



# The Connecticut Surveyor



Gary Kent Keynote speaker at CALS Annual Meeting

CALS is pleased to announce that **Gary Kent** will be the keynote speaker at the Annual Meeting on November 4, 2011. Mr. Kent will present two half-day seminars that will be very informative and helpful. The morning session will be a review of **ALTA /ACSM Land Title Survey Requirements for Field Technicians**. This program will emphasize the field aspects of performing an ALTA/ACSM Land Title Survey. The goal is to help field technicians understand the specific purposes of an ALTA/ACSM Land Title Survey so they can put the various requirements into context and better meet the needs of the title company, lender and client.

The afternoon session will focus on **Managing Your Business in Challenging Times**. This program is designed to help surveyors navigate the stormy waters of today's economy so they can come out strong on the other side when the business climate improves. We look at a number of traditional topics such as financial statements and project management, together with a study of the elements of leadership that make for a healthy workplace.

Gary Kent is Integrated Services Director for The Schneider Corporation, a surveying, GIS and consulting engineering firm based in Indianapolis and with offices in North Carolina and Iowa. He serves on Schneider's leadership council and his responsibilities include corporate culture, training, project management and client account management. Gary is a past-president of both the American Congress on Surveying and Mapping and the Indiana Society of Professional Land Surveyors. A member of the adjunct faculty for Purdue University from 1999-2006, he taught Boundary Law, Legal Descriptions, Property Surveying and Land Survey Systems and earned "Outstanding Associate Faculty" and "Excellence in Teaching" awards. Gary serves as Vice Chairman of the Indiana State Board of Registration for Land Surveyors and is frequently called as an expert witness in cases involving boundaries, easements and land surveying practice. He is chair of the National Society of Professional Surveyors' committee on the ALTA/ACSM Standards and is liaison to NSPS for the American Land Title Association. Gary regularly presents programs across the country on surveying, leadership and GIS topics, and writes regular columns for *The American Surveyor* magazine and for the *ACSM Bulletin*

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## CALS Members Shoot Elevations for the Hole in the Wall Gang

By Robert Baron

**I**n 2009, CALS Member Richard Contois organized the first CALS / Boy Scout Surveying Merit Badge event. It was a huge success. In fact, this success even carried over into this year in a very rewarding way.

Earlier in the month of August, I received an email from Mary Kozicki, one of the mothers of Scout Troop 82 out of Willington, CT. Her sons, Austin and Josh were among the young fellows that I was lucky enough to have in my group back in 2009. Apparently, she had saved my contact information from the 2009 event and was both looking for a surveyor and trying to reach Mr. Contois to see if he could help her.

Ms. Kozicki was hoping to find a volunteer surveyor to help Austin with his Eagle Scout project. His project is to build a horse trail at the Hole in Wall Gang Camp in Ashford. Austin is also a camper there. He wants to build a short horse trail between two riding areas to keep kids safer by avoiding the need to traverse the causeway (used by both cars and delivery trucks) as his Eagle Scout project as well as giving back a little something to this wonderful place for sick children.

Once I found about this project, I was extremely interested in finding out how I could help. The section of trail that Austin needed help with is quite short (about 350'), but is situated along a side hill reach through the woods. As such, it will need to be cut into the hillside. After considering this issue, I thought it best for me to find another surveyor to dig into this project with. I ran this by CALS member Thomas (T.J.) Benoit, of my office, and he jumped at the chance to participate in this project as well. That's a darn good thing since I'm more of a boundary / right of way surveyor than construction guy. T.J. has much more efficient tools and software to perform the necessary 3-D survey, volume computations and layout than I do.

On Tuesday, 8/16, we met the Kozicki family at the camp, reviewed the job and laid out the rough trail taking elevation shots as we moved along. T.J. then performed the necessary computations and determined the cuts / fills and quantities needed. The trail is required to be at least 6' wide and have a minimum of 6" of compacted process stone for the surface to accommodate both maintenance and room to lead the horses for the riders. On 9/15 we returned to the site and set the grading stakes.

It turns out that this is not a simple little project after all. It includes extending and installing drainage as well as creating the remainder of the trail to specification even on flat terrain.

This has been yet another rewarding experience for me as a CALS member. Had I not participated in the 2009 Merit Badge event, I would have missed this opportunity meet this wonderful family and ultimately help out such a worthy cause as the Hole in the Wall Gang Camp. Very special thanks to Richard Contois for organizing the original event and to T.J. Benoit for doing the Lion's Share of the survey computations. Once again, CALS makes a difference.

