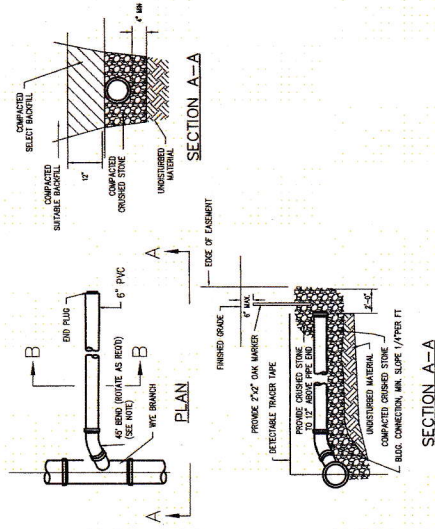
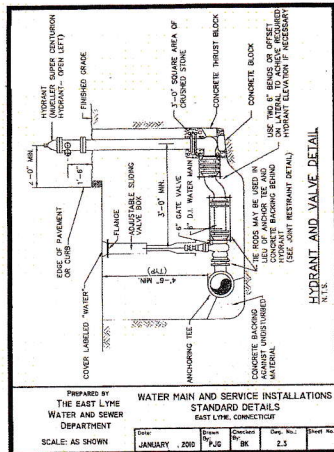
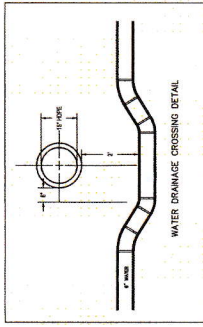


**TITLE: DRIVEWAY CROSS SECTIONS**  
 Property Belonging to  
**Elizabeth J. Perry**  
 LOCATION: West Lanes, Nantic, CT.

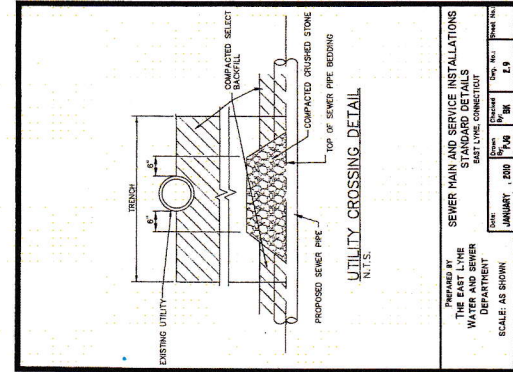
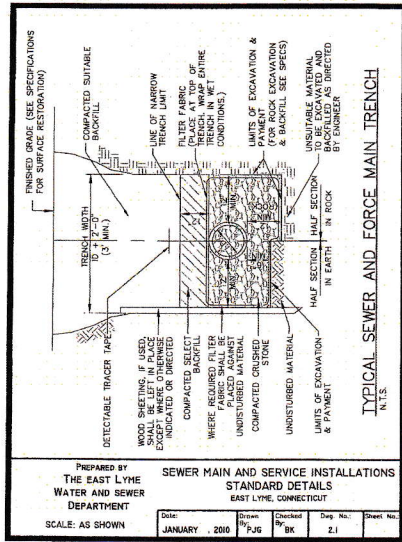
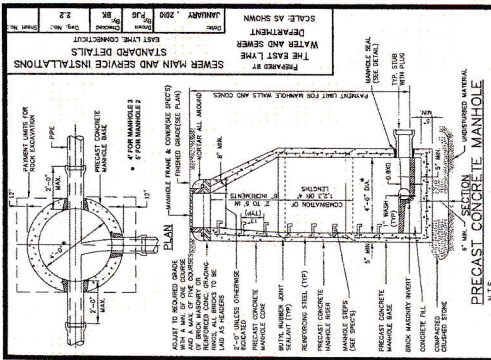
**SHEET NUMBER**  
**SD7**  
 18007

**DRAWN BY:** JRP **DATE:** January 10, 2019





BUILDING SEWER SERVICE CONNECTION  
NOT TO SCALE



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J. ROBERT PFANNER & ASSOCIATES, P.C. CIVIL ENGINEERS & LAND SURVEYORS 37 GRAND STREET NANTIC, CONNECTICUT 06357 TEL. 860-739-6216		SCALE: AS SHOWN	SCALE: AS SHOWN	LOCATION: West Lyme, Nantic CT
PREPARED BY: THE EAST LYME WATER AND SEWER DEPARTMENT SCALE: AS SHOWN		DATE: JANUARY 2010 DRAWN: J.F.G. CHECKED: B.K. DESIGNED: Z.I. SHEET NO.:	SHEET NUMBER SD8	18007

