

HELLER, HELLER & McCOY

Attorneys at Law

*736 Norwich-New London Turnpike
Uncasville, Connecticut 06382*

*Sidney F. Heller (1903-1986)
Harry B. Heller (hheller@hellermccoy.com)
William E. McCoy (bmccoy@hellermccoy.com)*

*Mary Gagne O'Donal (mgodonal@hellermccoy.com)
Andrew J. McCoy (amccoy@hellermccoy.com)*

Telephone: (860) 848-1248
Facsimile: (860) 848-4003

May 31, 2022

Town of Ledyard
Planning and Zoning Commission
Attention: Ms. Juliet Hodge, Director of Planning
741 Colonel Ledyard Highway
Ledyard, CT 06339

RECEIVED

MAY 31 2022

LAND USE DEPARTMENT

Re: Subdivision Application of Mr. G. 1., LLC
Eagles Landing, an Open Space Subdivision

Dear Juliet:

This office represents Mr. G. 1., LLC, the owner of property located on the southeasterly side of Vinegar Hill Road (79 Vinegar Hill Road) in the Town of Ledyard, Connecticut. The parcel originally was comprised of 169.5 +/- acres. On behalf of our client, Mr. G. 1., LLC, we previously submitted a Subdivision Application for the subdivision of the subject property and the property known as 85 Vinegar Hill Road into twenty-five (25) building lots in an open space subdivision configuration pursuant to the provisions of Section 4.9 of the Town of Ledyard Subdivision Regulations and Section 5.2 of the Town of Ledyard Zoning Regulations. That open space subdivision was ultimately approved by the Ledyard Planning and Zoning Commission and the approved subdivision plan was endorsed by the Chairman of the Ledyard Planning and Zoning Commission on December 3, 2019 and filed for record in the Ledyard, Connecticut Land Records.

The original subdivision formulation required the Applicant to convey 102.25 acres of land to the Town of Ledyard as the open space dedication required for an open space subdivision in conjunction with the development of the project. That conveyance was completed pursuant to deed dated November 26, 2019 and recorded in Volume 584, Page 207 of the Ledyard Land Records.

The original subdivision design contemplated (i) the installation of a stormwater quality and detention basin as part of the stormwater management system for the project within the limits of a Connecticut Light and Power Company transmission line easement and (ii) the construction of two common driveways crossing The Connecticut Light and Power Company transmission line

Z:\Mr. G. 1., LLC\Ledyard Subdivision\Reapplication\ltr.Town re Submission.docx

Exhibit # 2

easement in a perpendicular direction in order to provide access and utilities to the buildable area of Lots 13, 15, 25 and 27 as depicted on the original subdivision plan.

Subsequent to the approval of the project and the filing of the subdivision plan for record with the Ledyard Town Clerk, a material dispute arose between the Applicant and The Connecticut Light and Power Company concerning both the placement of the stormwater quality/detention basin and the use of The Connecticut Light and Power Company transmission line easement for perpendicular common driveway crossings to the four building lots located easterly of the transmission line easement. When our client was unable to reach accord on these issues with The Connecticut Light and Power Company d/b/a Eversource Energy, an action was instituted in the Superior Court for the Judicial District of New London styled Mr. G. 1., LLC vs. The Connecticut Light and Power Company d/b/a Eversource Energy seeking a declaratory judgement establishing the property owner's right to utilize areas within the limits of the transmission line easement which were not inconsistent with the rights granted of record to The Connecticut Light and Power Company.

Due to the fact that we anticipated protracted litigation with The Connecticut Light and Power Company, an application was submitted to the Town of Ledyard Planning and Zoning Commission to terminate the Eagles Landing Subdivision (with the exception of the property designated as 85 Vinegar Hill Road). This action was taken due to the fact that the property owner could not bear the burden of paying real property taxes on approved building lots for an indeterminate period of time that it might take to conclude the litigation with the utility company. In conjunction therewith, the Applicant requested that the Ledyard Planning and Zoning Commission make a record determination that the conveyance of the 102.25 acre +/- open space parcels, as depicted on the 2018 subdivision plan, be counted toward the open space dedication required under the then-current Ledyard Zoning and Subdivision Regulations for any future subdivision application that might be filed with respect to this property. That request was approved at the October 8, 2020 meeting of the Ledyard Planning and Zoning Commission.

The Applicant has recently concluded its litigation with The Connecticut Light and Power Company d/b/a Eversource Energy. As a result of that resolution, The Connecticut Light and Power Company d/b/a Eversource Energy has entered into an Easement Modification Agreement which grants to Mr. G. 1., LLC crossing rights for two perpendicular crossings to install the common driveways to provide access and utilities to proposed Lots 13 and 15 and 25 and 27 as depicted on the subdivision plan. In addition, the Easement Modification and Settlement Agreement provide for the underground installation of stormwater culverts for the transmission of project stormwater through and across the transmission line easement in order to transmit stormwater collected from the closed drainage system proposed in the project to the relocated stormwater quality/detention basin which is now proposed to be located easterly of the transmission line easement.