By the way, the short section of trail we are working on will require about 30 yards of stone and 80 yards of fill. There is yet another short section of the project that will need more, plus a drainage pipe extension and even more fill at a stream crossing. If anyone is interested in donating to this worthy cause, please contact Mary Kozicki ([Mary.Kozicki@sbcglobal.net](mailto:Mary.Kozicki@sbcglobal.net)), or myself ([Robert.Baron@ct.gov](mailto:Robert.Baron@ct.gov)), Austin Kozicki ([Austin.Kozicki@sbcglobal.net](mailto:Austin.Kozicki@sbcglobal.net)).



### Austin and Mary Kozicki with T.J. Setting Up To Start Staking & Grading



Bob and TJ,

*I wanted to say thank you for your generous donation of time to Austin's project, but more than that, for taking the time to make Austin feel that his project was worthwhile and that you wanted to be there helping him. Austin is a young man that has struggled through many obstacles including his own renal disease, his brother's renal challenges, and his father's death, all at a young age. As a result he is a quiet young man, as I'm sure you could not help but note, but he is also a very sensitive young man. He believes in this project and has been overwhelmed by the generosity of others. The two of you have made a difference in his life and the completion of this project will make a difference in the lives of all the campers that will pass through the gates of Hole in the Wall Gang Camp in the future.*

*With sincerest gratitude,  
Mary Kozicki*

## Letter to Pennsylvania Government Bureaucrat

This is an actual letter sent to a man named Ryan DeVries regarding a pond on his property. It was sent by the Pennsylvania Department of Environmental Quality, State of Pennsylvania.

### State of Pennsylvania 's letter to Mr. DeVries

SUBJECT: DEQ  
File No.97-59-0023; T11N; R10W, Sec 20; Lycoming County

Dear Mr. DeVries:

It has come to the attention of the Department of Environmental Quality that there has been recent unauthorized activity on the above referenced parcel of property. You have been certified as the legal landowner and/or contractor who did the following unauthorized activity:

*Construction and maintenance of two wood debris dams across the outlet stream of Spring Pond.*

A permit must be issued prior to the start of this type of activity. A review of the Department's files shows that no permits have been issued. Therefore, the Department has determined that this activity is in violation of Part 301, Inland Lakes and Streams, of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994, being sections 324.30101 to 324.30113 of the Pennsylvania Compiled Laws, annotated.

The Department has been informed that one or both of the dams partially failed during a recent rain event, causing debris and flooding at downstream locations. We find that dams of this nature are inherently hazardous and cannot be permitted. The Department therefore orders you to cease and desist all activities at this location, and to restore the stream to a free-flow condition by removing all wood and brush forming the dams from the stream channel. All restoration work shall be completed no later than January 31, 2010.

Please notify this office when the restoration has been completed so that a follow-up site inspection may be scheduled by our staff. A Failure to comply with this request or any further unauthorized activity on the site may result in this case being referred for elevated enforcement action.

We anticipate and would appreciate your full cooperation in this matter. Please feel free to contact me at this office if you have any questions.

Sincerely,

David L. Price  
District Representative and Water Management Division



## Mr. DeVries Response...

Dear Mr. Price,

Your certified letter dated 12/17/09 has been handed to me to respond to. I am the legal landowner but not the Contractor at 2088 Dagget Lane, Trout Run, Pennsylvania.

A couple of beavers are in the (State unauthorized) process of constructing and maintaining two wood 'debris' dams across the outlet stream of my Spring Pond. While I did not pay for, authorize, nor supervise their dam project, I think they would be highly offended that you call their skillful use of natures building materials 'debris.'

I would like to challenge your department to attempt to emulate their dam project any time and/or any place you choose.. I believe I can safely state there is no way you could ever match their dam skills, their dam resourcefulness, their dam ingenuity, their dam persistence, their dam determination and/or their dam work ethic.

These are the beavers/contractors you are seeking. As to your request, I do not think the beavers are aware that they must first fill out a dam permit prior to the start of this type of dam activity.

My first dam question to you is:

- (1) Are you trying to discriminate against my Spring Pond Beavers, or
- (2) do you require all beavers throughout this State to conform to said dam request?

If you are not discriminating against these particular beavers, through the Freedom of Information Act, I request completed copies of all those other applicable beaver dam permits that have been issued. Perhaps we will see if there really is a dam violation of Part 301, Inland Lakes and Streams, of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994, being sections 324.30101 to 324.30113 of the Pennsylvania Compiled Laws, annotated.)

I have several dam concerns. My first dam concern is, aren't the beavers entitled to legal representation? The Spring Pond Beavers are financially destitute and are unable to pay for said representation — so the State will have to provide them with a dam lawyer.

