

## WPOA CE&R Community Conversations.

Presented to the community March 2024 for feedback and input ON A WORKING DRAFT FOR NEW CER RESTRICTIONS.

THIS PDF FORMAT IS MEANT TO CONTINUE TO PROVIDE MEMBERS, UNABLE TO ATTEND PRESENTATION, THE OPPORTUNITY TO PROVIDE INPUT AND FEEDBACK. **THIS IS A WORKING DRAFT, REVISIONS ARE EXPECTED.**

SEND SUGGESTIONS TO LISE LETELLIER, CER COMMITTEE CHAIR  
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## Deed Restriction: aka-CER, CE&R, CC&R



What it is, what we have, why we have it, what we hope to achieve.

Committee Members:  
Lise LeTellier, Deborah Wagner, Al Lenge, Janice Klunder  
Past members included:  
2019-2021 -Frank Fazi  
2019-2022 Denis DiLallo

## Covenants, Easement & Restrictions

### What is it?

- A legal document attached/joined to land that stays with the land even when ownership of the land is transferred.
- CE&R can be placed on WPOA common land and on private lots.
- Spells out what we can't do (Restrictions) and what we will do (Covenants)

## What do we currently have here at WPOA?

- CE&R and Association-1998-2028
  - On WPOA Common Area and Facilities
  - On about 50% of private lots.

## Why is a CE & R important? Why do we have one?

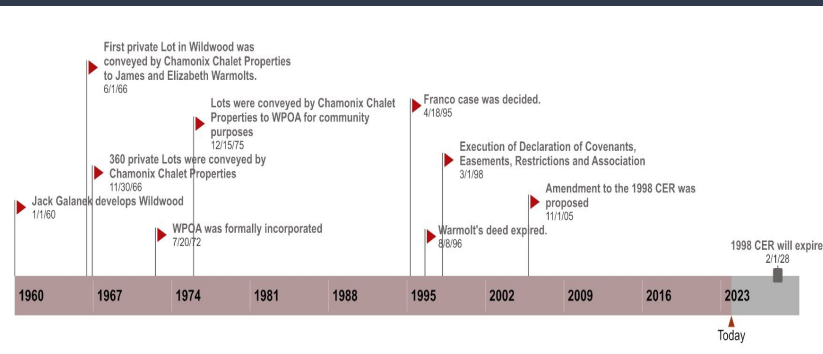
- CE &R is considered the best mechanism for long-term preservation of Wildwood's woodlands and ponds, irrespective of changes in Tolland zoning bylaws or WPOA membership.
- To ensure WPOA common property has covenant and restrictions, in addition to private owners.

## Why?

### Hierarchy of Restrictions placed on property.

1. Federal, state, and local laws and regulations
  - ALL people
2. WPOA By-laws, Code of Responsibility, and Rules & Regulations
  - WPOA Members
3. Deed Restrictions
  - CER signers

## The History and Chronology of Wildwood Property Restrictions



## Guiding Principle

used for reviewing the present CER and ultimately creating a new CER, with the hope that ALL Wildwooders would want to sign.

To **protect** the woodlands and ponds of Wildwood and **preserve** its character as an attractive, enjoyable year-round vacation and recreation community in a natural environment **for generations to come**, while maintaining and increasing property values.

## Committee's overall approach to develop new CE&R

- Complete review of all pertinent documents
- Focus mostly on environment and mutual benefit.
- Eliminate unnecessary requirements that might discourage signature
- Eliminate WPOA Membership requirement

## Focus & Goals

- Encourage everyone, members, nonmembers, and WPOA to sign, so we **ALL** protect what we have here in Wildwood.
  - New CE&R is grounded in environmental protection and mutual community benefits.
- Acknowledge individual rights, while recognizing our **collective responsibility** to the Wildwood's natural community.

## Next STEPs

### March 2024 -THIS IS WHAT WE ARE DOING NOW

- Community Conversations
  - Focus Groups- Workshops
  - Seek input/feedback
- Committee reviews input and adjusts CER accordingly

### April 2024 - May 2024

- Board Final Review

### June- August 2024

- Community Presentations of revised CE&R to Answer Questions

### September 2024-February 2025

- FULL Legal Review and final document creation.

### Spring-Summer 2025

- Voting and Signatures

### NEW- Proposed / DRAFT

#### ARTICLE I

#### RESTRICTIONS ON LOTS

#'s in (1,2,3...) indicate relationship to original 1998 restrictions

We are going to read each of these slowly. Please take notes so you can refer to a particular restriction number during the Q&A.

We will not be taking questions during the sharing.

1. (1,2,3,4,6) Only one, single-family, residential dwelling, which conforms to Massachusetts building codes and Tolland zoning bylaws, may be erected on an owner's Lot. Accessory buildings, such as sheds and garages, must conform to Tolland zoning bylaws. Accessory apartments are not permitted. Environmentally friendly designs and materials are encouraged for all structures erected on an owner's Lot.
2. (4,12) The WPOA must be notified of any plans for construction of new structures or changes in external form, shape or size of an existing building or structure. Work will only commence once all required municipal permits have been secured and copies have been provided to the WPOA Operations Manager. All exterior work is to be completed within twelve (12) months from the date of commencement.
3. (5) All septic systems must be regularly pumped and maintained in accordance with the Massachusetts Department of Environmental Protection Septic Care Recommendations.
4. (11) Artificial barriers or fences along property lines are not allowed.
5. (15) Nothing shall be done to impede or interfere with the easement five (5) feet in width along both sidelines of any Lot, which is reserved for the purposes of surface drainage and installation of public utilities lines.

