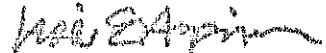


**REPRESENTATIVE TOWN MEETING
BRANFORD, CONNECTICUT**

**LEGAL NOTICE AND CALL
March 8, 2023, 8:00 p.m.
(Revised)**

RECEIVED

2023 MAR -2 P 1:03


BRANFORD TOWN CLERK

The RTM will be convened on Wednesday, March 8, 2023, at 8:00 p.m. at Fire Headquarters, 45 North Main Street, to consider and act upon the following matters:

1. Roll Call.
2. Approval of minutes of the February 8, 2023 meeting.
3. Reception of communications, reports of committees, and citizen petitions.
4. To adopt changes to Forestry Commission and Tree Warden ordinances.
5. To consider, and if appropriate, adopt a policy for virtual meetings into our Town Meeting Rules.
6. To consider, and if appropriate, approve the appointment of James B. Cosgrove to fill a vacancy left by Judith Amarone to the Greater New Haven Transit District, term to expire December 31, 2023.
7. To consider, and if appropriate, approve the attached resolution to continue Branford's participation in the Haz Waste Central program for an additional three years.
8. To consider, and if appropriate, approve a request from the Assistant Town Engineer for a proposed storm drain easement relocation located at 182 Shore Drive and authorize the First Selectman to execute the Quit Claim Deed and Drainage Easement document.
9. Any other business to come before the RTM.
10. Adjournment

Dennis T. Flanigan, Moderator
Dated this 2nd day of March, 2023

ARTICLE I
Community Forest Commission
[Adopted 1-14-2009]
[Revised 0-0-2023]

2023 MAR -2 A 10:57

Kate E. Quinn
BRANFORD TOWN CLERK

§ 16-1. Purpose.

It is the purpose of this chapter to recognize and promote the importance of trees in the community and the many benefits they provide, including property value enhancement, home heating and cooling cost reduction, noise and light pollution abatement, wildlife habitat and food source, water purification and soil erosion prevention and atmospheric carbon dioxide reduction on public property within the Town of Branford.

§ 16-2. Duties.

- A. The Community Forest Commission, with the advice of and in collaboration with the Tree Warden, may initiate long-term monitoring and management activities focused on trees located on public properties, except for those located on the Town Green. These activities may include but are not limited to tree inventories and surveys; lists of trees appropriate for planting in the Town; and long-term management plans.
- B. The Commission may develop an educational program for residents, property owners, and developers concerning recommendations for plantings and maintenance of existing trees.
- C. The Commission may organize an annual Arbor Day Celebration to promote and educate the community about the importance of trees and the many benefits that trees bring to our community. The celebration's funding by the Town through tax dollars shall be restricted to administrative expenses.
- D. If requested by the Planning and Zoning Commission, the Commission may act in an advisory capacity to the Planning and Zoning Commission with respect to landscape design, and principles, locally suitable plant species and protection of natural resources.
- E. The Commission may advise and consult with the Tree Warden on any matter pertaining to this chapter and its enforcement. The topics under which this advice and consultation may be given may include, but are not limited to, amendments to this chapter; policies concerning selection, planting, maintenance, and removal of trees, shrubs, and other plants within the Town; vegetation management requests from utilities.

§ 16-3. Composition; appointment and terms; vacancies; compensation.

- A. Said Commission shall consist of five members, all of whom shall be residents of the Town of Branford. In addition, the Tree Warden shall be a non-voting member of the Commission.

- B. All members of said Commission shall be appointed by the Board of Selectmen and shall serve for terms of three years; provided, however, that initially, in January 2009, two members shall be appointed for terms of three years, two members shall be appointed for two years, and one member shall be appointed for a term of one year. The Commission shall elect a Chairman. Thereafter, in the month of January of each succeeding year members shall be appointed for terms of three years.
- C. In the event of a vacancy in the term of any member, the Board of Selectmen shall appoint a successor to serve for the balance of the term vacated. Any member may be removed for cause by said Board of Selectmen.
- D. Members shall serve without compensation, but the Commission members shall be compensated for expenses which are incurred in the performance of its official duties within available appropriations.

§ 16-4. Annual report.

The Community Forest Commission shall submit an *Annual Report* to the Town summarizing its activities for the year.

§ 16-5. Public Communication.

The Community Forest Commission shall utilize the Town website to communicate to the public any relevant plans, policies, and actions of the Commission.

ARTICLE II
Tree Warden and Public Tree Protection
[Adopted 10-9-2019]
[Revised 0-0-2023]

§ 16-6. Title.

This article shall be known and may be cited as the "Branford Tree Ordinance, Branford, Connecticut."

§ 16-7. Purpose.

It is the purpose of this article to protect, preserve, and enhance the public trees that constitute the Town of Branford's community forest and to provide for the safety of the public where such safety demands the removal or pruning of any tree or shrub under the tree warden's control by establishing a framework for tree policies, regulations, and standards and by appointment of a Tree Warden with responsibility for care and control of public trees. The Town intends to be proactive in conserving the values associated with these trees; encouraging maintenance, minimizing unnecessary removals, and encouraging new street planting whenever possible. A healthy community forest benefits the public interest in many ways, including the following: improved air quality, reduced stormwater runoff and erosion, traffic calming, quieter neighborhoods, energy savings, wildlife habitat, increased property values and a generally improved quality of life. This article has been adopted in conjunction with the recommendations of the Town Tree Warden and Community Forest Commission.

§ 16-8. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CGS — Connecticut General Statutes.

DIAMETER AT BREAST HEIGHT (DBH) — The diameter of a tree measured at a point 4.5 feet above the ground.

