

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, thomasmegg3@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)

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

Thanks,

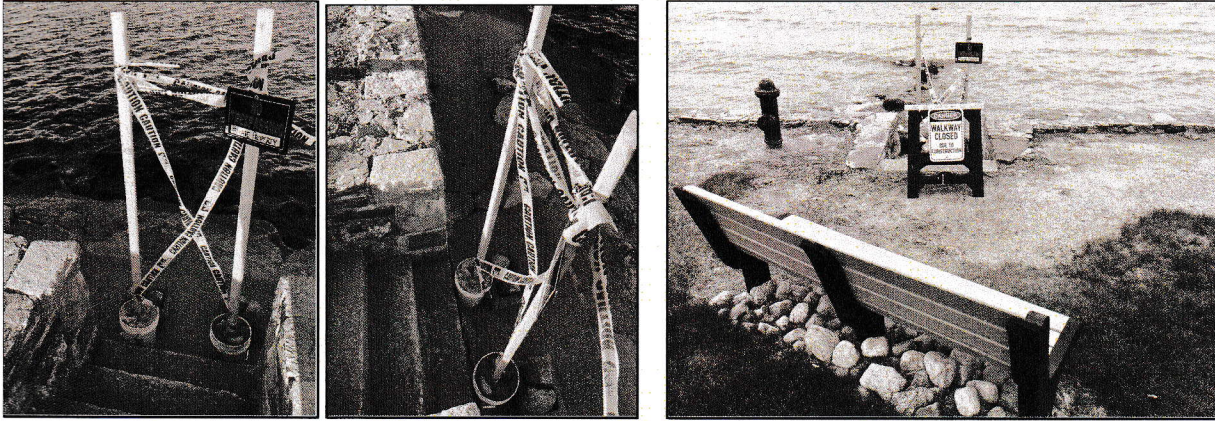
Al Capozza

aac
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
Total Other Expenses		\$69,456	\$20,406	-\$49,050	\$21,201	29%	-\$48,255
Personnel Services							-
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
Total Personnel Services		\$89,950	\$69,679	-\$20,271	\$69,679	77%	-\$20,271
TOTAL EXPENSES		\$270,101	\$186,967	-\$83,134	\$190,024	69%	-\$80,077
NET INCOME		\$0	\$35,585	\$35,585	\$32,528		\$32,528
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.

Dumpster Rental for the top of Billow:



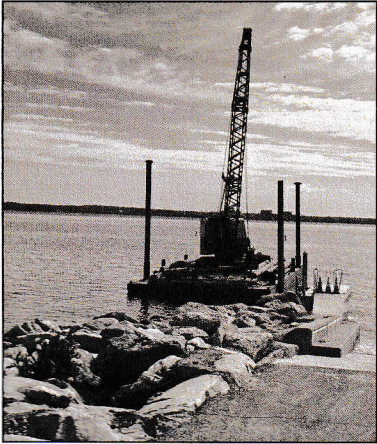
Mike Nebelung low bid - \$150 plus \$110/ton - If Mike's guys load it, it will be an additional \$200.
Solari Broth - \$335 includes 1 ton = no loading

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

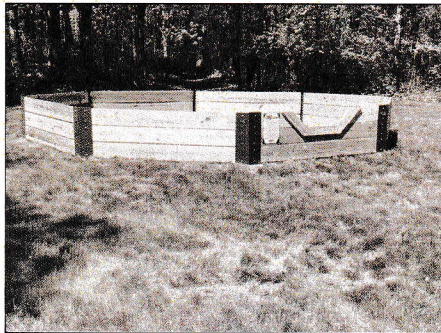
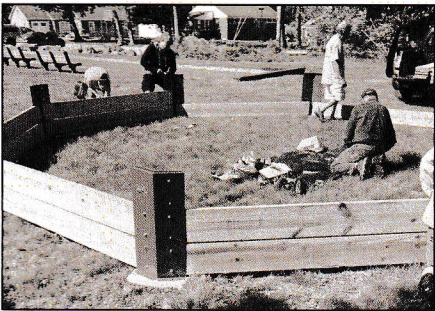
There were two (2) Clubhouse reservations during June 2021. No problems, everything ran smooth.



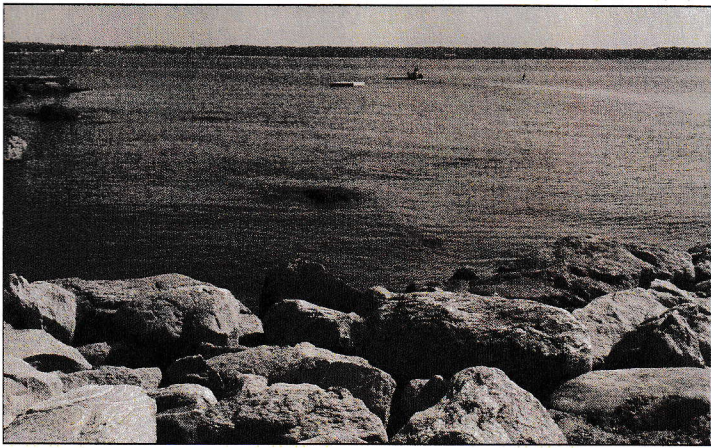
5/19/21 - Low Bid from Mike is \$800 to convert to grass. Both areas included.



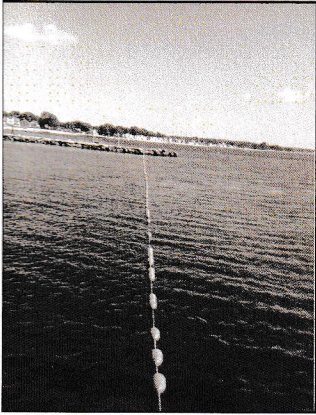
5/19/21 - New piling installed.



5/22/21 - Put together GaGa Pit



5/27/21 - Swim lines are in.



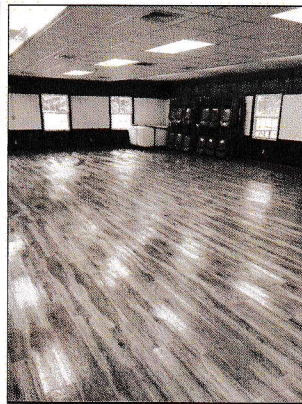
5/28/21 - Current situation at Sea View south pier adjacent to Sea View beach.

