



TOWN OF LEDYARD

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Land Use/Planning/Public Works Committee Meeting Minutes

Chairman S. Naomi
Rodriguez

Regular Meeting

Monday, January 6, 2025

6:00 PM

Town Hall Annex - Hybrid Format

In -Person Location: Council Chambers, Town Hall Annex Building

Remote Participation Noted Below:

Join Zoom Meeting from your Computer, Smart Phone or Tablet:

**<https://us06web.zoom.us/j/88238013351?pwd=szZSQftHvpwTVy8xRZnsJby81bvpoo.1>
Or by Audio Only: Telephone: +1 646 558 8656; Meeting ID: 882 3801 3351; Passcode: 734390**

I CALL TO ORDER

The meeting was called to order by Councilor St. Vil at 6:00 p.m. at the Town Hall Annex Building.

Councilor St. Vil welcomed all to the Hybrid Meeting noting that tonight is the first meeting of the Land Use/Planning/Public Works for 2025. He stated for the Town Council Land Use/Planning/Public Works Committee and members of the Public who were participating via video conference that the remote meeting information was available on the Agenda that was posted on the Town's Website - Granicus-Legistar Meeting Portal.

II. ROLL CALL

Present: Gary St. Vil
Jessica Buhle
Kevin Dombrowski

In addition, the following were present:

Elizabeth Burdick Land Use Director/Town planner
Eric Treaste Resident
Roxanne Maher Administrative Assistant

III. RESIDENTS & PROPERTY OWNERS COMMENTS

Mr. Eric Treaster, 10 Huntington Way, Ledyard, addressed CGS 8-30g regarding *Affordable Housing*. He stated that he had concerns regarding the last 10-year history of 8-30g Applications in Ledyard, because the State Statute basically tosses out all zoning requirements; except for health and safety issues. He stated per CGS 8-30g that Zoning Regulations pertaining to heights, setbacks, and everything else vanishes with an 8-30g *Affordable Housing Application*, noting that he did not think the benefits justified the disadvantages; and they were difficult to enforce once they have been built in terms of honoring the terms and conditions of the required 30% that were Affordable and the selling/purchasing constraints, etc.

Mr. Treaster suggested if the Land Use/Planning/Public Works Committee agreed with his viewpoint that the Town Council write a letter to their State Elected Representatives to express the concerns he mentioned this evening regarding the CGS 8-30g Regulations, to ask that the 8-30g Regulations go away. He went on to state that *Affordable Housing* tends to be built in locations that were not really suited for those types of structures.

Councilor St. Vil thanked Mr. Treaster for his comments this evening regarding the 8-30 g *Affordable Housing Regulations*. He stated if Ledyard had a certain percentage of the community's housing deemed *affordable*, that the town would have enough *affordable housing* and; therefore, would not need to comply with the 8-30g Requirements; noting that some adjacent towns already met the criteria. He stated with that being said, that he would not support writing a letter as Mr. Treaster suggested this evening. However, he stated that he would be interested in hearing his fellow LUPPW Committee members thoughts regarding Mr. Treaster's suggestion.

Councilor Dombrowski stated in years past that Ledyard has approached their State Representatives to consider some modifications to CGS 8-30g relative to the deed restrictions. He explained that Ledyard had some areas in town where they already meet the *Affordability Requirements* naturally; versus implementing the deed restriction through the 8-30g Application Process. He stated that he fully supported *Affordable Housing* and that he did not have concerns regarding the intent of CGS 8-30g. However, he stated that he did have some concern regarding its "Application" relative to Developers using it more as a hammer approach to try to get what they want, stating that he did not have a problem with the use of CGS 8-30g.

Mr. Treaster stated in doing the math that 30% of their community needed to be Affordable Housing; which would leave two-thirds of their housing not being Affordable by definition.

Councilor Buhle noted that she agreed with Councilor Dombroski's comments. She went on to state to use the words of State Senator Cathy Osten "*Affordable to Who?*" explaining that *Affordability* in housing was measured by arbitrary numbers. She stated *affordable* to a new employee at Electric Boat (EB) was different than *affordable* to a teacher; or *affordable* to somebody who worked in retail, etc.

Therefore, she commented that when they look at *affordability*, it was hard to write Legislation that regulated *Affordable Housing* for all town, noting that it was a blanket term that does not fit most people. She thanked Mr. Treaster for his comments, and she noted that it was her understanding that towns had the option to pause 8-30g Applications if there was other housing that was being developed on a larger scale. She suggested they wait until the Applications that were currently in-process to be completed before the town takes on other 8-30g Developments. Councilor Buhle concluded by stating the 8-30g Legislation was 35 years old, noting that it was not going to go away, because some towns would not institute *Affordable Housing* unless they were required to, and she commented for towns not to provide *Affordable Housing* would be unfair to the people who work and need to live in their communities.