PERSON — any individual, firm, partnership, association, corporation, limited liability company, company, organization, or legal entity of any kind, including any political subdivision of the state and including any state agency.

PROPERTY LINE — the boundary between the land comprising a street and the land that abuts thereon.

PROPERTY OWNER — The owner of record of any parcel of land.

PUBLIC ROAD — A street, road, public way or right-of-way owned by the Town, including the entire width between the street lines or right-of-way lines.

SHRUB — Woody plants, usually branched from the base, generally less than 15 feet tall when mature.

TOWN PROPERTY — Any and all property owned by the Town of Branford, including, for the purposes of this article, such limbs, roots or parts of trees and shrubs as extend into or overhang the limits of any municipal road or grounds.

TREE — a woody perennial plant usually having one self-supporting stem or trunk which has a definitely formed crown and is normally expected to attain a mature height of over twenty feet.

TREE ROOT ZONE — The area beneath and surrounding the tree where roots are located.

§ 16-9. Tree Warden, appointment and qualifications.

- A. The Town Tree Warden shall be appointed by the Board of Selectmen in accordance with CGS § 23-58 as may be revised for a term of 2 years.
- B. The Town Tree Warden shall meet all state requirements specified in CGS 23-59a for training and certification of successful completion of coursework, or be a licensed arborist, or appoint a deputy Tree Warden who meets the requirements in accordance with CGS § 23-59a as may be revised.
- C. Upon completion of the term of appointment the reappointment of the Tree Warden by the Selectmen shall only be granted if evidence of compliance with CGS 23-59a has been submitted into the public record and additionally if such Tree Warden has successfully carried out the duties of the Tree Warden as required in CGS 23-59a in the opinion of the Board of Selectman.
- D. In order to make informed and knowledgeable decisions concerning public safety and the health of municipal trees, a licensed arborist may be a part of the decision-making process for all trees within the Tree Warden's jurisdiction. If the Tree Warden does not possess a current Connecticut arborist license, the Town shall be required to contract the services of a Connecticut Licensed Arborist to work in a consulting role with the Tree Warden. The Town shall maintain a standing "On-Call Contract" with a Connecticut Licensed Arborist to provide the above decision-making consulting services in situations where public safety concerns are involved.

§ 16-10. Powers and duties of Town Tree Warden

The Tree Warden shall, in accordance with CGS § 23-59 and CGS § 23-65 as may be revised:

- A. Have the care and control of all trees and shrubs in whole or in part within the limits of any public road or grounds and within the limits of the Town of Branford, except those along state highways under control of the Commissioner of Transportation and public parks or grounds which are under the jurisdiction of a board or commission given authority for such care and control by Town ordinance and of these the Tree Warden shall take the care and control if so requested in writing by such board or commission. Such care and control shall extend to such limbs, roots, and parts of trees and shrubs as extend or overhang the limits of any such public road or grounds. The Tree Warden shall expend all funds appropriated for setting out, care, and maintenance of all trees and shrubs.
- B. Enforce all provisions of law for the preservation of trees and of shrubs and of roadside beauty.
- C. Whenever, in the opinion of the Tree Warden, the public safety demands the removal or pruning of any tree or shrub under the Tree Warden's control, the Tree Warden may cause such tree, shrub, or group of shrubs to be removed or pruned at the expense of the Town, and the Selectmen shall order paid to the person

performing such work such reasonable compensation therefor as may be determined and approved in writing by the Tree Warden.

Unless the condition of such tree, shrub or group of shrubs constitutes an immediate public hazard, the Tree Warden shall, at least 10 days before such removal or pruning, post on each tree or shrub and may post on each group of shrubs a suitable notice stating the Tree Warden's intention to remove or prune such tree, shrub or group of shrubs. If any person, firm or corporation objects to such removal or pruning, such person, firm or corporation may appeal to the Tree Warden in writing by letter or digital submission, who shall hold a public hearing at some suitable time and place after giving reasonable notice of such hearing to all persons known to be interested therein and posting a notice thereof on such tree, shrub or group of shrubs. Within three days after such hearing, the Tree Warden shall render a decision granting or denying the application, and the party aggrieved by such decision may, within 10 days, appeal therefrom to the superior court. The Tree Warden may, with the approval of the Selectmen, remove any trees or other plants within the limits of public road or grounds under the Tree Warden's jurisdiction that are particularly obnoxious as hosts of insect or fungus pests.

- D. Remove or cause to be removed all illegally erected signs or advertisements placed upon trees and/or shrubs within any public road or placed within his/her jurisdiction.
- E. Review all proposed public utility work affecting trees as required in § 16-12. Utility maintenance.
- F. Maintain a list of the Town of Branford notable trees, as identified by the Connecticut Notable Tree Project, and maintained in the database at the Connecticut College Arboretum.
- G. Maintain the inventories, as may be available, of Town trees.
- H. Whenever the Tree Warden has received a communication from the public indicating a potential hazard created by a tree or shrub under his/her jurisdiction, the Tree Warden shall inspect such condition and determine if further action as specified in 16-10 C is necessary.
- I. Within the normal course of the Tree Warden's duties the Tree Warden shall endeavor to identify trees or shrubs within the Tree Warden's area of jurisdiction which in the Tree Warden's opinion are hazardous and proceed to address such observed hazards per section 16-10 C. This duty shall not constitute in any way an implication that all such hazards have been identified.
- J. Manage Public Communication
 - 1. It shall be the responsibility of the Tree Warden to receive and respond to public requests for information about the management of trees under the jurisdiction of the Tree Warden, and it shall be the responsibility of the Tree Warden to keep records of the same.
 - 2. It shall be the responsibility of the Tree Warden to establish and publicize a clear process for communication between the public and the Tree Warden.