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

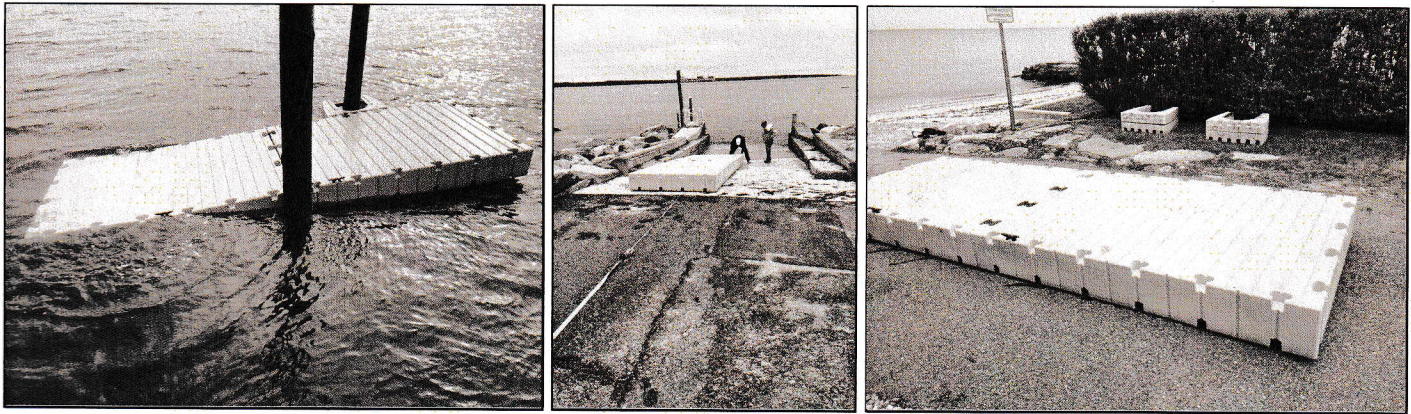
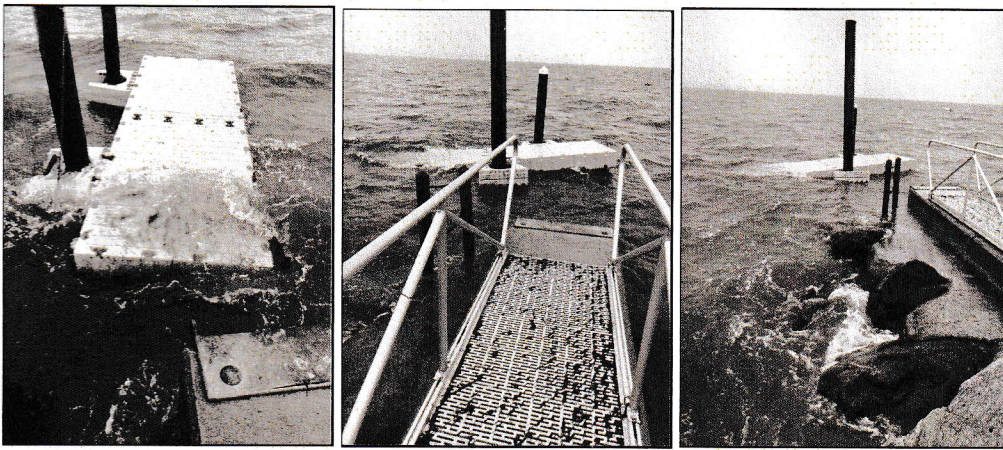


Before

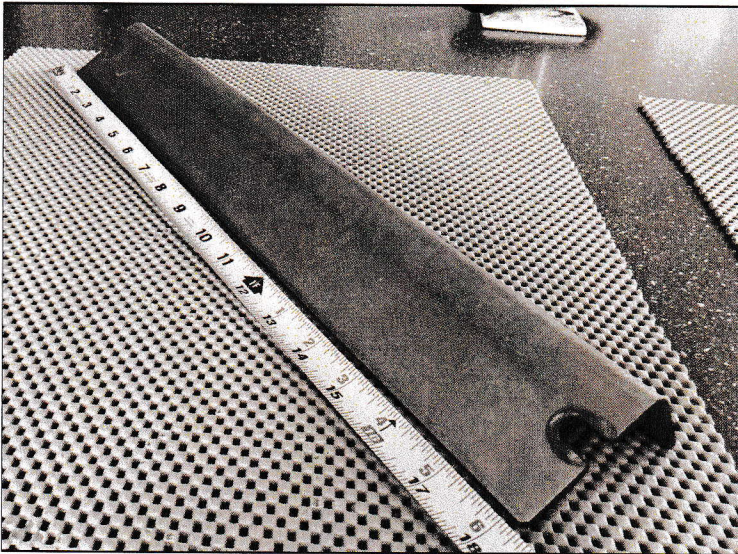
5/28/21 - Set up for Annual Meeting



After



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.