Councilor Dombroski stated in the past when Ledyard reached out to State Senator Cathy Osten and former State Representative Mike France it was to ask if they could modify the 8-30g *Affordable Housing Legislation* to include some of the naturally occurring housing development that was *affordable*, noting that the town did not request that the State get rid of the Affordable Housing Legislation. He noted the following housing developments as an example of *Affordable Housing* that has occurred naturally in Ledyard: Fox Run Apartments; Flintlock Apartments, Highlands Subdivision, Lakeside Condominiums, and Stonegate Village.

Councilor Dombrowski stated from an *affordability* criteria and from a standpoint of income, that based upon the median income of the area and/or their town, these housing units would fall into; or could fall into what would be naturally occurring *affordability*. However, he stated these housing units do not meet the 30-year deed restriction requirement provided in CGS 8-30g; and therefore, the Ledyard does not receive credit for these pre-existing or legacy *Affordable Housing* units towards the town's percentage of *Affordable Housing*. Councilor St. Vil questioned whether the naturally occurring, preexisting or legacy housing units that Councilor Dombrowski mentioned would be credited toward the town's percentage of Affordable Housing. Councilor Dombrowski explained that only the housing units that met the CGS 8-30g deed restrictions could be credited toward Ledyard's Affordable Housing percentage. He stated although there were some other areas in town that met definition of CGS 8-30g; that they were not deed restricted.

Land Use Director/Town Planner Elizabeth Burdick stated that she was a proponent of *Affordable Housing*, noting that there was a need for more education about what *Affordable Housing* was. She noted as an example that a woman who lived on Fawn Run stopped by the Land Use Office to talk with her about the Stoddard's Wharf Development, noting that the woman told her "*that she did not want those people in her neighborhood*". Ms. Burdick stated when she showed the woman the Stoddards Wharf Plan, which had been approved with less houses, and was currently being appealed; that she explained the following:

- Six homes in the Development would be Affordable Housing.

- ✓ Three of the six homes would be sold at 60% of Market Value (\$250,000 - \$275,000); and
- ✓ Three of the six homes would be sold at 80% of Market Value (\$350,000 - \$375,000).
- The remainder of the homes in the Development would be sold at 100% of Market Value.

Ms. Burdick continued to state that the woman did not understand what *Affordable Housing* was. Ms. Burdick stated that she took exception with Mr. Treaster's comments that *Affordable Housing* was being put into places where it should not be and she asked Mr. Treaster if he could expand on his comments that *Affordable Housing* was being put in places where it should not be in Ledyard.

Mr. Treaster stated that he misspoke slightly, noting that what he should have said was that there was inappropriate construction in inappropriate locations. He noted the following examples:

- Inchcliffe Drive - Mr. Treaster stated the vertical three one-bedroom apartments on Inchcliffe Drive, noting that it was his opinion, that those homes should have never been built in that location. He stated that area was one of Ledyard's most luxurious locations and that the structure blocked the views of high-paying taxpayers. He explained if those high paying taxpayers appealed their assessments based upon loss of view, that it would be a challenge for the people serving on the Board of Assessment Appeals.
- Corner of Christy Hill and Kings Highway - Mr. Treaster stated the 10-unit Mobile Home Park on the corner of Christy Hill and Kings Highway would have been ideal for condominiums, which would have also offered ownership capability and would have qualified as *Affordable Housing*. He expressed concern regarding the Mobile Home Park stating that because there were so many mobile homes on that site that the roads can never be paved in order to protect the aquifer, explaining that this would only show up in covenants in the land use records. However, he stated nobody looks at the covenants in the Land Records; and that someday the roads would be paved and that it would be a problem.

Mr. Treaster went on to state that the town has lost control over which units were affordable and which units were not noting that was the reason he said that it was difficult to enforce the 30% Affordable Housing Requirements after the houses were developed and sold.. He stated the 8-30g *Affordable Housing Regulations* makes all those constraints vanish. Therefore, he stated that he was suggesting Ledyard's Elected Officials write a letter to our State Representatives indicating that they agreed with the need to provide *Affordable Housing*; and ask that they allow the *Affordable Housing* that was occurring naturally in their towns count toward the State's required threshold. He stated that they could make the Regulation so that it would be good for everyone, noting that they just had to put on their thinking caps.