§ 16-11. Operations under the jurisdiction of the Tree Warden.

- A. Removal of trees or shrubs as outlined in 16-10 C above.
- B. Removal of illegally erected signs as outlined in 16-10 D above.
- C. Issuance of Permits. Any person other than the Tree Warden or his/her deputy, who desires to conduct any of the following activities within the limits of any parcel of municipal property or public road or grounds which may impact municipal trees or shrubs must apply for and receive a written permit from the Tree Warden prior to conducting any such activity.
 - (1) Activities may include but are not limited to:
 - (a) Removal, planting, treating, pruning, topping, or application of fertilizer, pesticides, or other treatments. These activities may be required to be conducted under the supervision of a CT licensed arborist in compliance with CGS § 23-61B as may be revised.
 - (b) Disturbance within root zone of any tree or shrub which may result in damage to roots, existing vegetation, or soil which may negatively impact health of trees or shrubs. Such activities may include but are not limited to grading, excavating, snowplowing, filling, driving; storage of vehicles, materials, or equipment; or, dumping, stockpiling soil, debris, trash, signs, or other material; application or discarding of fertilizer, or other chemicals.
 - (c) Activities which deface, cut, mark, injure the tree such as using climbing spurs on, affixing or fastening of any sign, playbill, picture, notice, advertisement, rope, wire, chain, or other materials on, around or through any public trees or shrubs, except in an emergency, such as storms or accidents. Draping of holiday lights are exempt unless the lights are attached by nails, staples or similar means, or lights are left on tree until they begin to restrict bark growth.
 - (2) Applications for activities involved with construction and/or site development, must document in writing or on-site plans, proposed protective measures and best practices, to insure protection of existing trees and shrubs and survival of proposed plantings. This must include watering plan/schedule, maintenance of surrounding vegetation, mulching schedule, etc.
 - (3) The Tree Warden shall inspect or require inspection by qualified individual to ensure compliance with the permit.
 - (4) The Tree Warden shall have the right to require stump removal, and replacement of trees and shrubs or substitution of appropriate landscape material as a condition of a permit for removal of trees or shrubs.
- D. For the purpose of shading or ornamenting highway or grounds, the Tree Warden may at his/her discretion expend funds designated for planting, trimming, spraying, care and preservation of shrubs or ornamental or shade trees, on private property located within 10 feet of public road or grounds, with written consent of the property owner. All shrubs and trees planted under this provision shall be deemed public shrubs and trees and shall be under the care and control of the Tree Warden and may be removed only upon issuance of written permit by the Tree Warden.

- E. The Branford Department of Public Works is assigned the responsibility to assist the Tree Warden in his/her duties.

§ 16-12. Utility maintenance.

- A. The Tree Warden shall review all proposed public utility work affecting trees at the sites where work is proposed prior to determining whether a permit will be considered. All utility pruning shall be performed under the supervision of a Connecticut licensed arborist as required by Connecticut General Statutes. The Tree Warden shall post notice on all trees for which an application for removal or pruning has been requested by a public utility, unless the Tree Warden has determined that no permit will be issued. The Tree Warden or a person appointed by the Tree Warden shall, supervise the work as it is being performed.
- B. All trees to be removed will be posted by the Tree Warden for public information purposes. State law prohibits utilities from pruning or removing any tree or shrub that is not a hazard within or overhanging a set area around poles and wires without providing advance notice to abutting property owners. Such notice must include an option for the property owner to consent or object to the pruning or removal, and an opportunity to modify the utility's proposal. The notice will give property owners 10 business days to raise concerns, and ultimately to appeal to PURA if the matter cannot be resolved. This process is defined in Chapter 283, § 16-234 of the Connecticut General Statutes.
- C. Pruning practices will be consistent with the following:
 - (1) The practice of ground to sky pruning for line maintenance is discouraged except where it is unavoidable as determined by the Tree Warden.
 - (2) Stumps designated by the Tree Warden or other Town of Branford designee, as a hazard to vehicular and/or pedestrian traffic, shall be ground flush with surrounding surfaces.
 - (3) Limbs are to be pruned to branch collar and topping of trees is not permitted. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Per ANSI pruning standards no more than 25% of a tree's foliage should be removed per trimming.
 - (4) Exception: Tree severely damaged by storms or other causes where other pruning practices are impractical may be exempted from this section at the determination of the Tree Warden.

§ 16-13. Interference with Town Tree Warden.

No person shall unreasonably hinder, prevent, delay or interfere with the Town Tree Warden or his/her agents while engaged in the execution or enforcement of this article.

§ 16-14. Penalties for offenses, conducted under jurisdiction of the Tree Warden.

- A. The Tree Warden shall be authorized to issue citations to any person, firm, or corporation, for the following violations, in compliance with the procedure as set forth in Chapter 196 and as authorized by CGS § 23-59 and CGS § 23-65 as may be revised. Each individual action shall be considered a separate offense of the provisions of this section.
- B. Until such time as regulations are adopted per CGS § 23-59, any person who violates any provision of this article or who fails to comply with any notice issued pursuant to the provisions of this chapter shall be subject to the following fines:
 - (1) For the following violations, \$50 for each separate offense, treated as an infraction:
 - (a) Attaching notices, advertisements, flyers, and similar items to trees, shrubs, rocks, or other natural objects;
 - (b) Cutting, painting, or marking trees, shrubs, rocks, or other natural objects, except to protect them or the public (such as blazing a trail);
 - (c) Using climbing spurs to climb an ornamental or shade tree.
 - (2) For removal or damage to a tree that necessitates removal: Court action.
 - (3) For the following violations, \$250 for each separate offense, first offense treated as an infraction, subsequent offenses treated as a Class C misdemeanor, punishable by a fine of up to \$500 and up to three months in prison:
 - (a) Depositing or throwing any advertisement or, with certain exceptions, refuse paper, camp or picnic refuse, junk, or other material on tree roots or other parts; or
 - (b) Affixing to trees, rocks, or natural objects a paper or advertisement other than a legally posted notice.