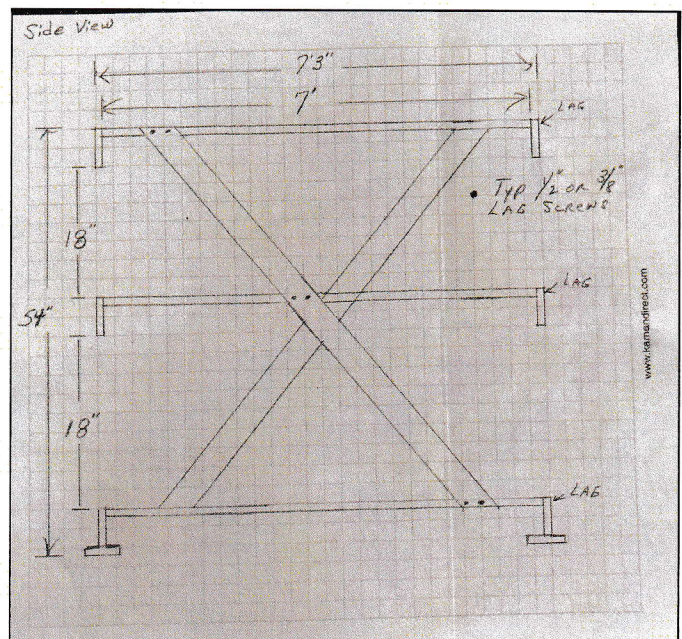
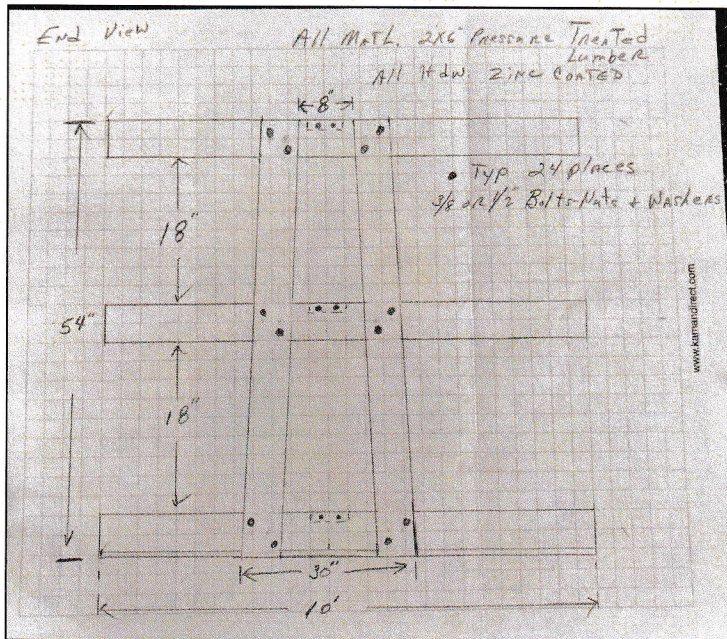
6/6/21 - Weeded Bocce court.
- Weeded the Clay Tennis court.

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

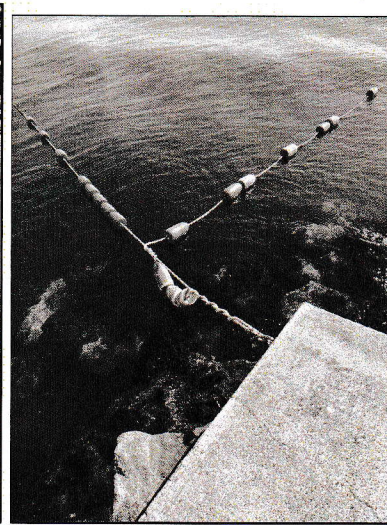
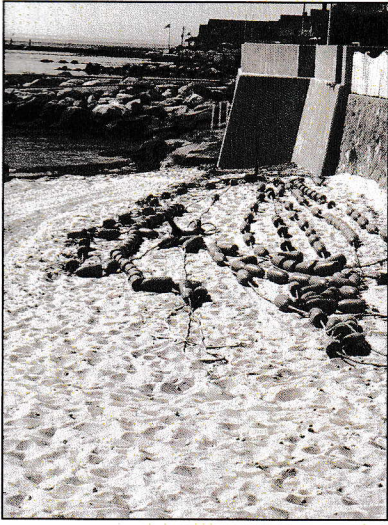
2 Kayak Racks for Black Point Beach Club.

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.)



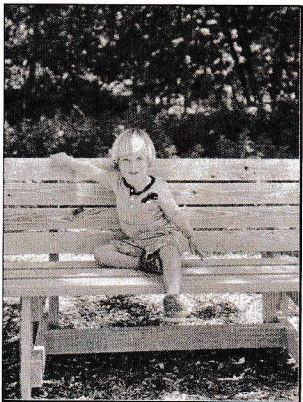
- Work is being donated by Larry Connors - The "Crew" will be assembling on June 23, 24th.



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



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



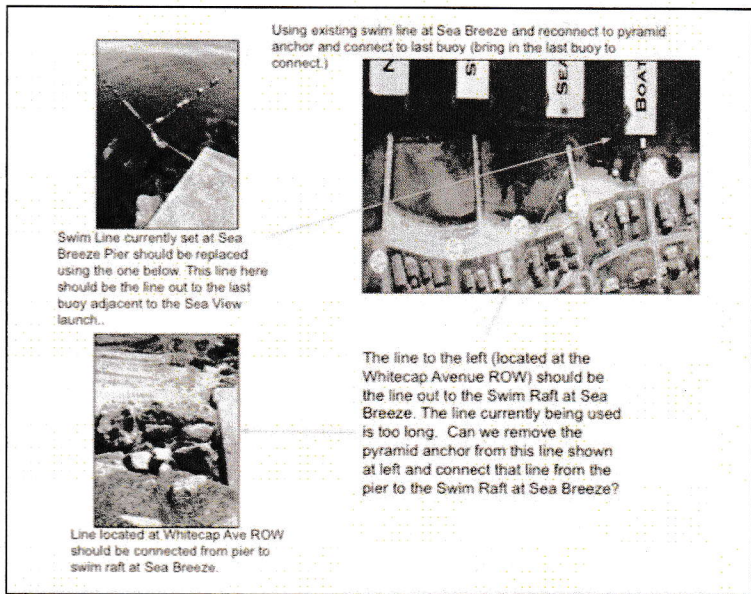
6/11/21 - Our new bench at the Clubhouse Playground donated by Larry Connors with a picture of his Grandson, Teddy Evans, who is Larry's Quality Control Manager - deliverable accepted!



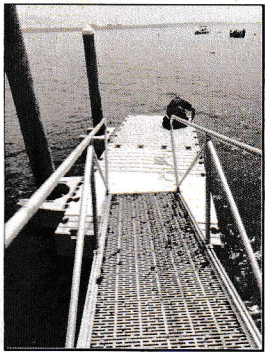
6/12/21 - The "Crew" volunteering and making BP better & safer - Mike, Will and Skip.



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.

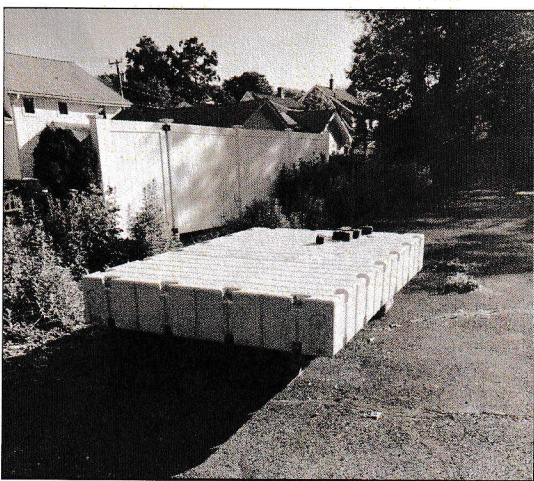


6/13/21 - Setting up the remaining swimlines.