- GENERAL NOTES FOR SEWERS AND WATER MAINS
1. LOCATIONS OF JUNKY CONNECTIONS AND APPROXIMATE RIVAL LOCATIONS & ELEVATIONS ARE TO BE DETERMINED IN THE FIELD BY ENGINEER.
  2. 10 FOOT SEPARATION BETWEEN PIPE CENTERS LINES OF SEWER LINES AND WATER MAINS SHOULD BE MAINTAINED WHERE FEASIBLE.
  3. THE CONTRACTOR SHALL FURNISH ALL PROTECTIVE DEVICES AS REQUIRED BY THE UTILITY COMPANY.
  4. ALL SEWER STUDS SHALL BE PLUGGED UNLESS OTHERWISE DIRECTED BY THE ENGINEER.
  5. ALL WATER AND SEWER TAPS & STUDS SHALL BE AS-BUILT BY CONTRACTOR AS TO TYPE LOCATION & DEPTH.



# EAST LYME PLANNING COMMISSION

Regular Meeting, August 6, 2019. 7:00 PM

East Lyme Town Hall, Upper Meeting Room  
108 Pennsylvania Avenue, East Lyme, Connecticut

CHAIRMAN: Kirk Scott  
SECRETARY: Lawrence Fitzgerald

PLANNING DIRECTOR: Gary Goeschel II  
RECORDING SECRETARY: Sue Spang

## CALL TO ORDER 7:00

### I. ROLL CALL + PLEDGE OF ALLEGIANCE

**Present:** Kirk Scott, Thomas Fitting, Michelle Williams, Don Phimister, Kathryn Johnson, Alt.,  
**Absent:** Peter Lynch, Lawrence Fitzgerald

### II. CALL FOR ADDITIONS TO THE AGENDA-no additions

### III. CALL FOR PUBLIC DELEGATIONS

No public delegations

### IV. REPORTS

#### A. Communications

- No communications

#### B. Zoning Representative

- A memo from L. Fitzgerald updating the Commission on the Zoning Commission agenda items was read. K. Scott thanked L. Fitzgerald for his comprehensive update. An updated schedule for the zoning liaison was handed out.

#### C. Ex-Officio

- No report

#### D. Planning Director: Gary A. Goeschel II

- No report

#### E. Sub-Committees

- **Walkability**-no report
- **Plan of Conservation and Development (POCD) Steering Committee**-the committee is in the process of gathering documents and organizing them. M. Williams asked D. Phimister to submit a report on the walkability plan
- **East Lyme Subdivision Regulations**-G. Goeschel has started on the revisions
- **Chairman**-no report

FILED

August 8, 2019 AT 1:57 AM/PM  
Brooke Horner ATC  
EAST LYME TOWN CLERK

### V. APPROVAL OF MINUTES

July 9, 2019 Regular Meeting Minutes

MSC (Williams/Phimister) to approve the July 9, 2019 Regular Meeting minutes as presented. Vote: Approved Unanimously.

### VI. PUBLIC HEARINGS

There were no public hearings

### VII. SUBDIVISIONS / RE-SUBDIVISIONS - (PENDING)

**A. Application of J. Robert Pfanner, LS, Agent for Elizabeth Perry, Owner; Application for a 5-**



**lot Subdivision of approximately 12.16+\_ acres of land Zoned RU-40 located west of West Lane between 32 Brightwater and 30 West Lane, East Lyme, Assessor's map #2.2 Lot # 11 (Date of Receipt: 3/5/19)**

G. Goeschel read the following findings for the application of J. Robert Pfanner, LS, Agent for Elizabeth Perry, Owner; Application for a 5-lot Subdivision of approximately 12.16+\_ acres of land Zoned RU-40 located west of West Lane between 32 Brightwater and 30 West Lane, East Lyme, Assessor's map #2.2 Lot # 11:

### **FINDINGS**

**Whereas:** on, February 25, 2019, J. Robert Pfanner on behalf of Elizabeth Perry, ("Applicant"), filed with the East Lyme Planning Commission ("Commission") an application and plans entitled "Subdivision West Road, Niantic, CT, property of Elizabeth Perry, scale 1" = 40', dated January 10, 2019, Revised through July 9, 2019" prepared by J. Robert Pfanner PE.,LS., of J. Robert Pfanner & Associates, P.C., 37 Grand Street, Niantic, CT ("Application"); and

**Whereas:** The Commission, heard from the applicant and reviewed the proposed application at a regular meeting on March 5, 2019;

**Whereas:** The Commission, at a Special Meeting on April 3, 2019, deemed the public interest would best be served by holding a public hearing and voted to hold the public hearing on May 7, 2019;

**Whereas:** Notice of said public hearing was published in the April 25, 2019 and May 2, 2019 editions of The Day Newspaper; and

**Whereas:** The Commission commenced a public hearing on May 7, 2019. The public hearing was continued to the Commission's June 4, 2019 meeting and closed on July 9, 2019; and

**Whereas:** The Commission has reviewed the application and received testimony from the applicant, his professionals, representatives, and the public. In addition, Town staff also provided the Commission with comment concerning this application's compliance with local requirements and regulations; and

**Whereas:** The parcel of land constituting the property subject to this application is zoned RU - 40 Rural Residential and the properties abutting the site to the north, south and west are zoned RU-40 and the properties to the east are zoned under the jurisdiction of the Black Point Beach Club Association (BPBCA).