RECEIVED

BOARD OF SELECTMEN

BRANFORD, CONNECTICUT

2023 FEB -3 P 4: 05



Handwritten signature
BRANFORD TOWN CLERK

1019 MAIN STREET
POST OFFICE BOX 150
BRANFORD, CT 06405
(203) 488-8394
FAX: 481-5561
www.branford-ct.gov

JAMES B. COSGROVE
First Selectman

ANGELA M. HIGGINS
RAYMOND E. DUNBAR, JR

DATE: February 2, 2023
TO: Dennis Flanigan, RTM Moderator
FROM: Trista Milici, Executive Assistant *Trista*
RE: RTM Agenda

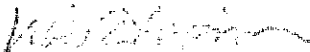
At the Board of Selectmen's Meeting held on February 1, 2023 the Board approved the appointment of James B. Cosgrove to fill a vacancy left by Judith Amarone to the Greater New Haven Transit District term to expire December 31, 2023.

The District By-Laws state that "The Directors and Alternates shall be appointed by the Chief Executive or the Board of Selectmen of the municipality with the approval by the legislative body".

Please place this appointment on the next agenda of the RTM for legislative approval. Thank you for your consideration.

RECEIVED

2023 FEB -3 P 4: 05


ETHAN FORD TOWN CLERK

About Us

Introduction to GNHTD

The mission of the Greater New Haven Transit District (GNHTD) is to link our customers to the places they need to go in a efficient manner and provide a safe and healthy environment for our customers, community and diverse workforce.

GNHTD is a municipal corporation established in 1973 under the provisions of Connecticut Public Act 261, Chapter 103(a) for the purpose of operating and providing a variety of transportation programs and services. It is one of 17 transit districts in the State of Connecticut.

Some of these programs are mandated by the Americans with Disabilities Act (ADA) and are supported with funds from the Federal Transit Administration (FTA) of the United States Department of Transportation, the Connecticut Department of Transportation, municipalities' community dues and fares paid by program Users.

The GNHTD encourages all individuals eligible for ADA certification or for Dial-A-Ride to apply for and use the Program to meet their local transportation needs.

Governing bodies

The Board of Directors is composed of representatives of member municipalities appointed by their Chief Elected Official and approved by the Legislative bodies of each municipality. Each Board Member has a vote proportional to the population of his/her member community. The Board of Directors has policy-making authority and convenes (4) times a year.

The Board of Directors has delegated program administration to an Executive Committee consisting of seven (7) Board members elected by the Board of Directors as prescribed by the By-Laws of the GNHTD. The Executive Committee meets monthly and has administrative control of all phases of program operations.

GNHTD is an affirmative action employer and service provider. GNHTD does not discriminate with regard to race, color, creed, religion, national origin, age, ethnic background, sex, sexual orientation or disability.

GNHTD es patrón de la acción positiva y prestatario de servicios. GNHTD no discrimina con respecto a la raza, al color, al credo, a la religión, al origen nacional, a la edad, al origen étnico, al sexo, a la orientación sexual o a la inhabilidad.

To request additional information on GNHTD's Title VI obligations and complaint process please contact GNHTD and ask to be directed with the Civil Rights Officer.

Item #7

RECEIVED

BOARD OF SELECTMEN

BRANFORD, CONNECTICUT

2023 FEB -3 P 4:05

JAMES B. COSGROVE
First Selectman

ANGELA M. HIGGINS
RAYMOND E. DUNBAR, JR



James B. Cosgrove
BRANFORD TOWN CLERK

1019 MAIN STREET
POST OFFICE BOX 150
BRANFORD, CT 06405
(203) 488-8394
FAX: 481-5561
www.branford-ct.gov

DATE: February 2, 2023
TO: Dennis Flanigan, RTM Moderator
FROM: James B. Cosgrove, First Selectman *JBC*
RE: RTM Agenda

At the Board of Selectmen's meeting held on February 1, 2023, the board approved a recommendation by the Solid Waste Management Commission to approve the attached resolution to continue Branford's participation in the Haz Waste Central program for an additional three years.

Please place this item on the next agenda of the RTM for legislative approval. Thank you for your consideration.

South Central Connecticut Regional Water Authority
90 Sargent Drive, New Haven, Connecticut 06511-5966 203-562-4020
<http://www.rwater.com>

January 18, 2023

James Cosgrove, First Selectman
Branford Town Hall
1019 Main Street
Branford, CT 06405

2023 FEB -3 P 4:05
BRANFORD TOWN CLERK

RECEIVED

Dear First Selectman Cosgrove:

Since 1990, Branford has provided its residents with a safe way to properly dispose of household chemicals by being a member of the HazWaste Central (HWC) program. HWC is Connecticut's first permanent household hazardous waste collection center and is located at the Regional Water Authority's headquarters in New Haven. It has served 17 communities, including Branford, for over 30 years.