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.



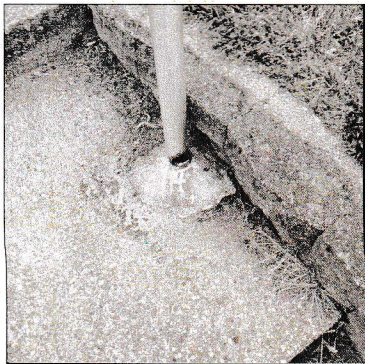
6/13/21 - Damaged raft will be moved to top of Billow.



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)

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 19th 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,

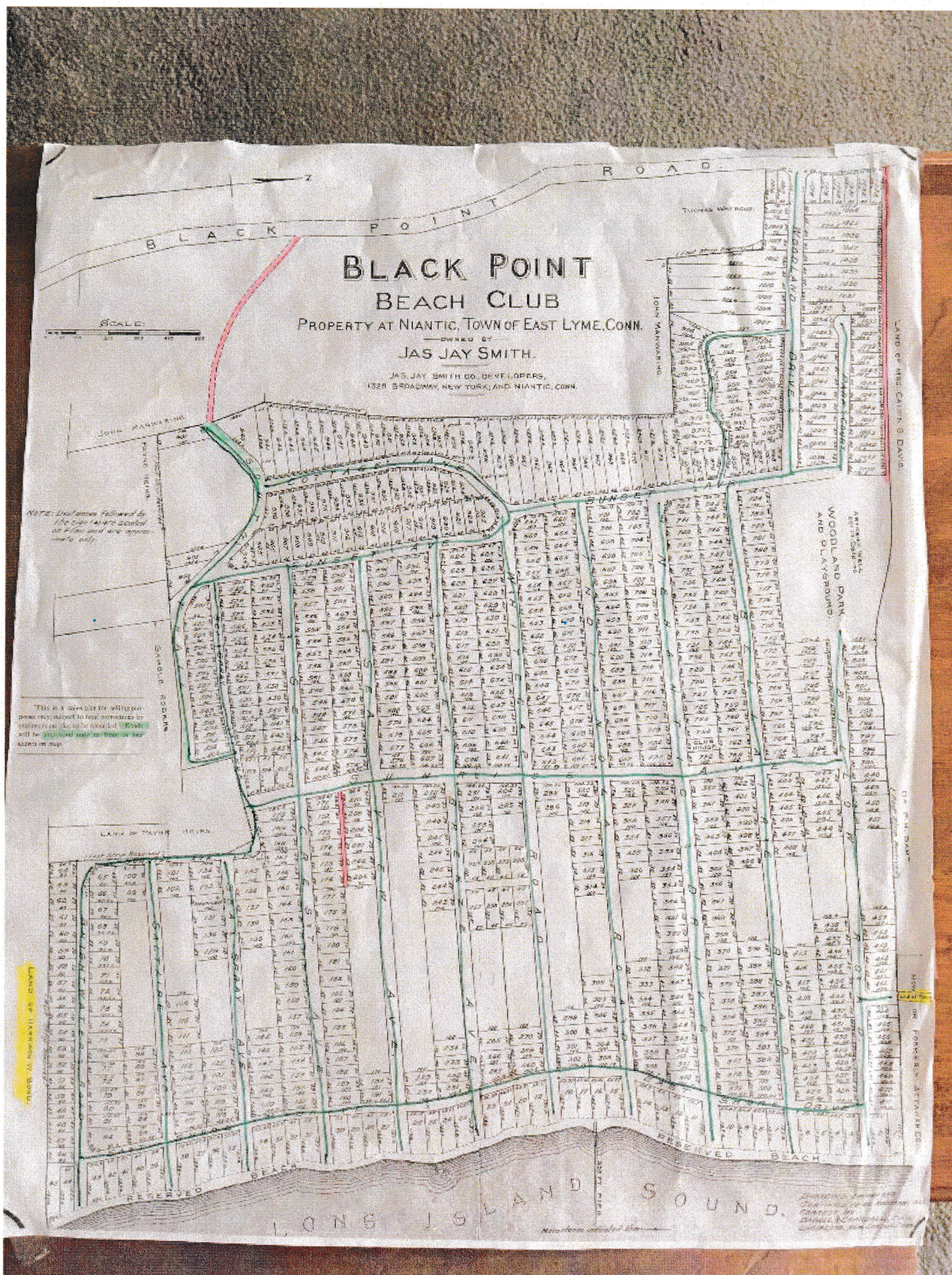
To: bog@blackpointbeachclub.com, cmaries70@yahoo.com,

Subject: Roads improved in front of lots

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

Attachments:

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

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:

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>

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) <slbvmd@sbcglobal.net>, Janey Bonelli (janet.bonelli@gmail.com) <janet.bonelli@gmail.com>, Sharon Bruce (sharonbruce926@gmail.com) <sharonbruce926@gmail.com>

Cc: Alice Baril (wife) (a.baril@verizon.net) <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 | 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

On Thu, Jun 10, 2021 at 11:29 AM Cindy Trocki <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

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 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

On Thu, Jun 10, 2021 at 2:56 PM Cindy Trocki <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.