**Whereas:** The proposed Subdivision is found to meet the requirements of the East Lyme Subdivision Regulations and the East Lyme Plan of Conservation and Development (POCD) as demonstrated by the following:

**Section 3-4 Plan of Development:** As the proposed Subdivision is located within a RU-40 zoning district adjacent to existing residential lots, the proposed subdivision conforms to the comprehensive Plan of Development for the Town of East Lyme (POCD) as adopted by the East Lyme Planning Commission. The proposed subdivision continues following the pattern of development characteristic of the existing residential development to the north, south and west of the subject site which, is significantly less dense than the BPBCA Zoning District to the east.

**Section 5-4 Sanitation Report:** As indicated in Exhibit "S" review comments from Brad Kargl, Utilities Engineer dated May 7, 2019, indicates the proposed home is to be served by municipal sewer.

**Section 5-5 Water Supply Report:** Again, as indicated in Exhibit "S" review comments from Brad Kargl, Utilities Engineer dated May 7, 2019, indicates the proposed home is to be served by municipal water.

**Section 5-2-2(E) and 6-8 Stormwater Management Plan:** As indicated in Exhibit "L", Memo from



Victor Benni, P.E., Town Engineer, dated March 25, 2019, indicates that the Stormwater Management Summary confirms that the proposed site development will not adversely affect the water quality of downstream water features including waterbodies, watercourses or wetlands. In addition, the calculations indicate that the proposed development will have negligible impact flooding and has met the overall intent of Section 6-8, Stormwater Management of the East Lyme Subdivision Regulations.

Section 5-2-2(G) Erosion and Sedimentation Control Plan: The proposed, Grading and Erosion & Sedimentation Control Plan contains proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site as evidenced by Exhibit "U", the proposed subdivision plans entitled "Subdivision West Road, Niantic, CT, property of Elizabeth Perry, scale 1" = 40', dated January 10, 2019, Revised 7/9/19, Sheet SD3" prepared by J. Robert Pfanner PE.,LS., of J. Robert Pfanner & Associates, P.C., 37 Grand Street, Niantic, CT; and Exhibit "L", a memorandum from Victor Benni, P.E., Town Engineer, dated March 25, 2019, which recommends a \$10,000.00 dollar Erosion and Sedimentation Control bond or financial guarantee. As such, the Planning Commission may hereby Certify that the Soil Erosion and Sediment Control Plan complies with the requirements and objectives of this Subdivision Regulation.

Section 5-6 Pesticide Report: There are no known regular applications of pesticides on the subject site and the site has been occupied by a single family dwelling since 1972.

Section 5-8 Archeological Survey: As Evidence by Exhibit "GG", the Phase IB Cultural Resources Reconnaissance Survey of the Proposed Perry Subdivision Project in East Lyme (Niantic), Connecticut, indicates the survey did not identify any significant historic or prehistoric cultural material or features and "No additional archeological examination of the subdivision parcel is recommended prior to construction".

Section 6-2 Lot Design Specifications: As evidenced by Exhibit "K", correspondence from William Mulholland, Zoning Official, dated December April 4, 2019, indicates the "Proposal complies with applicable zoning regulations" for the purposes of the subdivision of land.

Section 6-7 Open Spaces: As demonstrated by Exhibit "PP", the proposed subdivision plans entitled "Subdivision West Road, Niantic, CT, property of Elizabeth Perry, scale 1" = 40', dated January 10, 2019, Revised through July 9, 2019" prepared by J. Robert Pfanner PE.,LS., and Exhibit "RR", the proposed Conservation Easement, approximately 312,254.73 square feet or 7.17 acres (59%) of the parcel is proposed to be preserved as open space in perpetuity in accordance with Section 7 of the East Lyme Subdivision Regulations.

Section 6-9 Requirements Regarding Flooding: As demonstrated by Exhibit "As indicated in Exhibit "L", Memo from Victor Benni, P.E., Town Engineer, dated March 25, 2019, indicates that the Stormwater Management Summary confirms that the proposed site development will not adversely affect the water quality of downstream water features including waterbodies, watercourses or wetlands. In addition, the calculations indicate that the proposed development will have negligible impact flooding and has met the overall intent of Section 6-8, Stormwater Management of the East Lyme Subdivision Regulations.