The Department's dam concern that either one or both of the dams failed during a recent rain event, causing flooding, is proof that this is a natural occurrence, which the Department is required to protect. In other words, we should leave the Spring Pond Beavers alone rather than harassing them and calling them dam names.

If you want the dammed stream 'restored' to a dam free-flow condition please contact the beavers — but if you are going to arrest them, they obviously did not pay any attention to your dam letter, they being unable to read English.

In my humble opinion, the Spring Pond Beavers have a right to build their unauthorized dams as long as the sky is blue, the grass is green and water flows downstream. They have more dam rights than I do to live and enjoy Spring Pond. If the Department of Natural Resources and Environmental Protection lives up to its name, it should protect the natural resources (Beavers) and the environment (Beavers' Dams).

So, as far as the beavers and I are concerned, this dam case can be referred for more elevated enforcement action right now. Why wait until 1/31/2010? The Spring Pond Beavers may be under the dam ice by then and there will be no way for you or your dam staff to contact/harass them.

In conclusion, I would like to bring to your attention to a real environmental quality, health, problem in the area. It is the bears! Bears are actually defecating in our woods. I definitely believe you should be persecuting the defecating bears and leave the beavers alone. If you are going to investigate the beaver dam, watch your dam step! The bears are not careful where they dump!

Being unable to comply with your dam request, and being unable to contact you on your dam answering machine, I am sending this response to your dam office.

THANK YOU,  
RYAN DEVRIES & THE DAM BEAVERS

## Improve Your Access to Old Records

*By Knud E. Hermansen, P.L.S., P.E., Esq.*

How many times have you come across a description calling for a plat that is not recorded? How many times have you envied surveyors who have collections of old plats? Perhaps, on the other hand, you have access to old plats in a private collection or at the courthouse but find it too tedious and time consuming to search through the collection for a plat that may be useful? The fact is, many times there are old plat collections that can be purchased, copied, or indexed relatively easily. In some cases, with a little time, effort, expense, and cooperation from other surveyors in the area, you can improve your access to old records.

One method to improve your access to old records is to purchase copies of existing collections or the indices for existing collections. For starters you may wish to purchase the microfilm index for the surveys located at the Archives in Harrisburg. They have the index and many if not all of the original surveys on microfilm. Some groups and private parties are also willing to sell what they have gathered and indexed. For example, a couple of years ago the Mid-State Chapter of the Pennsylvania Society of Land Surveyors copied and made an index for the entire collection of early survey records found in the Centre County Courthouse. For another example, a genealogist residing in Fulton County has collected and copied several hundred old plats dating back to the late 1700s, encompassing what is now Blair, Huntingdon, Fulton, and Bedford Counties. In both cases, the names of the landowner and adjoining have been alphabetized in a comprehensive index for easy access to the records. Both the indices and copies of the original surveys can be purchased for a reasonable sum.

A second method to improve your access to old records is to locate and index existing collections that you may be aware of but are ordinarily useless because they are too time consuming to use. Examples include the road docket, the "drawer" of county surveyor plats at the local courthouse, old plats in the possession of the county historical society, and plats found in the offices of other surveyors. If you are aware of a potentially useful collection, there are several steps you can take in order to make the information useful and accessible. First, save yourself some time, effort, and cost by getting together with another surveyor, the local surveying chapter, or the historical society for the area and pool your resources, knowledge, and costs.

The second step, if the records are not already bound and accessible, is to make one copy of the entire collection. With the availability of lightweight transportable copiers, this is no longer a problem. For large maps, there are now many locations that can make a mylar or vellum print from the original. Copying is probably best done as a team effort (all at one time) or by sending one secretary on a slow day, weekend, or after work to the location, with everyone paying a portion of the cost and the secretary's wages. (Many times a secretary or retired person can be enticed to spend some of their free time doing this task for extra money.)

The third step, if the copies or accessible originals are not organized, is to organize the copies into sections. Most plats are best organized by the county and municipality as shown on the plat (rather than trying to determine if the property falls within a "new" or renamed county or municipality). Proper organization will allow someone using the copies, if all other means to find and identify a particular plat fail, to confine their search to a particular section rather than have to search through all the copies.

The fourth step is to number the copies. Pages can be numbered sequentially from the beginning to the end of all the copies or by starting over again at the beginning of each section (i.e. starting at page number one at the beginning of each section). If the second page numbering scheme is chosen, a prefix should be used in conjunction with the page number (e.g. A - #, II - #, 1 - #, etc.) to avoid confusion and problems if the pages are inadvertently mixed or placed in the wrong section. Another alternative is to bind each section in a separate volume.