Verizon

11:21 AM

40%

Done

9 of 9





Verizon



12:40 PM



70%

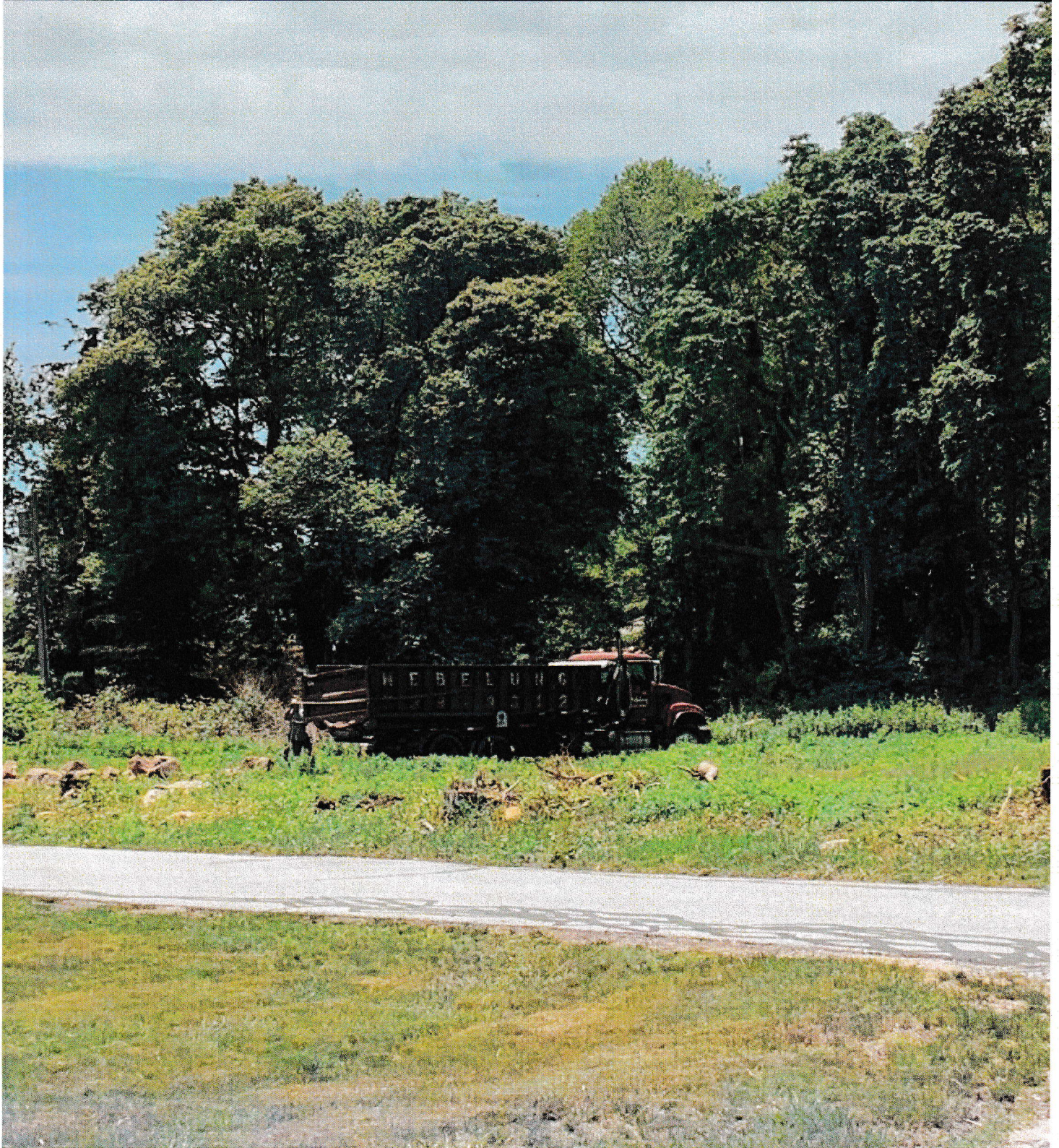


Done

8 of 25









Sent from my iPhone

On Jun 10, 2021, at 1:36 PM, Sharon Bruce <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> 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

From: john@invcap.com,
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

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
860.490.2734

On Jun 10, 2021, at 3:39 PM, Sharon Bruce <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> 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> 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> 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: cmaries70@yahoo.com,

To: bog@blackpointbeachclub.com,

Subject: Tape to post no trespassing BPBCA PROPERTY

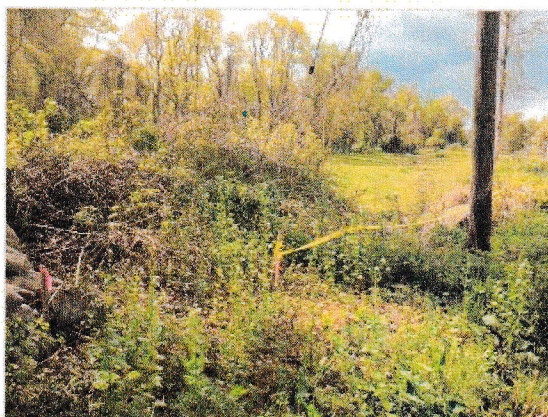
Date: Thu, Jun 10, 2021 5:10 pm

Attachments: IMG_0409.JPG (4792K), IMG_0407.JPG (5928K), IMG_0408.JPG (5630K), IMG_0410.JPG (6421K)

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

Sent from my iPhone

4 Attached Images



From: sharonbruce926@gmail.com,
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> wrote:
West of West Lane owned by BPBCA FROM PERRY's LOT called West Lane

Sent from my iPhone

From: sharonbruce926@gmail.com,
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 27th 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.

Dr. Beauchene said he spoke with Eversource today regarding the telephone poles there and they couldn't, couldn't have been nicer. He was assured that if we got the survey, and they showed that that telephone pole was on our property to call him, he would come out with his crew and his engineers to reposition it, so that it would still be beneficial to the subdivision going in there.

Dr. Beauchene said in terms of other West Lane issues- the crossing, multiple times of our property, our attorney is working on that and reminding them that the access point is at the southernmost point of the strip; they should have put a road there for access and not go over r stone wall. He said our attorney is confident that after he shows pictures of the damages they will do something to replace that stone wall for us.

Dr. Beauchene said he's been asking for estimates for pinning the ROWs but not doing actual maps; Dave Coonrod has said it would be \$1,250 at most per ROW, and we have thirteen, but two or three have already been done by him. He added that several years ago the Board agreed to pin two ROWs a year but he thinks we need to get this done once and for all. He has also asked Fred Guenther for an estimate as well.

Steve is currently unavailable so I don't know what action has been taken on the pinning as outlined above. It is my understanding that he will be at the next meeting on June 24th, but I will not as I'm traveling for business.

According to the August 3, 2019 minutes, the chair stated that the BOG had discussed it extensively and that there was no further action indicated on the part of the BOG. However, I'll be happy to add the West Lane issue to the agenda if there is new information to be considered. If I may ask, would you be willing to serve as the liaison on this issue? If so, would you please gather any new relevant information and provide a summary outlining the concerns and specifically what action is being requested of the BOG? To facilitate the discussion, it would be great if the BOG could have this information at least a few days prior to the meeting so that we'll all be ready for an informed discussion. I'd greatly appreciate your help on this matter.