**Whereas:** Pursuant to Section 4-5-4 of the Subdivision Regulations the Commission, after the public hearing, if any, shall give approval to the application if it finds that the application, plans and documents conform to the requirement of these Regulations. Such approval shall be conditioned upon presentation of suitable easement and deeds as applicable, as specified in Section 10 of the Regulations, and shall be conditioned upon completion of all required subdivision improvements. In granting approval, the Commission may attach such conditions that it deems necessary to modify the subdivision map, plans, or documents, and to preserve the purpose and intent of these Regulations. As such, I offer the following language for such a resolution:



## **RESOLUTION FOR COASTAL AREA MANAGEMENT (CAM) SITE PLAN REVIEW**

Coastal Site Plan reviews are mandated under the Coastal Management Act as found in Chapter 444 of the Connecticut General Statutes. This regulatory program is designed to protect the states coastal resources from unsuitable development on lands within the coastal boundary. Local shoreline communities must review specific types of development for compliance with the act.

In this application, Elizabeth Perry, represented by Robert Pfanner Sr. PE, LS and Theodore Harris, Esq., is proposing a 5-lot subdivision of land. The subject property is located west of West Lane between 32 Brightwater and 30 West Lane, East Lyme, Assessor's Map# 2.2, and Lot# 11. Review of the Municipal Coastal Site Plan Review application for the above referenced application indicates the proposed project is consistent with all-applicable goals and conditions of the CAM Act. In addition, As demonstrated by Exhibit "O", Application for Coastal Site Plan Review, there are no coastal resources on or adjacent to the subject site and there are no adverse impacts to coastal resources and future water dependent uses.

**Kathryn Johnson was seated after affirming she was familiar with all aspects of the applications before the commission (7:28).**

The commission stated that the Public Hearing was very thorough and many of the changes and conditions which will be part of the approval of the application were due to comments from the public. The commission noted that the major area of contention was the 1' buffer strip and where that strip ended. The commission stated that there were two professional surveys conducted that verified the width of the opening for access to the property. The commission stated that although the public hearing was not required they thought it was beneficial.

G. Goeschel stated that a CAM application was necessary for this application due to its location to the ocean. It was his opinion that there are no adverse impacts to the coastal resources.

**MOTION: (Phimister/Williams) APPROVE the Coastal Site Plan Review Application of J. Robert Pfanner, PE, LS, Agent for Elizabeth Perry, Owner; for a 5-Lot Subdivision of approximately 12.16±-acres of land Zoned RU-40, located west of West Lane between 32 Brightwater and 30 West Lane, East Lyme, Assessor's Map#2.2, Lot#11 and the construction of a 5-new single family dwellings on the subject property. Vote: Approved Unanimously**

**MOTION: (Phimister/Williams) APPROVE the application known as the Application of J. Robert Pfanner, PE, LS, Agent for Elizabeth Perry, Owner; Application for a 5-Lot Subdivision of approximately 12.16±-acres of land Zoned RU-40, located west of West Lane between 32 Brightwater and 30 West Lane, East Lyme, Assessor's Map# 2.2, Lot# 11, which, is further subject to the following administrative requirements and required modifications to the site plan and/or other materials submitted in support of this application:**

- 1. The Plan sheet SD 3 shall be revised to note that the CL&P (now Eversource) pole #3083 is being moved and relocated.**
- 2. The proposed plans (Sheets 1 through 8) shall be revised accurately identify West Lane as "West Lane" and not "West Road".**
- 3. The proposed plans shall be revised to accurately reflect the proposed 40-foot vegetative buffer along the southern property line.**
- 4. The two proposed 12-foot wide parallel driveways shall be combined into a single 14-foot wide paved access drive which driveway as demonstrated in Exhibit "PP", proposed subdivision plans entitled "Subdivision West Road, Niantic, CT, property of Elizabeth Perry, scale 1" = 40', dated January 10, 2019, Revised through July 9, 2019."**



Said driveway shall be located no closer than twenty five feet from the front property line except for the curb cut at the southeast corner of the property.

5. The existing stone wall demarcating the boundary between the subject parcel and the Black Point Beach Club Association's 1-foot strip shall be restacked. Where a portion of the stone wall is to be removed for the proposed driveway access, said stones shall be used in the restacking of the existing wall.

6. The proposed dogwood tree plantings or similar variety shall be planted and installed approximately 40 to 50 feet on center for a length of approximately 675-feet on the east side of the proposed driveway. Said plantings shall be a minimum of 2.5-inches in caliper at installation and achieve an 80%-survival rate after two full growing seasons. A financial guarantee for the survival of the plantings in an amount acceptable to the Director of Planning and in a form acceptable to the East Lyme Planning Commission shall be posted with the Town of East Lyme prior to the start of work including but not limited to clearing, grubbing, filling and grading.