Branford's current commitment resolution to participate in HWC expires June 30, 2023. A new three-year commitment resolution for July 1, 2023 through June 30, 2026 is needed to ensure Branford residents can continue to bring their household hazardous waste to the facility. Please present the enclosed resolution at your next Representative Town meeting for approval, and have the resolution signed and certified by the Town Clerk. Kindly return one copy to the HWC office, 90 Sargent Drive, New Haven and file a certified copy in your Town Clerk's office.

The Municipal Planning Committee (MPC) of HWC is comprised of a representative from each member community. The MPC meets to discuss and act on HWC operations. The representative on record for Branford needs to be updated. Please appoint a new MPC representative and MPC alternate to represent Branford. The appointment letter should also be sent to the HWC office.

Please let me know if you have any questions. I can be reached at 203-889-1981 or lvitalgiano@rwater.com.

Sincerely,
Lori Vitagliano
Lori Vitagliano
Government and Public Relations Specialist

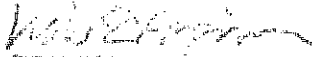
cc: Larry Bingaman, RWA President & Chief Executive Officer
Mario Rizzozi, Branford RWA RPB Representative

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2023 FEB -3 P 4: 05

RESOLUTION

Town of BRANFORD


BRANFORD TOWN CLERK

CONFIRMING COMMITMENT AND PARTICIPATION IN A REGIONAL
HOUSEHOLD HAZARDOUS WASTE COLLECTION CENTER

WHEREAS, the South Central Connecticut Regional Water Authority, as agent for the South Central Regional Council of Governments and participating municipalities, has undertaken the permitting, construction and operation of a regional facility for the collection of household hazardous waste and conditionally exempt small quantity generator business waste at its headquarters at 90 Sargent Drive in New Haven; and

WHEREAS, the municipalities participating in the facility are able to have residents drop off their household hazardous wastes on Saturday mornings from 9 a.m. until noon, and conditionally exempt small quantity generators deliver business waste on Saturday mornings, by appointment from 7 a.m. to 8:30 a.m., from spring through fall for proper processing, transportation and disposal;

WHEREAS, the facility is owned, managed and operated under the supervision of the South Central Connecticut Regional Water Authority for the benefit of the participating municipalities;

NOW, THEREFORE, BE IT RESOLVED BY THE Town OF Branford THAT:

The Town of Branford declares its commitment to continue participation in the regional household hazardous waste collection center for a minimum three-year period (July 1, 2023 through June 30, 2026), and confirms its intent to contribute financially for the operation, processing, transportation and disposal of household hazardous waste on behalf of its residents.

The Town of Branford authorizes its First Selectman to enter into this agreement with the South Central Connecticut Regional Water Authority for the operation of the facility. Such agreement will permit the Authority to act as its agent to maintain the facility, to contract with a vendor for the transportation and disposal of the hazardous wastes, to receive financial support from grant sources, to enter into agreements with other municipalities and to operate the facility.

Invoicing will be based on a two part formula:

1. Annual operational costs are based on the number of 1- and 2- family housing units in Branford, and
2. Annual transportation and waste disposal costs are prorated by residents' usage.

This resolution shall be effective July 1, 2023 through June 30, 2026.

I hereby certify that this is a true and correct copy of action taken by the Branford Representative Town Meeting, held on _____.

Town OF Branford:

Town Clerk

Date

TOWN OF BRANFORD
OFFICE OF THE TOWN ENGINEER
1019 MAIN STREET
POST OFFICE BOX 150
BRANFORD, CT 06405

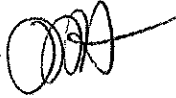
JOHN M. HOEFFERLE, PE, CFM
TOWN ENGINEER

Tel: 203-315-0606
Fax: 203-315-2188

MEMORANDUM

To: Board of Selectmen

From: Jennifer Acquino -- Assistant Town Engineer



Re: Storm Drainage Easement Relocation - 182 Shore Drive

Date: February 14, 2023

Handwritten signature
BRANFORD TOWN CLERK

2023 MAR -2 A 10:57

RECEIVED

Attached please find copies of a Quit Claim Deed, Drainage Easement document and proposed easement relocation map for 182 Shore Drive. Attorney Joseph Zullo contacted the Engineering Department on behalf of his clients, Michael & Margaret Leibowitz, after they had a survey of their property completed which revealed the existing storm drainage infrastructure is not contained within the existing easement area.

The attached documents will allow for relocation of the drainage easement to include the area where the actual infrastructure is located. Both the Engineering Department and Attorney Aniskovich have reviewed and approved the documents.

Please consider and approve this easement relocation to be sent as an 8-24 referral to the Planning & Zoning Commission at your earliest convenience.

Thank you for your time and consideration.

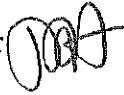
TOWN OF BRANFORD
OFFICE OF THE TOWN ENGINEER
1019 MAIN STREET
POST OFFICE BOX 150
BRANFORD, CT 06405

JOHN M. HOEFFERLE, PE, CFM
TOWN ENGINEER

Tel. 203-315-0606
Fax: 203-315-2188

MEMORANDUM

To: Representative Town Meeting
Dennis T. Flanigan, Moderator

From: Jennifer Acquino – Assistant Town Engineer 

Re: Storm Drainage Easement Relocation - 182 Shore Drive

Date: March 3, 2023

RECEIVED
2023 MAR -3 P 1:39
Jennifer Acquino
BRANFORD TOWN ENGINEER

Attached please find draft copies of a Quit Claim Deed, Drainage Easement and proposed easement relocation map for 182 Shore Drive. Attorney Joseph Zullo contacted the Engineering Department on behalf of his clients, Michael & Margaret Leibowitz, after they had a survey of their property completed which revealed the Town's existing storm drainage infrastructure is not contained within the existing easement area.