Please let me know if you have any questions.

Thank you,

Sharon

On Thu, Jun 10, 2021 at 5:09 PM John J. Cellino <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

860.490.2734

On Jun 10, 2021, at 3:39 PM, Sharon Bruce <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> 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> 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> 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: john@invcap.com,
To: sharonbruce926@gmail.com,
Cc: bog@blackpointbeachclub.com,
Subject: Re: West lane being access for Perry activities
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.

John J. Cellino
John@invcap.com
860.490.2734

On Jun 11, 2021, at 9:56 AM, Sharon Bruce <sharonbruce926@gmail.com> wrote:

Good Morning John,

Please see the discussion from the May 27th 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.

Dr. Beauchene said he spoke with Eversource today regarding the telephone poles there and they couldn't, couldn't have been nicer. He was assured that if we got the survey, and they showed that that telephone pole was on our property to call him, he would come out with his crew and his engineers to reposition it, so that it would still be beneficial to the subdivision going in there.

Dr. Beauchene said in terms of other West Lane issues- the crossing, multiple times of our property, our attorney is working on that and reminding them that the access point is at the southernmost point of the strip; they should have put a road there for access and not go over r stone wall. He said our attorney is confident that after he shows pictures of the damages they will do something to replace that stone wall for us.

Dr. Beauchene said he's been asking for estimates for pinning the ROWs but not doing actual maps; Dave Coonrod has said it would be \$1,250 at most per ROW, and we have thirteen, but two or three have already been done by him. He added that several years ago the Board agreed to pin two ROWs a year but he thinks we need to get this done once and for all. He has also asked Fred Guenther for an estimate as well.

Steve is currently unavailable so I don't know what action has been taken on the pinning as outlined above. It is my understanding that he will be at the next meeting on June 24th, but I will not as I'm traveling for business.

According to the August 3, 2019 minutes, the chair stated that the BOG had discussed it extensively and that there was no further action indicated on the part of the BOG. However, I'll be happy to add the West Lane issue to the agenda if there is new information to be considered. If I may ask, would you be willing to serve as the liaison on this issue? If so, would you please gather any new relevant information and provide a summary outlining the concerns and specifically what action is being requested of the BOG? To facilitate the discussion, it would be great if the BOG could have this information at least a few days prior to the meeting so that we'll all be ready for an informed discussion. I'd greatly appreciate your help on this matter.

Please let me know if you have any questions.

Thank you,

Sharon

On Thu, Jun 10, 2021 at 5:09 PM John J. Cellino <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
860.490.2734

On Jun 10, 2021, at 3:39 PM, Sharon Bruce <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> 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> 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> 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 30th 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

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

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

WEST ROAD
NIANTIC CT.

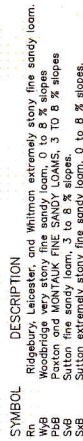
1. **GENERAL CONSTRUCTION SEQUENCE**
Secure all necessary permits. Notify "Call Before You Dig" (1.800.922.4455) at least 72 hours prior to excavation.
2. Clearing limits and erosion control device location to be marked out in field by design engineer, and erosion control device to be installed.
3. Remove trees, branches and brush within areas to be cleared. Chip branches and brush for use as mulch. Exposed rock wall to be preserved in current condition and present water rocks are found near wall.
4. Install construction exit (anti-tracking pad) and install sediment barriers along the limits of grading.
5. Grub stumps and brush, remove any unsuitable soil.
6. 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 any trees around stockpiles.
7. Install catch basins, drainage structures and all underground utilities.
8. Place and grade gravel base for pavement.
9. Fine grade, lime, fertilize and seed remaining areas with formal grass seed mixture by October.
10. Remove erosion control devices once area is stabilized.

1. Secure all necessary permits. Notify "Call Before You Dig" (1-800-922-4455) at least 72 hours prior to excavation.

2. **Clearing limits and erosion control device location** to be staked out in field by design engineers, and erosion control devices to be installed.
3. **Remove trees, branches and brush** within areas to be cleared. **Clip branches and brush** for use as mulch. **Existing rock wall** to be preserved in current condition and rebuilt where rocks are found near wall.
4. **Install construction exit (anti-tracking pad)** and **install sediment barriers** along the limits of grading.
5. **Grub stumps and brush**, **remove any unsuitable soil**.
6. **Strip and stockpile topsoil only** in areas to be filled or graded, and **stockpile any silt** in an area not in way of construction. **Seed** and **mulch stockpile or cover with seedling**. **Place and stake bay buies** around stockpiles.
7. **Install catch basins, drainage structures and all underground utilities**.
8. **Place and grade gravel base** for pavement.
9. **Flare grade, lime, fertilize and seed** remaining areas with **formal grass seed mixture** by October.
10. **Remove erosion control devices** once area is stabilized.

[illegible]

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



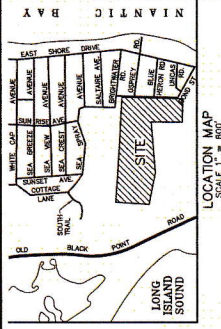
THESE PLANS ARE THE SOLE PROPERTY OF A REGISTERED FIRM. ANY REPRODUCTION OF THESE PLANS WITHOUT THE WRITTEN PERMISSION OF THE FIRM IS PROHIBITED. THE FIRM ASSUMES NO LIABILITY FOR ANY REPRODUCTION OF THESE PLANS WITHOUT THE WRITTEN PERMISSION OF THE FIRM. THE FIRM ASSUMES NO LIABILITY FOR ANY REPRODUCTION OF THESE PLANS WITHOUT THE WRITTEN PERMISSION OF THE FIRM.		DATE: January, 10, 2019	
DRAWN BY: JRP		JRP	
NO. DATE		REVISION	
1 7/23/19		NOTES ADDED AS PER DIRECTOR OF PLANNING MEMO	
2 7/19/19		CONSTRUCTION SEQUENCE & MISC. NOTES ADDED	
3 6/29/19		MISC. DETAILS ADDED	