7. An Erosion & Sedimentation Control bond or financial guarantee in the amount of \$10,000.00 dollars shall be posted with the Town of East Lyme in a form acceptable to the Town of East Lyme's Planning Commission prior to the start of any site work including but not limited to clearing, grubbing, filling and grading.

8. Contact the Planning Director to inspect the installation of erosion and sedimentation controls within 2-days prior to the start of any construction.

9. The applicant has agreed as part of the subdivision that no structure shall be located closer than fifty feet from the east lot line near West Lane.

10. A drainage easement shall be filed before the commencement of construction to be approved by the Town staff &/or attorney requiring the on-site drainage structures and swales be maintained by the lot owners and providing if such structures are not maintained the Town of East Lyme may enter upon the property perform such maintenance and lien the properties for such services.

11. A conservation easement shall be recorded before commencement of construction.

12. The Applicant has agreed in consideration of the driveway waiver provided to construct a single driveway that if the remaining property of the applicant located south west of the subdivision is developed only one single family home may utilize the 25' right of way located on the southerly side of the property.

13. The applicable items above shall be accomplished prior to the filling of the subdivision on the land records, or other documentation of planning approval and no site work shall commence until all applicable conditions are satisfied.

This approval is specific to the subdivision plan submitted as the application known as the Application of J. Robert Pfanner, PE, LS, Agent for Elizabeth Perry, Owner; Application for 5-Lot Subdivision of approximately 12.16±-acres of land Zoned RU-40, located west of West Lane between 32 Brightwater and 30 West Lane, East Lyme, Assessor's Map# 2.2, Lot# 11. Any changes in the subdivision plan shall require prior approval from the Commission and/or the Director of Planning. Any change in the development plan layout other than those identified herein shall constitute a new application. The owner/applicant shall be bound by the provisions of this Application and Approval.

**Vote: Approved Unanimously**



**B. Application of J. Robert Pfanner, L.S., Agent for Catherine Parente, Owner; Application for a 1-lot re-subdivision of approximately 11.39 acres of land zoned RU-40/20, located at 38 Roxbury Road, East Lyme Assessor's Map 16.1, Lot 30**

G. Goeschel provided two memos, Memo 1, approving all the waiver requests and the other denying the requests for the buffer and open space waivers. the following findings:

**Whereas:** The Commission commenced a Public Hearing on May 7, 2019. The Public Hearing for said application was continued to the Commission's June 4, 2019 and July 9, 2019 meetings and closed at the Commission's July 9, 2019 meeting.

**Whereas:** The Commission has reviewed the application and received testimony from the applicant, his professionals, representatives, and the public. In addition, Town staff also provided the Commission with comment concerning this application's compliance with local requirements and regulations.

**Whereas:** The parcel of land constituting the property subject to this application is zoned RU - 40 Rural Residential and the properties abutting the site are zoned RU-40 and the properties to the north, south, east, and west are zoned RU-40.

**Whereas:** The proposed Subdivision is found to meet the requirements of the East Lyme Subdivision Regulations and the East Lyme Plan of Conservation and Development (POCD) as demonstrated by the following:

**Section 3-4 Plan of Development:** As the proposed Subdivision is located within a RU-40 zoning district adjacent to existing residential lots zoned RU-40. The proposed subdivision continues following the pattern of development characteristic of the existing residential development. As such, the proposed subdivision conforms to the comprehensive Plan of Development for the Town of East Lyme (POCD) as adopted by the East Lyme Planning Commission.

**Section 5-4 Sanitation Report:** As indicated in Exhibit "Q" review comments from Daniel Holmes, RS, dated June 21 2019, indicates the proposed lots are suitable to be served by on-site septic and well.

**Section 5-5 Water Supply Report:** As indicated in Exhibit "Q" review comments from Daniel Holmes, RS, dated June 21 2019, indicates the proposed lots are suitable to be served by on-site septic and well.

**Section 5-2-2(E) and 6-8 Stormwater Management Plan:** As indicated in Exhibit "G", Memo from Victor Benni, P.E., Town Engineer, dated May 7, 2019, indicates that the Drainage Analysis confirms that the proposed site development will not adversely affect the water quality of downstream water features including but not limited to wetlands and watercourses. In addition, the calculations indicate that the proposed development will have negligible impact flooding and has met the overall intent of Section 6-8 Stormwater Management of the East Lyme Subdivision Regulations.

**Section 5-2-2(G) Erosion and Sedimentation Control Plan:** As indicated by Exhibit "G" Memo from Victor Benni, P.E., Town Engineer, dated May 7, 2019, the proposed Plan includes the appropriate notes and details in regards to erosion control measures. As such, proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site have been incorporated into the proposed plan. Therefore, the Planning Commission may hereby certify that the Soil Erosion and Sediment Control Plan complies with the requirements and objectives of this Subdivision Regulation.