The attached documents will allow for relocation of the drainage easement to include the area where the actual infrastructure is located. Both the Engineering Department and Attorney Aniskovich have reviewed and approved the documents. The Board of Selectman has approved the request at their March 1, 2023 meeting and the Planning & Zoning Commission has approved the 8-24 referral at their March 2, 2023 meeting.

Please consider and approve this easement relocation in order that the Quit Claim deed can be executed by the First Selectman.

Thank you for your time and consideration.

RECEIVED

2023 MAR -2 A 10:57

Record and Return to:
Zullo, Zullo, and Jacks, LLC
83 Main Street
East Haven, CT 06512

Neil Shapiro
BRANFORD TOWN CLERK

QUITCLAIM DEED

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

KNOW YE, that the **TOWN OF BRANFORD**, a municipal corporation organized and existing under the laws of the State of Connecticut and having its territorial limits within the County of New Haven and State of Connecticut, acting herein by its First Selectman James B. Cosgrove (hereinafter referred to as "Releasor"), for divers good causes and consideration thereunto moving, received to Releasor's full satisfaction of **MICHAEL LEIBOWITZ AND MARGARET LEIBOWITZ**, individuals with an address of 182 Shore Drive, Branford, Connecticut (hereinafter referred to as "Releasees"), does by these presents remise, release and forever QUITCLAIM unto the Releasees and unto their successors and assigns, all the right, title, interest, claim and demand whatsoever as the Releasor has or ought to have in or to the property, together with the buildings and improvements thereon and the appurtenances thereof, located in the Town of Branford, County of New Haven and State of Connecticut described on Schedule A attached hereto and made a part hereof.

It is the intent of this deed to release all rights Grantor may have in the subject property including, but not limited to, any rights to a 20 foot wide "Drainage Easement" identified in a quit claim deed from the Town of Branford to Zeke and Florence Ziner dated July 25, 1985 and recorded July 26, 1985 in Volume 379 at Page 1101 of the Branford Land Records.

TO HAVE AND TO HOLD the premises remised, released and quit-claimed with all the appurtenances unto the Releasees and unto their successors and assigns forever, so that neither the Releasor nor the Releasor's successors or assigns nor any other person claiming under or through the Releasor shall hereafter have any claim, right or title in or to the premises or any part thereof, but therefrom the Releasor and they are by these presents forever barred and excluded.

IN WITNESS WHEREOF, the Releasor has caused these presents to be signed by its corporate officers and its corporate seal to be hereto affixed this _____ day of March, 2023.

**Signed, sealed and delivered
in the presence of:**

TOWN OF BRANFORD

By: _____
James B. Cosgrove, its First
Selectman,

STATE OF CONNECTICUT)
) ss. Branford
COUNTY OF NEW HAVEN)

On this ____ day of March, 2023, before me, the undersigned officer, personally appeared James B. Cosgrove, of the Town of Branford, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

In witness whereof, I hereunto set my hand.

Notary Public
Commissioner of the Superior Court

SCHEDULE A
182 SHORE DRIVE, BRANFORD, CT 06405

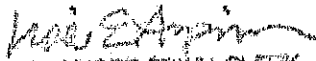
All that certain piece or parcel of land situated in the Town of Branford, County of New haven and State of Connecticut, shown on a map entitled "Map of Property Owned by Florence Ziner, Branford, Conn., Scale 1" = 20', October 20, 2006, revised December 4, 2006" by Robert C. Hart, P.E. & L. S. said parcel being designated on said map as Parcel A containing 23,045 square feet and on file in Branford Town Clerk's Office as Map No. 3436.

Said premises are commonly known as 182 Shore Drive, Branford, Connecticut.

RECEIVED

2023 MAR -2 A 10:57

Return Address:


BRANFORD TOWN CLERK

DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that **MICHAEL LEIBOWITZ AND MARGARET LEIBOWITZ**, of the Town of Branford, County of New Haven, and State of Connecticut (hereinafter "Grantors"), for valuable consideration, receipt whereof is hereby acknowledged, does hereby grant to **THE TOWN OF BRANFORD**, a municipal corporation organized and existing under the laws of the State of Connecticut and having its territorial limits within the County of New Haven and State of Connecticut, (hereinafter "Grantee"), its successors and assigns, the permanent right to install, inspect, operate, maintain, renew, replace and repair one or more drainage lines for the transportation of storm drainage water and together with the right to enter in connection therewith, all under, over and across Grantors' land in the Town of Branford, County of New Haven, and State of Connecticut, as described in the attached "Schedule A" (the "Easement Area").

The boundaries of the above-described easement area are further depicted on a map entitled "Proposed Easement Relocation prepared for Michael and Margaret Leibowitz, 182 Shore Drive, Branford, Connecticut, Scale: 1" = 20', dated November 10, 2022, revised December 9, 2022" by All Season land Surveying, Daniel C. Laferriere, L.S., recorded concurrently in the land records of the Town of Branford.

Together with any storm water pipes or mains, or appurtenances thereto whether real property or personal property, situated in, or to be situated in the Easement Area.

Any right herein described or granted or any interest therein or part thereof may be assigned to any assignee or assignees by Grantee, its successors and assigns, and Grantors, for Grantors and Grantors' heirs, executors, administrators, successors and assigns, hereby agrees to and does ratify any such assignment or assignments.