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

37 GRAND STREET NIAN TIC, CONNECTICUT 06357
TEL. 860-739-6216 FAX 860-739-0693



TITLE: COVER SHEET Property Of Elizabeth J. Perry	SHEET NUMBER
	SD1
LOCATION:	18007 West Road, Natick, Ct



1. THIS SITE IS LOCATED IN A RU-40 ZONE.
2. THIS SUBDIVISION DESIGNED AS PER SECTION 23 "CONSERVATION DESIGN DEVELOPMENT" OF THE EAST LANE ZONING REGULATIONS.
3. EACH LOT IS TO SERVED BY MUNICIPAL WATER & SEWER.
4. ACCESSIBLE BUILDINGS AND DRIVEWAYS ARE SHOWN TO PROTECT SITE SUITABILITY ONLY. FINAL LOCATION WILL BE DETERMINED BY THE CITY ENGINEER.
5. DRIVEWAY APPROX TO BE PAVED TO AT LEAST THE PROPERTY LINE.
6. ALL WATER AND SEWER CONSTRUCTION TO CONFORM TO TOWN OF EAST LANE WATER AND SEWER COMMISSION STANDARDS AND SPECIFICATIONS FOR WATER MAIN INSTALLATIONS AND REQUIREMENTS.

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:

- 1) Remove any brush, litter & debris that may have collected within the weirs.

- 2) If sediment has collected and/or accumulated it should be removed by hand tools.
- 3) Grass area within the basins should be mowed twice a year in late spring and early fall. The piled biomass should be removed by rolling.
- 4) In case of transfer of property ownership, future property owners shall be notified of the presence of the system and requirements for property implementation of the Strategic Management and Maintenance Schedule.
- 5) Temporary hay bale check dam provided upstream of wet & DG Enclosure.
- 6) Pole QAP 3033 Near Enclosure is to be relocated.

IRON PIN TO BE SET

DRILL HOLE TO BE SET

IRON PIN RECOVERED

IRON PIN RECOVERED

EXISTING CONTOUR

PROPOSED CONTOUR

BUILDING LINE

WATER LINE

UTILITIES (PHONE, ELEC. CABLE, TV, ETC.)

FOUNDATION DRAIN

SEWER LINE

UTILITY POLE

WETLAND FLAG

STONE WALL

REMAINS OF WIRE FENCE

STOCKADE FENCE

SEWER MANHOLE

CATCH BASIN

WATER VALVE

UTILITY POLE GUY WIRE

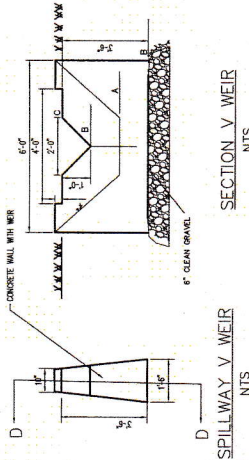
CONSERVATION EASEMENT

DOWNSIDE TREE TO BE PLANTED

[illegible]

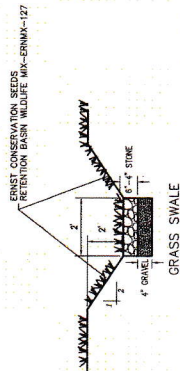
ELEVATION FOR V-NITCHED WEIR

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

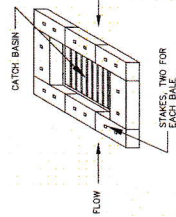


SECTION V WEIR
NTS

SPILLWAY V WEIR
NTS



SECTION V WEIR
NTS



HAY BALE INSTALLATION AT CATCH BASINS

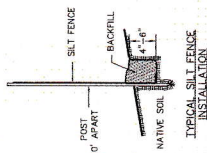
SCALE: NONE

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 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 WITH A MULCH SPREADER 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 MEASURES 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

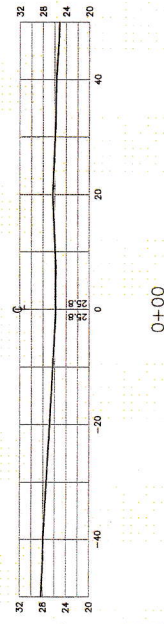
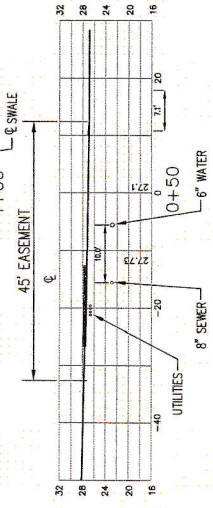
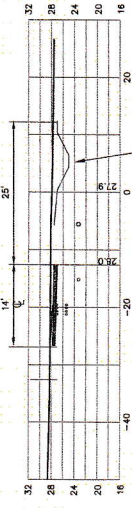
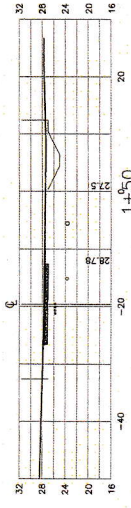
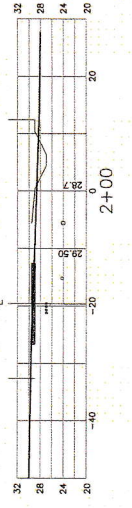
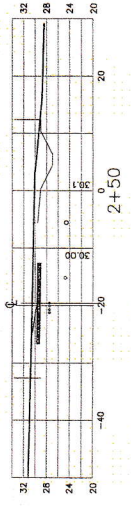
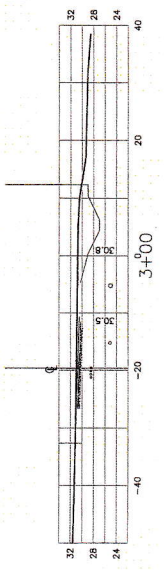
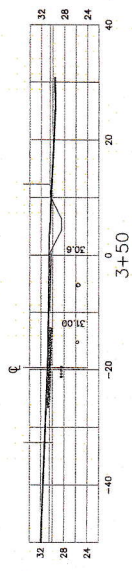
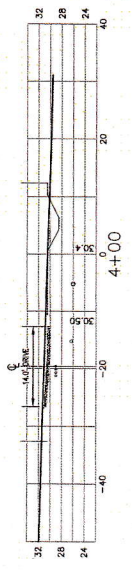
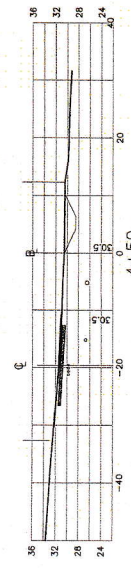
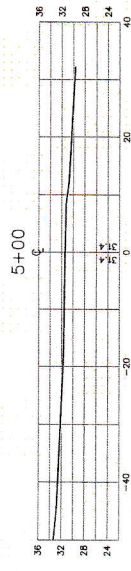
37 GRAND STREET NANTIC, CONNECTICUT 06357
TEL. 860-735-6216 FAX 860-735-0893