Councilor St. Vil stated that he understood that Mr. Treaster was concerned about Ledyard and he appreciated his feedback. However, he stated that he did not believe that Mr. Treaster's commentary was enough to draft a letter to their State Legislators. He stated if Mr. Treaster wanted to specify his concerns that the LUPPW Committee would consider his request. Mr. Treaster stated although it would take him some time, because he has some higher priorities at this time, that he would be willing to provide a letter to the Town Council to consider. Councilor St. Vil stated that he was not agreeing to take further action on Mr. Treaster's letter, noting that would be a decision made by the Committee at the time Mr. Treaster submitted his letter. He stated at a minimum that Mr. Treaster's letter would be of value in enumerating in detail what Mr. Treaster's specific concerns were; and if there were gray areas that the community may be unaware of that the letter would amplify those areas and that the letter would become part of their record.

Councilor St. Vil provided clarification stating that he was not agreeing to take further action on Mr. Treaster's comments; unless his fellow LUPPW Committee Members disagreed with him. He stated that he saw no action regarding Mr. Treaster's request at this time.

Land Use Director/Town Planner Elizabeth Burdick suggested that it may be helpful for Julie Savin from *Eastern Connecticut Housing Opportunities* (ECHO), or Beth Sabila from *The Center for Housing Equity* to speak to the Town Council regarding *Affordable Housing*. She also suggested as part of the Community Relations Committee for Diversity, Equity, & Inclusion Governance Transparency Project that they host an *Affordable Housing* Presentation for the residents to be educated, not just about what the Planning & Zoning Department does, but also about what *Affordable Housing* was. She stated all Developers do not hit the town with a sledgehammer, noting that there were responsible Affordable Housing Developers whose motto was "*Housing for All*", stating that they look at all the different income levels in the community. She went on to explain that CGS 8-30g was a State Law and any changes to the law would apply to every town in Connecticut. She went on to state that she opposed some of Mr. Treaster's comments this evening regarding the locations of the *Affordable Housing* in town, explaining that a piece of property could only support a certain number of houses. She stated *Affordable Housing* was not *Subsidized Housing or Highrise Apartments*, noting that just about every Town of Ledyard Employee would qualify for *Affordable Housing* noting that the sale price of the homes were based on 60% & 80% of the medium income in the region.

Councilor Dombrowski stated by State Statute that Zoning was outside the purview of the Town Council, and he noted that Mr. Treaster knew that. Mr. Treaster stated that was essentially correct; and that he agreed with Councilor Dombrowski's statement. Councilor Dombrowski stated that it was not essential correct, noting that State Statute specifically stated that "*The Town Council can have no influence on Zoning Matters*". Mr. Treaster stated that the members of the Town Council do not give up their Constitutional Rights. Councilor Dombrowski stated that Mr. Treaster

was asking the Town Council to write a letter to their State Legislators about a State Statute pertaining to Zoning Matters. Mr. Treaster stated “Yes” he was asking the Town Council to write a letter to their State Legislators to improve CGA 8-30g.

POST MEETING NOTE: Administrative Assistant Roxanne Maher forwarded the Town Council’s Minutes of September 13, 2023 that was available on the Town’s Meeting Portal at which ECHO Ms. Julie Savin gave a presentation regarding *Affordable Housing*.

https://ledyardct.granicus.com/player/clip/580?view_id=1&redirect=true

IV. PRESENTATIONS / INFORMATIONAL ITEMS

None.

V. APPROVAL OF MINUTES

MOTION to approve the Land Use/Planning/Public Works Committee’s Regular Meeting Minutes of December 2, 2024.

RESULT: APPROVED AND SO DECLARED

MOVER: Jessica Buhle

SECONDER: Kevin Dombrowski

VI. OLD BUSINESS

1. Continued discussion regarding the progress of enforcing regulations to address blight issues.

Councilor St. Vil noted that Blight Enforcement Officer Hannah Gienau provided a Status Report regarding Blighted Properties dated January 6, 2025.

Councilor Buhle stated Zoning Official Hannah Gienau’s Report was thorough, well done, and that she liked the color codes. She went on to state although the Town Council does not concern themselves with the Land Use Permits, that she appreciated receiving the additional information. She stated when she served on the Economic Development Commission (EDC) that she received this information, noting that it was good information to have.

Councilor Dombrowski stated that he also appreciated Reports, noting that it provides a picture of what was going on in the Land Use Office.

Councilor St. Vil stated that he appreciated the input and the work of Land Use Director/Town Planner Ms. Burdick and Administrative Assistant Roxanne Maher, stating that the December 2, 2024 LUPPW Committee noted what the different color codes on the Blight Report meant.