The fifth step is to prepare an index in order to easily and accurately access the proper page and information on the copies. For property surveys, the best way to compile an index is to set up a computer data base with a data entry for every name. Each name, along with the page number where the name appears, would be a separate entry in the data base. A simple index would contain only the name of the surveyor's client while a more comprehensive and useful index would also have additional entries that contain the adjoining landowner's name that appears on the plat. To allow the computer to alphabetize the names, the entry should list the last name first. In addition, it is frequently helpful to include with each name the area or size of the parcel, location of the parcel (i.e. county and municipality), the names of the major physical features appearing on the plat (e.g. rivers, mountains, roads, etc.), surveyor's name, and date of the survey. This additional information is not only helpful to find the relevant plat but will help the researcher avoid making a mistake where the same landowner may have obtained several surveys or two or more different people had the same name.

The best way to type the information into a data base is to hire a secretary and share the cost with another surveyor or agree on a common format and software and give each participant a separate section to enter into the data base -- eventually combining all the individual data entries into one comprehensive data base when everyone has completed their section. Unfortunately, the second method requires the copies be separated and the work completed piecemeal with the slowest participant holding up the completion and use of the document and index by the other participants in the project.

For records other than property surveys (e.g. road plats) the best index is probably a small scale map of the local area that shows the particular feature or subject of concern. For roads, the best map is probably a county road map; for subdivisions the best map may be a copy of the tax map; and for streams the best map may be a NGS 7.5 minute quadrangle sheet. To convert the area map to an index, one or more people will have to carefully annotate the small scale map with the volume and page number where the information on the feature or subject can be found. For example, to annotate a particular road from the road docket onto the "index" map, simply mark the page number (and volume if more than one book) alongside or across the road as it appears on the map. To use a completed index road map, the user simply locates the particular road on the "index" map and reads the volume number and page where the information for the road can be found. Because many of these old records use ancient names, obscure landowner names, or features to identify them, it may be necessary for several surveyors or long time county residents to prepare the index together.

The sixth and final step is to make extra copies of the documents, index, or both. Sometimes, part of the cost can be recovered by selling the index and copies of the plats. In any event, it is a good idea to keep an extra copy safe in the event the original is destroyed, lost, stolen, or ruined. With the wide popularity of computers, a copy of an index can be stored on a computer disk and the spare disk given to someone else for safe keeping.

Hopefully, by reading this article and following the steps it suggests, some surveyors will be able to increase their access to old records. This may be a good project to keep employees busy during slow times in the winter or adopted as a local surveyor's group project. Good luck!

+ *Knud Hermansen is a professional land surveyor, professional engineer, and attorney at law. He operates a consulting firm in Old Town, Maine and is a faculty member at the University of Maine, Orono.*

## **Rhode Island Society of Professional Land Surveyors**

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Please contact Thomas Meyer with any questions at [Thomas.meyer@uconn.edu](mailto:Thomas.meyer@uconn.edu).

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## Solar Access Rights Help You Catch Some Rays

Most states protect your current solar access for light and energy. If your state doesn't, local height restrictions may save your sunshine.

Read more: <http://www.houselogic.com/home-advice/saving-energy/solar-access-rights/#ixzz1afnSoghE>

By Ann Cochran, Washington Home Improvement



Here come the solar access laws that affirm your right to install solar devices and use them unobstructed. About [two-thirds of U.S. states](#) maintain solar access regulations and solar setbacks. If your area is still in the dark about the right to sunlight, look for building height restrictions and setback rules that may let the sun shine onto your property.

### Regulating light and air

Here are some examples of existing regulations.

- In Ashland, Ore., the [Solar Access Ordinance](#)—one of the first citywide solar ordinances—prohibits new structures to cast a shadow bigger than the shadow cast by a 6-foot fence. The city calculates solar setbacks with a formula using the 24-degree angle of the sun at noon on the winter solstice.
- In California, no plants may be placed or allowed to grow if they shade more than 10% of a neighbor's sun collector between 10 a.m. and 2 p.m.

In New Mexico, home owners can obtain solar easements that prevent neighbors from building structures or planting new trees that would block the sun. These easements attach to the property forever and, when the home is sold, the easements are sold along with it.

### Grandfathering solar access

Structures and natural landscape features established before the dawn of solar laws may remain.

But, in some places, home owners are being forced to cut down trees that block their neighbor's new solar panels. In 2008, a Santa Clara, Calif. judge ordered a household to cut down two 4-year-old trees that blocked a neighbor's new panels. Later that year, Calif. Gov. Arnold Schwarzenegger exempted pre-existing trees from the [California Solar Shade Control Act](#).