SCALE AS SHOWN

DETAILS
Property Belonging to
Elizabeth J. Perry

LOCATION: West Lanes, Nantico, CT

SHEET NUMBER
SD6
18007



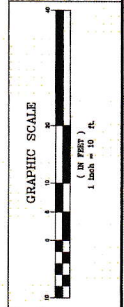
THIS PLAN IS THE PROPERTY OF J. ROBERT PFANNER & ASSOCIATES, P.C. NO PART OF THIS PLAN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF J. ROBERT PFANNER & ASSOCIATES, P.C.

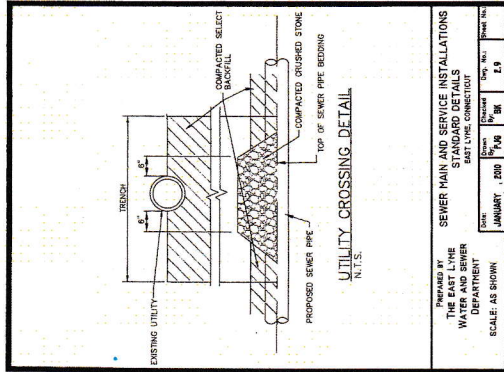
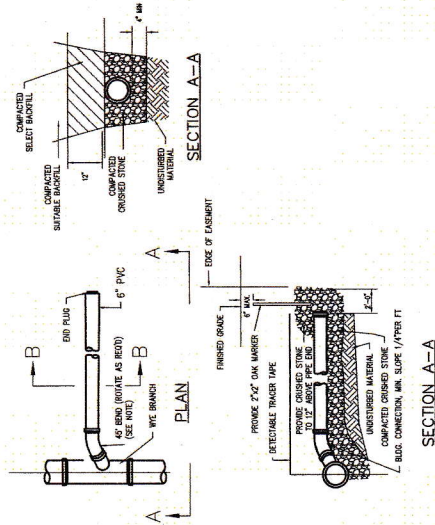
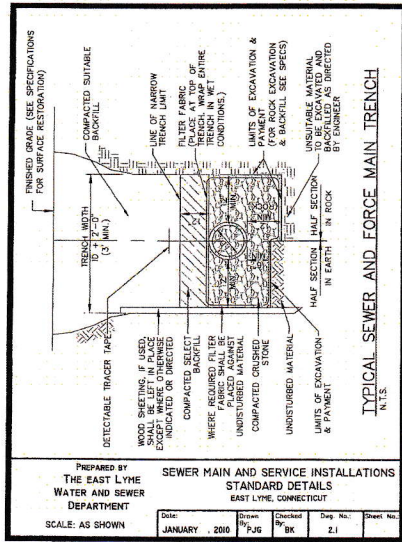
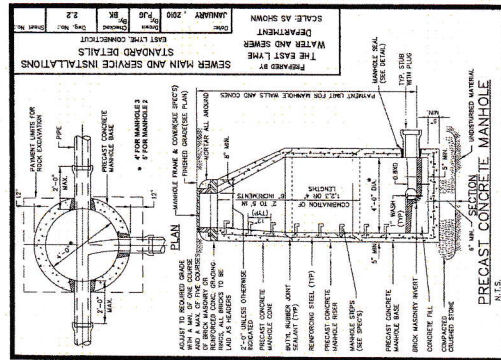
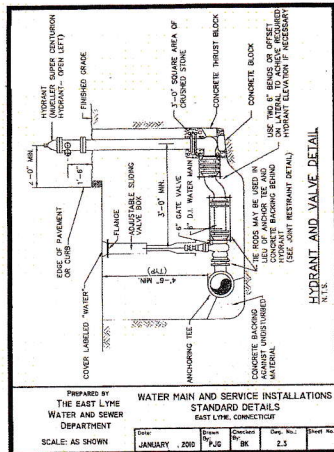
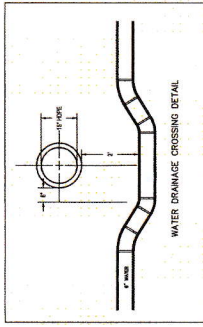
NO.	DATE	DESCRIPTION	BY
1	7/31/19	NOTES ADDED AS PER DIRECTOR OF PLANNING MEMO	JRP
2	8/1/19	MSD: DETAILS ADDED	JRP

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 Lane, Nantic, CT.

SHEET NUMBER
 SD7
 18007





- GENERAL NOTES FOR SEWERS AND WATER MAINS
1. LOCATIONS OF JUNK 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.

DRAWN BY: JRP		DATE: JANUARY 10, 2010	SHEET NUMBER	
NOTES ADDED AS PER DIRECTOR OF PLANNING MEMO			SD8	
NO. 3		DATE: 1/17/10	TITLE: WATER & SEWER DETAILS	
NO. 3		DATE: 1/17/10	Property Belonging to Elizabeth J. Perry	
NO. 3		DATE: 1/17/10	LOCATION: West Lyme, New York CT	
NO. 3		DATE: 1/17/10	SCALE: AS SHOWN	
NO. 3		DATE: 1/17/10	J. ROBERT PFANNER & ASSOCIATES, P.C.	
NO. 3		DATE: 1/17/10	CIVIL ENGINEERS & LAND SURVEYORS	
NO. 3		DATE: 1/17/10	37 GRAND STREET NANTIC, CONNECTICUT 06357	
NO. 3		DATE: 1/17/10	TEL. 860-739-6216 FAX 860-739-0693	
NO. 3		DATE: 1/17/10	REVISIONS	
NO. 3		DATE: 1/17/10	DESCRIPTION	
NO. 3		DATE: 1/17/10	BY	

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