Any storm water pipes or appurtenances thereto, situated in the Easement Area from time to time shall be and remain the property of Grantee.

In addition to the above granted rights, Grantee shall have all other rights and benefits necessary or convenient for the full enjoyment or use of the rights herein granted, including, without limitation, the right at any reasonable time or times to enter upon said Easement Area at such point or points as Grantee may deem expedient or necessary for the purpose of exercising its rights hereunder. Grantee covenants that said rights shall be exercised, so far as is practicable, with consideration of the convenience of Grantors and without doing any unreasonable damage. Grantee covenants that it will, upon completion of any work hereunder, replace and restore said Easement Area, to the extent feasible, to the same condition as that existing before beginning such work.

TO HAVE AND TO HOLD the said granted and bargained easement, privilege, and right of way and its appurtenances to Grantee and its successors and assigns forever, to its and their own

proper use and behoof.

Grantors reserve for Grantors and Grantors' heirs, executors, administrators, successors and assigns, the right to fully use and enjoy said Easement Area, subject to the rights, privileges and authority herein granted.

Grantors, for Grantors and Grantors' heirs, executors, administrators, successors and assigns, covenants that Grantors shall not at any time to disturb or damage said water pipes or mains or the appurtenances thereto. Grantors further agree that nothing shall be attached to the property of Grantee installed or existing by virtue of this easement except such things as are placed thereon by Grantee, and not at any time to construct or permit to be constructed any building or structure on or below ground (including but not limited to on-site septic system, leaching galleries, drywells), place or store any materials on, store any vehicles on, grade, excavate, fill or flood said Easement Area, or otherwise use said right of way in any manner which, in the opinion of Grantee, may obstruct or hinder Grantee in the use and enjoyment of its rights, privileges and authority under this easement or may interfere with the free and unrestricted exercise of the rights and/or easements herein granted, or any of them, or which may create a hazard.

And Grantors, for Grantors and Grantors' heirs, executors, administrators, successors and assigns, covenants with Grantee, its successors and assigns, that at and until the ensealing of these presents Grantors are well seized of the premises as a good indefeasible estate in fee simple and has good right to bargain and sell the same in manner and form as is above written, and that the same is free from all encumbrances whatsoever except as hereinbefore mentioned.

AND FURTHERMORE, Grantors do by these presents bind Grantors and Grantors' heirs, successors and assigns forever to WARRANT AND DEFEND the above granted and bargained Easement Area to Grantee, its successors and assigns, against all claims and demands whatsoever, except as hereinbefore mentioned.

The provisions hereof shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and assigns. Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall include all genders.

***** REMAINDER OF PAGE INTENTIONALLY LEFT BLANK *****

IN WITNESS WHEREOF, Grantors have hereunto set or caused to be set Grantors' hand and seal this _____ day of _____, 2023.

Signed, sealed and delivered
in the presence of:

MICHAEL LEIBOWITZ (Grantor)

MARGARET LEIBOWITZ (Grantor)

STATE OF CONNECTICUT)
)
COUNTY OF NEW HAVEN) ss: East Haven , 2023

Personally appeared MICHAEL LEIBOWITZ, signer and sealer of the foregoing instrument, and acknowledged the same to be his/her/its free act and deed before me.

Joseph H. Zullo
Commissioner of the Superior Court

STATE OF CONNECTICUT)
)
COUNTY OF NEW HAVEN) ss: East Haven , 2023

Personally appeared MARGARET LEIBOWITZ, signer and sealer of the foregoing instrument, and acknowledged the same to be his/her/its free act and deed before me.

Joseph H. Zullo
Commissioner of the Superior Court

SCHEDULE A

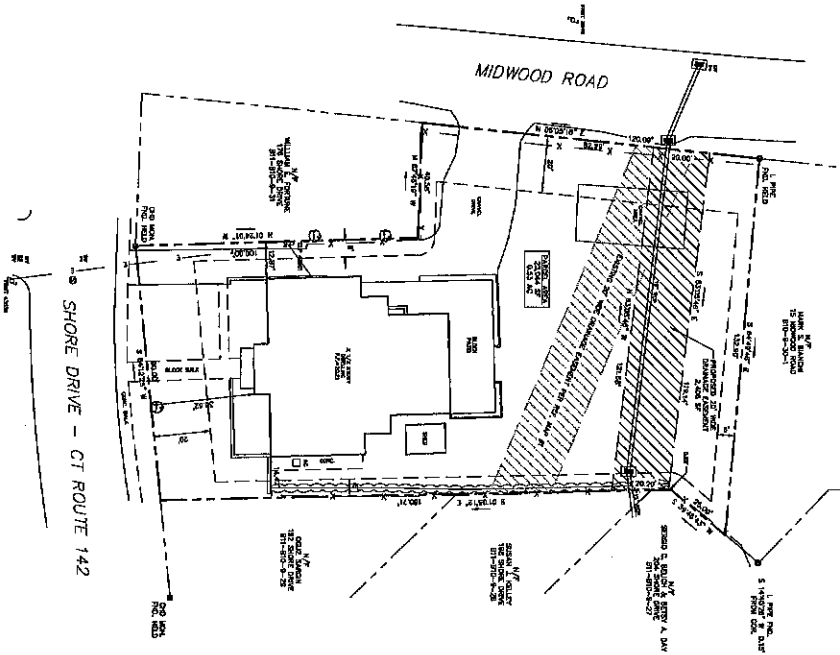
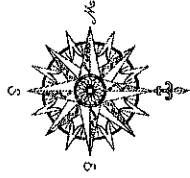
THE DRAINAGE EASEMENT CONTAINS 2,408 SF AND IS DEPICTED AS 'PROPOSED 20' WIDE DRAINAGE EASEMENT' ON SURVEY ENTITLED "PROPOSED EASEMENT RELOCATION PREPARED FOR MICHAEL & MARGARET LEIBOWITZ 182 SHORE DRIVE BRANFORD, CONNECTICUT" DATED NOV. 10, 2022 LAST REVISED DEC. 9, 2022 BY ALL SEASONS LAND SURVEYING, DANIEL C. LAFERRIERE, L.S.. EASEMENT IS BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AS DEPICTED ON THE EASTERLY SIDE OF MIDWOOD ROAD WHICH POINT IS 82.29 FEET FROM THE SOUTHWEST LOT CORNER OF THE PARCEL; THENCE RUNNING IN THE SAME DIRECTION ALONG MIDWOOD ROAD N 06°05'16" E A DISTANCE OF 20.00 FEET TO A POINT; THENCE RUNNING S 83°05'46" E A DISTANCE OF 119.14 FEET TO A POINT WHICH IS 0.82 FEET FROM AN ANGLE POINT ON THE EASTERLY PROPERTY LINE OF THE DEPICTED PARCEL; THENCE RUNNING ALONG THE EASTERLY PROPERTY LINE OF THE DEPICTED PARCEL S 01°05'12" E A DISTANCE OF 20.20 FEET TO A POINT; THENCE RUNNING N 83°05'46" W A DISTANCE OF 121.66 FEET TO THE PLACE AND POINT OF BEGINNING.

