

**District of Chapman Beach  
Special Meeting - Board of Directors  
Saturday, May 11, 2019  
Multi Media Room  
Mulvey Municipal Center  
866 Boston Post Road, Westbrook, CT**

Present: Marlana Whaley, Diane Fuller, Pete Potter, David Osella, Damian Ranelli, Nick Breault, Patrice Horan, Eloise Kumnick. Absent: Nicole Vitrano

Call to Order at 10:18

Marlena opened the meeting to discuss District owned Right of Ways (ROWs) and particularly the 3rd Avenue ROW and its use by Mr. Niro of 33 Chapman Avenue. As Mr. Niro's home sits on the property line he was given permission by the District to use ROW while remodeling his home with the understanding that the ROW would be restored at Mr. Niro's cost once work on his home was completed. The Major Projects Committee (MPC) will present their own proposal for restoration later in the meeting. Committee Members are David Osella, Nick Breault, Pete Potter and Damian Ranelli.

**Public Session - Questions and/or comments**

- Michael Zubretsky, 65 Chapman Beach Rd., asked if all the ROWs are set up to operate in the same manner. Hogan Road is used to access two homes, 2nd Avenue ROW has access to a garage. On 3rd Avenue ROW, are those rules the same?
- Marlana stated that rules, rights, etc. are on the agenda for the July Board of Directors Meeting (BOD).
- Ed Gales, 31 First Avenue, asked for a definition of "the right to pass and repass".
- Damian noted that he had not yet received a copy of Anthony's bids from the Land Management Committee.
- Peter Niro, 33 Chapman Ave., asked for copy of MPC proposal as he has not seen it. Marlana stated the BOD has not seen it either but it will be presented shortly.

Nick Breault presented a proposal from the MPC to repair/replant the 3rd Avenue ROW. While no bids were obtained, the MPC was confident the proposal, which would include plantings, fencing, dirt, and labor to accomplish, could be done for \$4109.65. Nick put forth a new diagram along with photos and estimates of plants to be purchased. This work would be done following sod placement by Mr. Niro.

Peter Niro, 33 Chapman Avenue, presented his proposal to repair/replant the 3rd Avenue ROW which is very similar to the one by MPC. While both proposals make use of the current planting beds, Mr. Niro would like to add some curves to enhance its visual appeal. Differences are in split rail fencing to be added by MPC, as well as removal of apron along Chapman Beach Rd. Mr. Niro would incur all costs and his company, All State Landscape Services LLC, would do the work.

- Janet O'Donnell, 72 Chapman Beach Road, questioned why the District would authorize funds to do the repair when Mr. Niro has promised to do it at no cost to the District.
- Mr. Niro asked how the top soil planned for the hill above the stone wall adjacent to the beach is going to be held back on hill as he believes there are erosion control problems with it. Further, he believes that his plan to use river rock, rather than topsoil, is better suited in this area to address the erosion problem. Additionally, he asked to work together with MPC to come to an amicable agreement to not only restore but improve the look of the 3rd Ave. ROW.
- Damian asked about drainage to the beach.
- Eloise asked whether Mr. Niro was planning to drive on the ROW to access a parking area at the side of his house, rather than actually parking the ROW.
- Marlena asked for acknowledgement from Mr. Niro that the ROW is owned by District of Chapman Beach and not by Mr. Niro.
- Michael Zubretsky, 65 Chapman Beach Road, questioned why the BOD are now interested in paying to beautify the 3rd Avenue Row when Mr. Niro will do it for free. He also wondered why the BOD would want to spend substantial funds on the 3<sup>rd</sup> Avenue ROW when he believed that very few members of the District of Chapman Beach used this ROW.
- Sue Potter, 16 Marvin Drive, asked Mr. Niro what his intentions were with regards to a letter sent to the BOD on his behalf and later distributed to CB residents by an unknown person.
- Damian Ranelli presented his side of the story concerning behavior described in Mr. Niro's letter.
- Michael Zubretsky asked Damian if he made an anonymous complaint to the Westbrook Zoning Department against Mr. Niro.
- Andy asked that the ROW be restored before Memorial Day.
- Mr. Niro stated that, if an agreement can be made, he is ready to being work on the ROW on Monday. He thanked the BOD for the use of the property while undergoing construction.
- Janet O'Donnell asked if decision would be a BOD one or a public vote.
- Ed asked why are monies being allocated to beautify the 3rd Ave ROW when Mr. Niro is willing to pay for it.
- Andy questioned access to parking from all ROWs.
- Marlena asked that the meeting get back to proposals for the 3rd Ave. ROW.

#### **MOTION TO GO OUT OF PUBLIC SESSION -**

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Diane Fuller suggested that the District and Mr. Niro work together in order to complete the project. Both parties agreed to move forward. Marlena questioned the money proposed to be spent. Damian Ranelli asked that Mr. Niro restore the Row to the elevations provided on survey. Mr. Niro stated that he is in the landscaping business and has every intention of restoring the property to the same if not better condition than he found it.

Pete Potter made a motion to accept proposal from MPC but work with Mr. Niro to repair ROW. Diane Fuller asked to modify the motion with a second by Eloise Kumnick. Mr. Potter agreed.

Discussion and modifications took place between all Board members and Mr. Niro resulting in a plan agreeable to all.

Motion is as follows:

The Board approves the 3rd Avenue Right of Way proposal presented by the Major Projects Committee with the following modifications:

1. Sod will be placed on the grassy parts of the right of way.
2. The asphalt apron at Chapman Avenue will be left in place.
3. No fence will be placed at the end of the right of way on Chapman Avenue at this time.
4. New landscaping will be planted along the front of the house using the plants described in Mr. Niro's proposal or similar plants. The planting bed will not extend more than 7 feet from the front of the house nor more than 4 feet toward Chapman Avenue beyond the northeast corner of the house.
5. The privets will only extend to the end of the lowest level of Mr. Niro's front patio. The privets will have a maximum height of 3 feet and will be centered 12 to 18 inches apart. Sod will be placed above the privets, pitched from front to back with proper drainage.
6. A split rail fence will be placed at the bottom of the hill near the beach consistent with the proposal by the Major Projects Committee.
7. River rocks will be placed on the hill rather than the topsoil described in the Major Projects Committee proposal. Attractive plantings, as agreed to between the Committee and Mr. Niro, will be interspersed among the river rocks.
8. Mr. Niro will pay for everything other than the split rail fence in #6.
9. The District of Chapman Beach will be responsible for the maintenance of the grass and plantings on the right of way after the initial installation.

Motion passed all Board members present; Marlana, Pete, David, Diane, Damian, Eloise, Patrice, Nick.

#### **Other Business -**

**2nd Ave.** – The Major Projects Committee (MPC) presented bids for sealing and/or paving of 2<sup>nd</sup> Avenue. Discussion of the 2<sup>nd</sup> Avenue paving was tabled until July meeting. Fencing was proposed to replace and redefine District property lines. David to speak with Ms. Grogan regarding fencing placement as her property adjourns the District's.

**Hogan Road** - Marlana presented Mr. Vitale's plans for his new building. Mr. Vitale's attorney requested to address the BOD at the annual meeting for a water line variance along Hogan Road. At this time the Board is not in favor of granting for a water easement.

Motion to adjourn by Patrice second by Nick, passed unanimously.