NEW- Proposed / DRAFT

ARTICLE I  
RESTRICTIONS ON LOTS

6. (12) Removal of trees must be limited to the extent necessary to avoid endangerment to life, property, ponds, or roads, or to allow building/construction access. Owners of pond shore property have the additional responsibility of minimizing waterway contamination. All tree removals and landscaping in the wetland buffer zone must conform to Tolland Conservation Commission requirements.
  7. (10) Property owners who have property abutting a shore line may place private docks and swim floats on Cranberry Pond or Otter Pond with the prior written approval of the WPOA, in accordance with then current Rules and Regulations. Each pond shore property is limited to one (1) private dock and one (1) swim float.
  8. All watercraft used on Cranberry and Otter Ponds must be registered with the WPOA. No guest/renter watercraft are allowed to enter the community. No power-driven boats other than those powered by electric motors totaling no more than fifty-five pounds of thrust (formerly five horsepower) shall be permitted on Cranberry Pond or Otter Pond, with the exception of the WPOA work/safety boat.
  9. (14) At no time shall any Lot be conveyed to, or leased for use by, any club, association or corporation
  10. (13) No subdivision shall ever be made of any Lot, nor shall any Lot ever be used as a right of way.
  11. (7) No animals, except customary household pets in reasonable numbers shall be kept or maintained on any Lot.
- (RESTRICTIONS that have been completely removed from current version:  
8-No Noxious.. 9- Signs.. 12- Excavation of stone...16- Washers...)

NEW- Proposed / DRAFT

ARTICLE II RESTRICTIONS  
ON COMMUNITY AREAS  
AND FACILITIES

The WPOA, its successors and assigns, for its benefit and for the benefit of all Lots in Wildwood, subject the Community Areas And Facilities to the following restrictions:

1. (1) The use of the Community Areas And Facilities shall be limited to health, recreational, educational, environmental, and related purposes for the benefit of the environment and the collective benefit of Lot Owners in Wildwood who remain members in good standing of the Association and those other Lot Owners in Wildwood to the extent they have rights validly reserved pursuant to their deeds.
2. (2) No noxious, unruly, or offensive use shall be made of the Community Areas And Facilities nor shall trade or commercial activity be undertaken thereon, except for those activities of a recreational nature, or except for commercial concessions offering services for the benefit of Lot Owners, and accessory and subordinate to the principal purposes outlined in paragraph 1 of this subsection.
3. (3&4) No clearing, logging or timbering of the forested areas will be permitted, except to continually preserve the woodland character of such areas, in accordance with sound forestry maintenance practices. No excavation for stone, gravel, or other deposits shall be made on said premises except as is incidental to construction of buildings for the purposes permitted in paragraph 1 of this subsection.

NEW- Proposed / DRAFT

ARTICLE II RESTRICTIONS  
ON COMMUNITY AREAS  
AND FACILITIES

4. (5) No signs will be permitted on said premises except for traffic control or direction and signs informative to residents and Lot Owners in Wildwood with respect to the activities of the WPOA.
5. (7) No power-driven boats other than those powered by electric motors totalling no more than fifty-five pounds of thrust (formerly five horsepower) shall be permitted on Cranberry Pond or Otter Pond, with the exception of the WPOA work/safety boat.
6. No conveyance of any portion of the WPOA Common Areas and Facilities shall be made, except as follows:
  - a. in accordance with its Bylaws and with WPOA Board approval, WPOA may sell a parcel of property within the WPOA Common Areas and Facilities to a Member in Good Standing of the WPOA solely for purposes of satisfying the Member's needs for installation of a well or septic system; or
  - b. with the approval by majority vote of the WPOA Members in Good Standing at a regular meeting or special meeting called for the purpose.

Removed from original the following:  
ARTICLE II ASSOCIATION

Every Lot Owner who, with the consent of the Association, subjects his/her/their Lot to the provision hereof shall, by such, become and remain a Member of the Association, with all rights, privileges and obligations thereto pertaining. Such membership shall thereupon be deemed mandatory and run with title to the Lot.

Quick Review and  
FAQs

- **Who will benefit from the new CE&R?**  
*All property owners in Wildwood, including Members and Non-Members, will benefit.*
- **Won't my property value decrease if I sign the CE&R?**  
*Preserving the environment increases value.*
- **How can the CE&R be enforced? By whom?**  
*The covenants and restrictions in the CER can be enforced in a court of law by WPOA or by the owner of a property with a CE&R in place.*

## FAQs ( con't)

- **What if WPOA puts in place a bunch of rules I don't agree with in the future?**

*The proposed CE&R is independent of the WPOA's Code of Responsibility; Rules and Regulations*

- **Why do we need a CER? Aren't the Town of Tolland zoning laws and WPOA bylaws and Rules and Regulations enough?**

*Town of Tolland zoning laws are not designed to address the unique circumstances within Wildwood and we cannot control changes Tolland may make to its zoning laws.*

*CER provides the best mechanism to ensure constancy of environmental protective measures over time because:*

- Revision of the CER will require 2/3 vote of all the properties subject to it.
- WPOA Bylaws can be changed by 2/3 vote at any meeting where there is a quorum (50 Voting Members)
- WPOA Rules and Regulations can be changed by a 50% vote at any meeting where there is a quorum (50 Voting Members).

We have two questions we want you to consider, then we want to hear yours. But first the Protocol for Q & A

- Try to make sure you have your screen in Gallery View
- Use the hand raising icon in reactions. (email had directions)
  - This puts you in the queue on our screen. I will call on people one at a time.
- Succinct questions and comments.
  - Formulate thoughts first.
- We want to hear from everyone, but we need everyone to listen too, (so we don't repeat.)

Our two questions to consider.

1. Is there anything you think is missing from these that is essential for the preservation of Wildwood for future generations?
2. With what we have shown you, do you have any specific concerns that would prevent you from signing such a document?

We will now stop screen sharing.