**Section 5-6 Pesticide Report:** There are no known regular applications of pesticides on the subject site. The site is currently occupied by a single family dwelling.



Section 5-8 Archeological Survey: As Evidence by Exhibit “O”, letter from Dr. Brian Jones, State Archeologist to J. Bernardo dated March 18, 2019, a Phase Ia/Ib Assessment/Reconnaissance Survey is recommended prior to any development.

Section 6-2 Lot Design Specifications: The proposed subdivision complies with all applicable Zoning Regulations for the purposes of the subdivision of land as evidenced by Exhibit “D” correspondence from William Mulholland, Zoning Official, dated April 30, 2019.

Section 6-7 Open Spaces: As demonstrated by Exhibit “M” Request for a waiver from Section 23.6B Open Space of the Zoning Regulations, requests the dedication of open space be deferred to a later date when more or all the land remaining in the entire tract is re-subdivided or further developed.

Section 6-9 Requirements Regarding Flooding: As demonstrated by Exhibit “G”, Memo from Victor Benni, P.E., Town Engineer, dated May 7, 2019, the proposed design meets the intent of the stormwater regulations.

**WHEREAS:** As demonstrated by Exhibit “M”, the request for a Waiver from Section 23.5.B1 Buffers of the Zoning Regulations, 23.6B Open Space Standards and Controls, Section 6-8-7 and 6-10-7 of the East Lyme Subdivision Regulations, appears to meet the criteria in Section 4-12 for a waiver as follows:

**(1) The waiver must be requested in writing:**

The applicant submitted said request in writing with their application submission, see Exhibit “M”;

**(2) The property for which the waiver is sought is affected by conditions, which affect the property and are not generally applicable to other land in the area;**

The character of the existing street corridor along Roxbury Road at the location of the subject site may warrant a reduction in the requirement to provide a 25-foot right-of-way from the centerline of Roxbury Road along the frontage of the land to be subdivided. In addition, the existing conditions such as the variation in topography and natural features along with existing compatible land uses (single family and multi-family residential) obviate the need for such a buffer from a 1-lot residential subdivision of land.

**(3) Physical features of the property or its location cause exceptional difficulty or unusual hardship in meeting the requirements of these Regulations;**

Again, the character of the existing street corridor along Roxbury Road at the location of the subject site may warrant a reduction in the requirement to provide a 25-foot right-of-way from the centerline of Roxbury Road along the frontage of the land to be subdivided. The existing conditions such as the variation in topography and natural features are such that a waiver would assist in the preservation of these features and the existing road side character. In addition, as noted in Exhibit “G”, Memo from Victor Benni, P.E., Town Engineer, dated May 7, 2019, indicates the addition of 1-building lot does not increase the need for improvement of the street along the property frontage.

**(4) The granting of a waiver will not have a significantly adverse effect upon adjacent property, the environment, or the public health and safety;**

As demonstrated by Exhibit “B” Soils Report from Ian T. Cole, Registered Soil Scientist and Professional Wetland Scientist, there are No wetlands or watercourses on-site. As such, the proposed 1-lot resubdivision does not require an Inland Wetlands permit. In addition, as demonstrated by Exhibit “G”, Memorandum from Victor Benni, PE, Town Engineer dated May 7, 2019, the water quality of the receiving aquifer will not be adversely affected nor will the proposed development exacerbate downstream flooding.



Further, as demonstrated by Exhibit "C", the proposed subdivision plan, depicts the limits of clearing such that the existing vegetation to remain should provide an adequate visual barrier to proposed single family dwelling. As such, the granting of the requested waivers would not have a significantly adverse effect upon adjacent property, the environment, or the public health and safety.

**(5) The granting of the waiver will not be in conflict with the Plan of Conservation and Development;**

As this is a CDD Subdivision, which encourages minimizing land disturbance, maintaining vegetative buffers between different uses, and mitigating any potential adverse effect upon adjacent property, the environment, or the public health and safety, the proposed re-subdivision as demonstrated by the record before the Commission, is consistent with the Plan of Conservation and Development as it will reduce land disturbance, maintain existing vegetation, and mitigates any adverse impact from stormwater runoff.

Pursuant to Section 4-5-4 of the Subdivision Regulations the Commission, after the public hearing, if any, shall give approval to the application if it finds that the application, plans and documents conform to the requirement of these Regulations. Such approval shall be conditioned upon presentation of suitable easement and deeds as applicable, as specified in Section 10 of the Regulations, and shall be conditioned upon completion of all required subdivision improvements. In granting approval, the Commission may attach such conditions that it deems necessary to modify the subdivision map, plans, or documents, and to preserve the purpose and intent of these Regulations

Based on testimony at the public hearing, the commission discussed various options for the waiver requests. Because the applicant asked for waivers for buffers and open space requirements to be deferred until a potential future application is submitted, there are no areas specified on the current site plan for these items.

