

# The Edgemarth Hill Road Association, Inc.

Westport, CT 06880

November 19, 2024

Ms. Michelle Perillie  
Director of Westport Planning and Zoning  
110 Myrtle Avenue  
Westport, CT 06880  
Via email: [mperillie@westportct.gov](mailto:mperillie@westportct.gov)

Mr. Colin Kelly  
Director of Conservation Commission  
110 Myrtle Avenue  
Via email: [ckelly@westportct.gov](mailto:ckelly@westportct.gov)

Attorney Ira W. Bloom  
Berchem Moses PC  
1221 Post Road East  
Westport, CT 06880  
Via email: [ibloom@berchemmoses.com](mailto:ibloom@berchemmoses.com)

Re: The Edgemarth Hill Road Association, Inc Letter

Dear Ms. Perillie, Attorney Bloom, and Mr. Kelly,

I am writing this letter in response to a letter written by Sharon Jones of Jones Washburn-Gonzales, LLP addressed to you on November 15, 2024 (the "Jones Letter"). I apologize for burdening you and the town with private road matters, but I would be remiss in not providing the other side of the story, as I am concerned that the misrepresentations in the Jones Letter unfairly malign me and the neighbors on our street (Edgemarth Hill Road, "Edgemarth"), as well as the two developers who are building new homes on Edgemarth.

The Edgemarth Hill Road Association, Inc. (the "Association") was established November 13, 1992 to maintain and operate the private road known as Edgemarth Hill Road in Westport, CT. Our family moved to Edgemarth in 2019, having relocated from the Long Lots area. As far as anyone on the street can recall, regular maintenance of Edgemarth has been run on an informal basis, with most owners contributing small annual payments (approximately \$400 per year/per homeowner) primarily for snow plowing, but on occasion, other minor repairs. All three of Ms. Jones' named clients (collectively, the "Jones Clients"), the Zers (#6), the Hatsiandrous (#9), and the Souzas (#15), have been regularly making these annual payments for at least the last 4 years. One of her clients, Nicholas Hatisandriou, played a significant role in managing the informal

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association during the aforementioned time period. The Zers and the Hatsiandrous live and raise their families on the street. The Souzas own their house, but do not inhabit their house on a regular basis; they visit occasionally and do some landscaping work, but their house appears abandoned most of the time.

Anyone who has driven on Edgemarth has experienced the horrible condition of our road; potholes and cracks riddle the street, exacerbated by heavy construction trucks as well as a chronic water drainage problem. For the past three years, I have been working diligently on coming up with a solution for the drainage and paving problems on Edgemarth. As part of this process, I have priced the repaving work, engaged Landtech, held meetings with the Director of Conservation, Mr. Kelly and Town Engineer, Mr. Gil, and made multiple presentations to all 17 neighbors on Edgemarth, all with the authorization of my neighbors (as explained below). My goal is to address the drainage issues in compliance with all local, state, and federal regulations, as required by the Town of Westport, and repave Edgemarth properly (with correct drainage and crowning) so that the homeowners on Edgemarth can have a functioning street that we can all enjoy and benefit from through increased property value.

In January 2024, the individual running our informal HOA stepped down out of frustration with treatment by some of our neighbors and asked me to step in to lead the informal HOA; this was announced to all neighbors and met without friction. After my February 2024 presentation regarding a proposal to address the drainage issues, the owners voted electronically and agreed to increase the annual assessment for one time from \$400 to \$1,500 (\$400 regular/\$1,100 special) to provide a budget to pursue formalization of bylaws and an engineering study of drainage solutions. 15/17 neighbors funded the regular annual assessment and 13/17 funded the special assessment. All three Jones Clients funded their regular annual assessment in 2024 and two of them funded the one-time special assessment of \$1,100.

To say there is no association (formal or not), or that I was not acting on the behalf of the Association, is completely disingenuous. It contradicts the facts, as well as the Jones Clients' behavior.

Since January 2024, I, as well as a volunteer committee of neighbors, have been working with counsel retained by the Association, Pullman & Comley LLC, to update our paperwork as the Town told us would be necessary in order to get the appropriate approvals and permits to fix our road. We followed Connecticut General Statutes Section 33-1183 to administratively reinstate the corporation, Section 33-1142 to amend our certificate of incorporation to make membership in the corporation automatic for everyone, and Sections 33-1036(3) and 33-1057(b)(1) to adopt bylaws governing its operations.

The new Bylaws and Incorporation Certificate were passed by the required two-thirds vote of the homeowners and unanimously by the Board on November 15, 2024, and the latter document was filed with the Secretary of State on November 18, 2024. Because our corporation exists only to fund road maintenance under Connecticut General Statutes Section 47-42f and does not purport

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to be a Common Interest Ownership Association under Chapter 828 of the General Statutes, it is not legally required to file a declaration in the land records.

Adopting these documents was a critical first step in establishing a framework for our private road to make decisions with respect to larger projects, like the drainage and repaving project. The next steps will be to price the work, finalize the design, and seek approval from the Town of Westport Conservation Department. Landtech, our engineer, has recently completed the initial set of drawings and I plan to set up a meeting with all neighbors to review them in the coming weeks. We intend to continue to work with all of the neighbors on the street that have paid their assessments, as detailed in the Bylaws.

I expect this process to continue to be difficult, as it is apparent that the Jones Clients are intent on causing trouble with the permitting process and otherwise. Their true intentions are unclear, despite numerous 1:1 discussions and group meetings. They seem to prefer to spend time and money on attorneys, false accusations and fear mongering, rather than engaging in real conversations around how we fix the road and pay for it in a way that works for everyone. We will continue working with our attorney, our engineer, and the town to make sure this project complies with applicable law. I trust that we can create an outcome that improves the street for everyone.

Please feel free to call or email me at any time, as I am available to answer any questions you may have.

Ted Martell  
President  
Edgemarth Hill Road Association Inc.

cc: John McKinney ([johnmckinney1964@gmail.com](mailto:johnmckinney1964@gmail.com)), Board Member and Vice President  
Michele Montrosoro ([montrosoro@gmail.com](mailto:montrosoro@gmail.com)), Board Member  
Adam Cohen ([ajcohen@pullcom.com](mailto:ajcohen@pullcom.com))