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2023 MAR -2 A 10 51

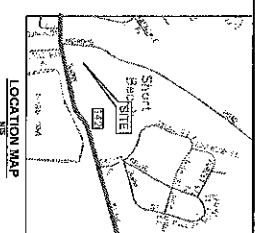
Map Exploration
BRANFORD TOWN OFFICE



- NOTES:**
1. THIS DRAWING HAS BEEN PROVIDED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 36-206B-1 THROUGH 36-206B-10, AS REVISED.
 2. THE TYPE OF SUBJECT PROPOSURE IS A LIMITED PROPERTY/PRODUCTIVITY ZONED LOT/AREA SHOWN.
 3. THIS MAP IS SUBJECT TO THE REGULATIONS OF THE CONNECTICUT DEPARTMENT OF CONSTRUCTION, DIVISION OF ZONING AND PLANNING.
 4. THIS MAP IS SUBJECT TO THE REGULATIONS OF THE CONNECTICUT DEPARTMENT OF CONSTRUCTION, DIVISION OF ZONING AND PLANNING, CHAPTER 36-206B-1 THROUGH 36-206B-10, AS REVISED.
 5. THE INFORMATION CONTAINED HEREON IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE OF ANY KIND.
 6. THE INFORMATION CONTAINED HEREON IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE OF ANY KIND.
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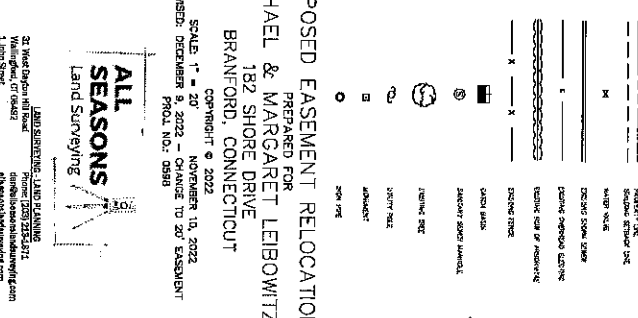
MAP REFERENCES:

1. MAP OF PROPERTY LOTS AND BLOCKS, BRANFORD TOWN, CONNECTICUT.
2. PROPERTY OF TOWN OF BRANFORD, BRANFORD TOWN, CONNECTICUT.



BRANFORD TOWN OFFICE (S/S BRANFORD BEACH DISTRICT)	
STAIRWAYS	AS SHOWN
MINIMAL LOT SIZE	AS SHOWN
MIN. SETBACK	AS SHOWN
MIN. BUILDING HEIGHT	3 STOREYS / 30' / 2 1/2' / 25'
MINIMUM HEIGHT	AS SHOWN
MINIMUM DISTANCE	AS SHOWN
MINIMUM DISTANCE	AS SHOWN
MINIMUM DISTANCE	AS SHOWN
MINIMUM DISTANCE	AS SHOWN
MINIMUM DISTANCE	AS SHOWN
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MINIMUM DISTANCE	AS SHOWN
MINIMUM DISTANCE	AS SHOWN

LEGEND



PROPOSED EASEMENT RELOCATION
PREPARED FOR
MICHAEL & MARGARET LEIBOWITZ
182 SHORE DRIVE
BRANFORD, CONNECTICUT

SCALE: 1" = 20'
NOVEMBER 10, 2022
REVISION: DECEMBER 9, 2022 - CHANGE TO 20' EASEMENT
PROJ. NO.: 0258



ALL SEASONS
LAND SURVEYING

22 MacDonough Rd. Branford, CT 06405
Phone: 203-263-5932
1 John Street, Branford, CT 06405
Email: allseasonslandsurveying.com
Website: www.allseasonslandsurveying.com

TO THE BEST OF MY KNOWLEDGE AND BELIEF, I HAVE ACCURATELY AND FAIRLY REPRESENTED THE FACTS AND CIRCUMSTANCES OF THE MATTER HEREON. I AM NOT PROVIDING A GUARANTEE OF ANY KIND.

DATED: 11/10/2022
DRAWN BY: [Name]