G. Goeschel stated that if the commission decides to deny the buffer and open space waiver requests then it would be up to the commission to specify where the buffers and open space would be. He stated the buffers could be applied to the total of open space required which is 3.41 acres. He informed the members that the town owns property abutting the re-subdivision and if a portion of the open space was designated as abutting the town property it would make it contiguous to an already existing town property.

The commission considered the neighbors and their concerns of a future road being constructed from Cyprus Way to Romagna Road.

G. Goeschel stated that neighbors on Bush Hill had expressed concern that there was no emergency access out of Bush Hill in the case of closure of the road. He stated there are a couple of right of ways that could provide future emergency access for Bush Hill.

The members questioned if in the future an application was submitted for the remaining property, how would the decision of the commission be known and applied. G. Goeschel stated that a note on the approved application could be required and that staff would be looking at past approvals and records as part of their review.

The commission spent considerable time reviewing the site plan for possible buffer and open space options.

**MOTION: (Williams/Fitting) GRANT the applicant's request for a Waiver from Sections 6-8-7 and 6-10-7 of the East Lyme Subdivision Regulations. Vote: Approved Unanimously.**

**MOTION: (Williams/Phimister) APPROVE the application known as the Application of J. Robert Pfanner, L.S., Agent for Catherine Parente, Owner; Application for a 1-lot re-**



subdivision of approximately 11.39 acres of land Zoned RU-40/20, located at 38 Roxbury Road, East Lyme Assessor's Map 16.1, Lot 30 and plans entitled "Subdivision Plan, Property of Catherine Parente, 38 Roxbury Road, East Lyme, Connecticut, dated December 20, 2018, Scale 1" = 60' ft. by J. Robert Pfanner & Associates, P.C., Engineers and Land Surveyors, which, is further subject to the following administrative requirements and required modifications to the site plan and/or other materials submitted in support of this application:

1. An Erosion & Sedimentation Control bond in an amount of \$2000.00 dollars shall be posted with the Town in a form acceptable to the Town of East Lyme Planning Commission prior to the start of any site work including but not limited to clearing, grubbing, filling and grading.
2. Pursuant to Section 5-8 of the Subdivision Regulations, an Archeological Survey Phase Ia/Ib, shall be conducted prior to the start of any site work and a report of all surveys conducted shall be submitted to the Planning Director and the State Historic Preservation Office.
3. Pursuant to Section 23.5.B, a 40-foot vegetative buffer shall be required along the westerly and easterly property boundaries and along the southern boundaries shared with 7 & 10 Cypress Way. Said buffer shall not extend in front of the 50-ft right-of Way at the northerly side of the cul-de-sac on Cypress Way.
4. Approximately 3.41 acres of land shall be dedicated as open space adjacent to 7 Cypress Way and with the Town of East Lyme at 8-12 Roxbury with easement granted for emergency access only.
5. Contact the Planning Director to inspect the installation of erosion and sedimentation controls within 2-days prior to the start of any construction.
6. The applicable items above shall be accomplished prior to the filling of the subdivision on the land records, or other documentation of planning approval and no site work shall commence until all applicable conditions are satisfied.

This approval is specific to the subdivision plan submitted as the application known as the Application of J. Robert Pfanner, L.S., Agent for Catherine Parente, Owner; Application for a 1-lot re-subdivision of approximately 11.39 acres of land Zoned RU-40/20, located at 38 Roxbury Road, East Lyme Assessor's Map 16.1, Lot 30 and plans entitled "Subdivision Plan, Property of Catherine Parente, 38 Roxbury Road, East Lyme, Connecticut, dated December 20, 2018, Scale 1" = 60' ft. by J. Robert Pfanner P.E. L.S. of J. Robert Pfanner & Associates, P.C., Engineers and Land Surveyors 37 Grand Street, Niantic, Connecticut.

Any changes in the subdivision plan shall require prior approval from the Commission and/or the Director of Planning. Any change in the development plan layout other than those identified herein shall constitute a new application. The owner/applicant shall be bound by the provisions of this Application and Approval.

**Vote: Approved Unanimously**

- VII. ZONING REFERRALS [Connecticut General Statute (CGS) 8-3a] no zoning referrals
- IX. MUNICIPAL REFERRALS [Connecticut General Statutes (CGS) 8-24] No referrals
- X. OLD BUSINESS – No old business
- XI. NEW BUSINESS-No new business
- XII. ADJOURNMENT MOTION: (Phimister/Williams) to adjourn at 9:07 Vote: Approved Unanimously.