### How to get a little sun

- **Research zoning regulations:** If your state or city does not expressly protect your solar access rights, its zoning regulations might. Check your state or municipality's official website. Maximum building height restrictions, which apply to fences, trees that form a hedge, and other building structures, exist in every community. [Setback](#) rules aid sun seekers, as well. If a tall structure is closer than it should be to your property, it could be blocking sunlight and violating the law.
- **Get an injunction:** If a neighbor's new addition exceeds local height restrictions and blocks your sun, seek an injunction to stop construction.

**Trim a tree:** You may trim trees that get between you and the sun, but only if they extend over your property line.

### New HOA trends

Once, home owners associations could prevent you from installing solar panels because they wrecked uniformity or were eyesores. HOAs in states with solar access law, however, may not prohibit—directly or effectively—residents' solar energy systems.

HOAs in many new communities are prohibiting buildings that block solar collectors.

## Why Leaves Change Color

**M**any people believe that frost is responsible for the change in colors, but Jack Frost has little to do with it. In fact, many times leaves change color before the first hint of frost.

Indian legend has it that celestial hunters slew the “Great Bear autumn” and the spilled blood turned the leaves red. The yellow of fall came from the fat spattering out of the kettle as the hunters cooked their prize. Other legends persist as well, but we know today that the changes are the result of chemical processes taking place in the tree as the growing season ends.

From the time the leaves emerged from the green buds in spring, they have served as factories, creating the food a tree needs to grow. The food-making process takes place in millions of leaf cells which contain a pigment known as chlorophyll. Chlorophyll is green and there is so much of it in a grown leaf that it gives the leaf its green color.

But, in addition to the green chlorophyll, leaves also contain some yellow or orange carotenoids which, by the way, give carrots their familiar color. For most of the year, the little bit of yellow/orange carotenoid color is hidden by the huge amounts of green chlorophyll. But, in the fall, the food factories shut down for the winter. The chlorophyll breaks down and the green fades away, letting the yellow/orange carotenoids blaze forth, giving autumn its splash, dash and panache.

At the same time, other chemical changes occur, giving rise to more pigments which vary from yellow to red to blue. It is to these changes we owe the reds and purples of sumac, the brilliant orange or fiery red and yellow of sugar maple, and the golden bronze of beech.

The fall weather reaches a point where the days are warm enough for the food factories to operate, but the nights are too cold for the sugars which are produced to move downward in the tree. In the presence of bright light, the sugars trapped in the leaves form the red pigments, anthocyanins. The brighter the light, the greater the production of anthocyanins, and the more brilliant the colors we see.

When the days of autumn are bright and cool, and the nights chilly, but not freezing, the brightest foliage colors will develop. Familiar trees with red or scarlet leaves are red maple, dogwood, red oak, scarlet oak, and sassafras.



Only a few regions of the world have seasonal displays of color like Connecticut's. The eastern United States and southeastern Canada have large areas of deciduous forests, ample rainfall, and favorable weather conditions for vivid fall colors. However, eastern Asia, southwestern Europe, and some areas of the western United States (notably the mountains) have bright fall colors.



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# TRIG-STAR



**A High School Trigonometry Skill Awards Program Administered by  
the National Society of Professional Surveyors**

## STATEWIDE SPONSORSHIP APPLICATION FORM

The TRIG-STAR contest allows NSPS State Affiliates to sponsor unlimited TRIG-STAR contests by operation under a yearly state site license granted by NSPS. A local sponsor is still needed for each participating High School to administer the tests. Only one TRIG-STAR contest will be allowed per participating local high school per year. The state affiliates must apply to NSPS on this application form to be eligible for a site license. A package containing TRIG-STAR contest instructions, a TRIGSTAR test problem, and a sample TRIG-STAR news release will be delivered in camera ready format for the state affiliates to copy and distribute within the state at the state affiliates discretion. The local TRIG-STAR contest sponsors will be responsible for making all the local arrangements. The state affiliate society will determine the state TRIG-STAR contest winner who is eligible to compete in the NSPS National Trig-Star Contest.

STATE \_\_\_\_\_ DATE \_\_\_\_\_

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TRIG-STAR contest materials will be sent to the State TRIG-STAR coordinator.

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**Send To:** TRIG-STAR, 6 Montgomery Village Avenue, Suite #403, Gaithersburg, MD 20879  
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**Remember to pick up your 2012 Annual Reference Book at the Annual Meeting.**

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