As a result of the settlement, we hereby submit for review and approval, the twenty-four (24) lots which were originally approved in 2019 by the Ledyard Planning and Zoning Commission. As indicated above, the subdivision approval with respect to the property located at 85 Vinegar Hill Road was never terminated; therefore, the instant application contains one (1) less building lot than the original submission. The instant application is submitted for approval as an open space subdivision pursuant to the parameters established in Section 4.9 of the Ledyard Subdivision Regulations and Section 5.2 of the Ledyard Zoning Regulations.

Submitted herewith for consideration by the Town of Ledyard Planning and Zoning Commission in conjunction with the promulgation of this open space subdivision are the following:

1. Original and seven (7) copies of the "Town of Ledyard Application for Subdivision of Land" with respect to the Eagles Landing Open Space Subdivision, with a list of abutting property owners, and property owners located directly across the street from the land being subdivided attached thereto.
2. Seven (7) copies of the "Subdivision/Resubdivision Checklist" for the Eagles Landing Subdivision which has been completed by the Applicant.
3. Authorization signed by the property owner and applicant authorizing the law firm of Heller, Heller & McCoy to submit the instant subdivision application on its behalf and further authorizing the law firm of Heller, Heller & McCoy, the surveying firm of Dieter & Gardner, Inc. and the engineering firm of LBM Engineering, LLC to represent its interests in all proceedings before the Town of Ledyard Planning and Zoning Commission with respect to the open space subdivision application.
4. Seven (7) prints of the subdivision plan entitled "Plan Showing Eagles Landing An Open Space Subdivision Property of Mr G 1 LLC 79 Vinegar Hill Road Ledyard, Connecticut Scales as Shown June 2022 Sheets 1 of 15 to 15 of 15 Dieter & Gardner Land Surveyors – Planners P.O. Box 335 1641 Route 12 Gales Ferry, CT. 06335 (860) 464-7455 Fax (860) 464-5028 Email: dieter.gardner@yahoo.com".
5. Three (3) copies of the stormwater drainage calculations prepared for this project by LBM Engineering, LLC.
6. A Quit-Claim Deed from Mr. G. 1., LLC to the Town of Ledyard, Connecticut conveying to the Town of Ledyard, Connecticut a thirty (30') foot half section of Vinegar Hill Road along the property frontage on Vinegar Hill Road was previously executed by the Applicant, delivered to the Town of Ledyard, Connecticut and filed for record in Volume 584, Page 218 of the Ledyard Land Records. A copy of that deed is forwarded herewith.

7. A Quit-Claim Deed conveying the open space dedication for the Eagles Landing Subdivision was previously executed by Mr. G. 1., LLC, delivered to the Town of Ledyard, Connecticut and filed for record in Volume 584, Page 207 of the Ledyard Land Records. A copy of the Deed to the open space areas is submitted herewith.
8. A copy of the combining deed pursuant to which the previously approved subdivision (with the exception of Lot 85) was combined of record into one singular tract or parcel of land.
9. Seven (7) copies of a draft deed of conveyance to the Town of Ledyard, Connecticut for the conveyance of proposed Marty's Way to the Town of Ledyard together with its associated stormwater drainage easement and rights to drain. This instrument is submitted in form only, not to be executed until such time as all infrastructure improvements for the Eagles Landing Open Space Subdivision have been constructed by the applicant and accepted by the legislative authority of the Town of Ledyard, Connecticut.
10. Seven (7) copies of the draft First Amended and Restated Joint Driveway Easement and Maintenance Agreement for Lots 11, 13, 15 and 17 and for Stormwater Facilities in the Eagles Landing Open Space Subdivision, amending and restating the original Declaration recorded in Volume 582, Page 461 of the Ledyard Land Records.
11. Seven (7) copies of the recorded Joint Driveway Easement and Maintenance Agreement for Lots 23, 25, 27 and 29 in the Eagles Landing Open Space Subdivision.
12. Seven (7) copies of the recorded Joint Driveway Easement and Maintenance Agreement for Lots 28, 26 and 24 in the Eagles Landing Open Space Subdivision.
13. A copy of correspondence of even date herewith to the Commissioner of Public Health of the State of Connecticut informing the Commissioner of proposed activity within a public water supply watershed area of the City of Groton.
14. A copy of correspondence of even date herewith to the City of Groton Department of Public Utilities informing the Department of Public Utilities of the proposed activity within a public water supply watershed area of the City of Groton.
15. A check payable to "Town of Ledyard" in the amount of \$7,260.00 representing payment of the application fee calculated as follows:

(a)	24 lots @ \$300.00 per lot	\$7,200.00
(b)	State of Connecticut surcharge	60.00
	TOTAL	\$7,260.00

Town of Ledyard Planning and Zoning Commission
May 31, 2022
Page 5 of 5

The Applicant hereby further requests that the Town of Ledyard Planning and Zoning Commission consider a waiver of a portion of the application fee for this project since the project was originally approved by the Ledyard Planning and Zoning Commission and a full application fee paid at that time. Since there are only minor changes in the infrastructure design for the project, it is the Applicant's anticipation that only limited review will be required in conjunction with this re-submission.

Request is hereby made that you place this matter on the agenda of the June 9, 2022 meeting of the Ledyard Planning and Zoning Commission for acceptance.

Should you have any questions concerning this application, or need any additional information at this time, please feel free to contact the undersigned.

Very truly yours,



Harry B. Heller

HBH/smr
Enclosures