Respectfully Submitted,

Sue Spang,  
Recording Secretary



**RESTRICTIVE COVENANTS  
DEDICATION OF  
JOINT DRIVEWAY EASEMENT  
AND SWALE MAINTENANCE AGREEMENT  
ELIZABETH J. PERRY**

This Dedication Agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by ELIZABETH J. PERRY (hereinafter referred to as "Declarant") regarding Lots #1, 2, 3, 4 & 5 on a map or plan entitled, "Subdivision West Road Niantic, CT, Property of Elizabeth J. Perry Location West Road, Dated 1/10/19, revised 3/28/19, Scale 1 inch = 40 ft., Sheets 1-8" by J. Robert Pfanner & Associates, P.C., Civil Engineers & Land Surveyors "Plan".

WHEREAS, as shown on said plan, access to Lots #3, 4, & 5 ("Driveway Easement I") and is to be served by a common driveway; and

WHEREAS, as shown on said plan, access to Lots #1 and 2 ("Driveway Easement II") and is to be served by a common driveway; and

WHEREAS, the Grantor desires to dedicate a Mutual Easement and Maintenance Agreement for the mutual benefit and burden of Lots #3, 4 & 5; and for Lots 1 and 2, and

WHEREAS, the Declarant would like to assign maintenance responsibility for certain detention basins.

NOW THEREFORE, the following rights, restrictions, and benefits as hereby declared:

**I. COMMON DRIVEWAY**

- A. Each lot shall be subject to a Common Driveway Easement for the mutual benefit of all lots shown on the Plan, each of which such benefitted lots shall have the non-exclusive right to pass and repass over the area shown on said plan as "Common Drive".
- B. All rights granted shall be deemed to be the non-exclusive right and privilege to pass and repass by foot or vehicle and for any lawful purpose over, upon and across the right of way area as herein described. Included herein shall be the right to install and connect utility lines located under or within the Common Driveway.
- C. Without limiting the foregoing, it is the intent of this Agreement that any single benefitted party may execute such easements, as shall be required for the transmission of any and all utilities which shall serve any individual lot served by said common driveway. It being the intent of this paragraph that, even to the extent that any respective owner does not have a fee interest in the area of the common driveway, nevertheless, any such lot owner shall be empowered to execute an easement over the respective driveway area for service of any and all utilities to their respective lot.



- D. Lots 3,4,5 shall equally share the maintenance and upkeep of Common Driveway I, and Lots 1 and 2 shall equally share the maintenance and upkeep of Common Driveway II. Such maintenance shall include, but not be limited to snow removal, removal of all trees or other obstructions, pothole repair and resurfacing.
- E. Any damage to the Common Driveway caused by the construction on any of said lots including damage caused by construction of a private driveway servicing a lot from the joint driveway, or by reason of the installation of or connection to utility lines shall be repaired by and at the sole expense of the owner of the lot causing said damage.

## II. MAINTENANCE SWALE

- A. The above-referenced plan shows a drainage swale which shall benefit all lots in said subdivision. It shall be the common obligation of all lot owners to perform the following maintenance with respect to the detention basin and/or share in the cost of such maintenance. This dedication includes the license to each and every lot owner to enter upon the area of said detention basin for the purpose of performing said maintenance..

The drainage swale should be inspected semi annually; generally in the beginning of spring and at the end of fall, as well as after any major storm events. The inspection and maintenance would include the following:

1. Remove any brush, litter and debris that may have collected within the basin.
2. Check and clear the outlet pipe of any debris.
3. Check vegetation and plantings and remove and replace any dead plants.
4. If sediment has collected and/or accumulated, it should be removed by hand tools.
5. Grass area within the basins should be mowed twice a year in late spring and early fall. The plate biomass should be removed by raking.
6. In case of transfer of property ownership, future property owners shall be notified of the presence of the stormwater management system Drainage Swale and requirements for property implementation of the Drainage Inspection and Maintenance Schedule.



- (2) The easement identified as "25' EASEMENT VOL 239 PG 210 IS TO BE USED FOR ACCESSED TO A SINGLE HOME", shall only be used for access to one home.

This covenant shall be deemed for the benefit of all the lots shown on the plan, and the Black Point Beach Club Association, Inc., and may be enforced by any of the benefited parties.

IN WITNESS WHEREOF, ELIZABETH J. PERRY has hereunto set her hand and seal  
this \_\_\_\_ day of \_\_\_\_\_, 2019.

Signed, sealed and delivered  
in the presence of:

\_\_\_\_\_  
Elizabeth J. Perry

STATE OF CONNECTICUT

ss: Niantic

COUNTY OF NEW LONDON

Personally appeared, Elizabeth J. Perry, signer and sealer of the foregoing instrument, and acknowledged the same to be her free act and deed, before me.

\_\_\_\_\_  
Theodore A. Harris  
Commissioner of the Superior Court