Land Use Director/Town Planner Ms. Burdick noted Mr. Treaster’s proposed Blight

Flow Charts and his suggestion that the process to be consistent for every case. Ms. Burdick stated the while Flow Charts were great, that sometimes a telephone call will resolve the issue quickly. She explained as she mentioned at previous Land Use/Planning/Public Works Committee meetings, that sometimes a resident does not know that there was an issue. She stated by starting out with a telephone call and nicely asking the resident to address the issue has been successful in bringing properties into compliance for many cases. However, she went on to state for those who do not comply after the telephone call that the Land Use Department would take the appropriate further actions.

Councilor St. Vil asked that Mr. Treaster's proposed Blight Enforcement Flow Charts be removed from the Blight Enforcement Legislative File so that residents do not assume that the town was following the Flow Charts. Ms. Burdick stated that Mr. Treaster also sent the proposed Flow Charts to her and that she planned to meet with Zoning Official Hannah Gienau and Mr. Treaster to discuss the Flow Charts.

RESULT: CONTINUE

2. Spicer Homestead Ruins - Historical Research and Photos.

Land Use Director/Town Planning Elizabeth Burdick stated that Mr. Peter Gardner of Dieter & Gardner Surveyors was contracted to conduct an A2 Survey of the area within the Clark Farm, and she noted that the Survey was almost complete. She stated that the A2 Survey was requested to support the Historic District Commission's work to seek a Historic Designation of the Spicer Homestead Ruins.

RESULT: CONTINUE

4. Discussion to consider provisions to address Illegal Dumping.

Councilor St. Vil stated at their December 2, 2024 meeting the LUPPW Committee agreed to codify in a letter the work that they did to research options to help the residents who brought concerns regarding illegal dumping to their attention.

Councilor St. Vil provided a recap noting that based on State Statute 22a-250 "*Littering and Illegal Dumping*" and their work with both Police Chief John Rich and Land Use Director/Town Planner Elizabeth Burdick the LUPPW Committee found that the town did not need an Illegal Dumping Ordinance. He stated the letter has been prepared and reviewed by Chief Rich, Ms. Burdick, Chairman Rodriguez, and himself regarding their work and recommendations which included the following:

- The LUPPW Committee elevated the resident's concerns regarding Illegal Dumping to the Police Chief.
- State Statute 22a-250 address Littering and Illegal Dumping.

- The Police Chief will take a personal interest to see that the illegal dumping was addressed, if the resident contacted the Police Chief directly.

The LUPPW Committee agreed to send the letter as written to the residents.

RESULT: COMPLETED

3. Discussion to consider drafting an Ordinance to address Noise Issues, as requested in Ms. Johnston's August 12, 2024 email.

Land Use Director/Town Planner Elizabeth Burdick provided some background noting that the Noise Issue was brought to the LUPPW Committee's attention by one resident who lived near Prides Corner Farm because of workers making noise, the greenhouses, and the fans.

Ms. Burdick stated when she worked in Ledyard a few years back that the Town was asked to consider options to address Noise Issues, explaining at that time their work determined that a Noise Ordinance was not needed because State Statute 53a-181a "Creating a Public Disturbance and Infractions" and 14-80a "Maximum Noise Levels". She explained the State Statute allowed the Police Department to address noise issues.

Ms. Burdick went on to report that she and Building Official Seumas Quinn met with Prides Corner Farm Christian Joseph on December 6, 2024. She stated that Mr. Joseph sent the Land Use Department an email that read as follows:

"Many thanks for helping us navigate this situation. I have our Team here actively working on getting answers for the Planning & Zoning Commission and for Building Official Seumas Quinn. Prides Corner Farm would like to donate to a local charity and was wondering what you or the Town Council feel would be in the most need"

Ms. Burdick noted the following actions:

- The Land Use Department has asked Prides Corner Farm to get an "Existing Conditions Survey" to find out where all of the Greenhouses were located.
- Prides Corner Farm would then have to get *after the fact* Permits for their Greenhouses.

Ms. Burdick stated that Mr. Joseph has been keeping in touch with her and has been provided the following information:

- Prides Corner Farm's Hours of Operation
 - January, February, March -7:00 a.m. - 4:30 p.m.
 - April, May, June, 6:00 a.m. - 6:00 p.m. (could be longer in May)
 - July, August, September 6:00 a.m. - 4:00 p.m. (maybe a half hour more)
 - October, November 6:00 a.m. - 5:00 p.m.
 - December 6:30 a.m. - 3:30 p.m.
- Prides Corner Farm Noise Policy

- Diesel water pumps start no earlier than 9:00 a.m. - 5:00 p.m.
- Leaf Blowers, etc. start no earlier than 8:00 a.m.
- Radios start after 8:00 a.m. and are to be kept low throughout the day.
- Security Light on the Farm's Office is on all night
- Truck traffic throughout the day

Ms. Burdick stated that she has not talked with Mr. Joseph about the items listed above or visited the site yet. She noted that Mr. Joseph asked for the neighbor's name because he wanted to reach out to them to see what he could do to help. However, Ms. Burdick stated that she did not give Mr. Joseph the neighbor's name because she did not think that it was appropriate at that time. She stated Prides Corner Farm seemed to be genuinely concerned and that he wanted to be a good neighbor and does not want to bother people, noting that the property was a farm prior to Mr. Joseph purchasing the property, and that it was going to continue to operate as a farm.

Ms. Burdick went on to state that once they get the *Existing Conditions Survey* that she would work with Prides Corner Farm to address the setbacks and the other items noted. However, she explained because there were two conflicting areas in the Regulations, noting that one Regulation, which the former Town Planner wrote, allowed Hoop Houses to not have to meet the setbacks for the zone. Therefore, she stated that they were working to figure all this out.

Councilor St. Vil stated that he appreciated Ms. Burdick's work to date and update.

Councilor Buhle addressed the following:

- Mr. Joseph's request for the neighbor's name - Councilor Buhle stated that the neighbor's name was already part of the public record. Ms. Burdick noted that she would suggest Mr. Joseph write the neighbor a letter and ask them to call him.
- Hours of Operations - Councilor Buhle questioned whether Prides Corner Farm had different start hours on the weekends, noting that a 6:00 a.m. start on Saturday and Sunday was early. Ms. Burdick explained that the property was a farm that did not have any hours of operation when Mr. Joseph purchased the property, and that Prides Corner Farm has intensified the use of the property. She stated that she agreed with Councilor Buhle's comments, noting that all of these items would be discussed when she meets with Mr. Joseph.
- Not obtaining the required Permits - Councilor Buhle stated because Prides Corner Farm has not obtained the required permits that the property has been under assessed since they added structures and made improvements, and she commented they do not know how many years this has been. Ms. Burdick stated that aerial and GIS photographs between 2016 - 2019 (prior to Prides Corner Farm) and the *Existing Conditions Survey* would help to determine when the structures were added. She also explained although she did not know all of the tax assessment laws, that the Tax Assessor may be able to back tax the property; however, Ms. Burdick stated that she would leave that to the Tax Assessor.

Ms. Burdick noted the *Right to Farm Act*, explaining that farms were both a commercial operation and a farm. However, she stated that some farmers do not

know that they had to obtain permits to add things like greenhouses. Therefore, she stated that farming was a challenge for Land Use Departments. She stated Prides Corner Farm was a different from raising cows, chickens, sheep, crops, etc., noting that Prides Corner Farm grows plants and they sell the plants.

Councilor Dombrowski stated based on Ms. Burdick's report that it appears that Prides Corner Farm wants to be a good neighbor.

Councilor St. Vil noted the following:

- Prides Corner Farm was being responsive and seemed like they wanted to be a compliant neighbor.
- Prides Corner Farm was attempting to develop a relationship with the Land Use Department and with their neighbor.
- LUPPW Committee had the previous Action Items to look into:
 - ✓ Signage - Need to work with Police Chief and/or Public Works Director
 - ✓ Evaluation of Prides Corner and their Compliance - Councilor St. Vil stated that Hours of Operation was a key piece of information relative to being compliant and whether the noise level was outside of expectations.

Ms. Burdick noted that The Connecticut Examiner's Sunday's edition (January 5, 2025) had an article titled "*With the State's Go-Ahead Towns Move to Tighten Noise Ordinances*". She stated although she had not had the opportunity to read the article yet, that she would send the Committee the article. However, she noted that adopting a Noise Ordinance would be up to the individual towns.

Councilor St. Vil stated that once the Land Use Department has completed their work regarding Prides Corner Farm that the LUPPW Committee could discuss the right approach for the town which could be:

- Draft a Noise Ordinance; or
- Send a letter to the resident, similar to what they did for the Illegal Dumping issue.

RESULT: CONTINUE

5. Any other Old Business proper to come before the Committee.

None.

VII. NEW BUSINESS

1. Any other New Business proper to come before the Committee.

None.

IV. ADJOURNMENT

Councilor St. Vil moved the meeting be adjourned, seconded by Councilor Dombrowski

VOTE: 3 - 0 Approved and so declared, the meeting was adjourned at
6:50 p.m.

Respectfully submitted,

Gary St. Vil
Committee Chairman
Land Use/Planning/Public Works Committee

DISCLAIMER: Although we try to be timely and accurate these are not official records of the
Town.