



TOWN OF LEDYARD CONNECTICUT

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Land Use/Planning/Public Works Committee

Chairman Gary St. Vil

~ AGENDA ~

Regular Meeting

Monday, July 6, 2026

6:00 PM

Town Hall Annex - Hybrid Format

REMOTE MEETING INFORMATION

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

Remote Participation: Information Noted Below:

Granicus/Legistar Meeting Portal:

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

<https://ledyardet.zoom.us/j/81174755993?pwd=LMUne6kdkNdenpA8iOt8ZR9uUTdwOU.1>

Or by Audio Only: Telephone: +1 646 558 8656; Meeting ID: 811 7475 5993; Passcode 648275

:

- I. CALL TO ORDER
- II. ROLL CALL
- III. RESIDENTS & PROPERTY OWNERS COMMENTS
- IV. PRESENTATIONS / INFORMATIONAL ITEMS
- V. APPROVAL OF MINUTES

MOTION to approve the Land Use/Planning/Public Works Committee Minutes of May 4, 2026

Attachments: [LUPPW-MIN-2026-05-04](#)

VII. NEW BUSINESS

- 1. MOTION to recommend the Town of Ledyard sell town-owned property located 480R Shewville Road, (fka) Loftus Wellfield approximately 11.46+/- acres, for \$150,000 to Mr. Kevin Blacker, of Noank, Connecticut.

Attachments: [Sales Agreement- 480R Shewville Rd- Blacker Deed](#)
[Survey Map 11.46 ACS](#)
[Tax Card](#)
[Treaster Deed 480-R Shewville Rd copy](#)
[Treaster- Loftus Report 6.22.16 copy](#)
[Treaster-Loftus Access Road & Well Field](#)

2. MOTION to set a Public Hearing (Hybird Format - Video Conference and In-Person) on Wednesday, August 12, 2026 at 6:15 p.m. to be held in the Council Chambers, 741 Colonel Ledyard Highway, Ledyard, to receive comment regarding the Town of Ledyard to sell town-owned property located 480R Shewville Road, (fka) Loftus Wellfield, for \$150,000 to Mr. Kevin Blacker, of Noank, Connecticut; in accordance with CGS 07-163e.

Attachments: [CGS-7-163e- Sale of Town Property- Public Hearing](#)
[Sales Agreement- 480R Shewville Rd- Blacker Deed](#)
[Survey Map 11.46 ACS](#)
[Tax Card](#)

3. MOTION to set Special Town Meeting (Hybird Format - Video Conference and In-Person) on Wednesday, August 12, 2026 at 6:30 p.m. to be held in the Council Chambers, 741 Colonel Ledyard Highway, Ledyard, to consider, discuss and vote upon the following:

“Shall the Town of Ledyard sell town-owned property located 480R Shewville Road, (fka) Loftus Wellfield, for \$150,000 to Mr. Kevin Blacker, of Noank, Connecticut?.

Attachments: [Sales Agreement- 480R Shewville Rd- Blacker Deed](#)
[Survey Map 11.46 ACS](#)
[Tax Card](#)

4. Any Old Business proper to come before the Committee.

VI. OLD BUSINESS

1. Continued discussion regarding the progress to designate the Spicer Homestead Ruins, within the Clark Farm property, as a Registered Historical Site.

Attachments: [Spicer Homestead Ruins-Chittum Ltr- dated 2026-01-05](#)
[LAMB-SPICER HOMESTEAD RUINS-EMAIL-2025-12-15](#)
[LAMB-SPICER HOMESTEAD RUINS-EMAIL-2025-12-18](#)
[Chapter 97a - Historic Districts and Historic Properties-LAMB-EMAIL-2025-12-18](#)
[SPICER HOMESTEAD RUINS HISTORIC DESIGNATION-LUPPW LTR-2025-08-25](#)
[LAND USE DIRECTOR-EMAIL-2025-08-04-STATUS UPDATE-SPICER HOMESTEAD RUNIS-NOISE ORDINANCE](#)
[Spicer Homestead Ruins Timmeline- Parkson-2024-Parkinson Spicer Homestead - 4.4 acres](#)
[Spicer Runis Screenshot \(2\)](#)
[Spicer Runis Screenshot \(1\)](#)
[Spicer Homestead Ruins- Next Steps for Historic Designation-Dombrowski email-2024-06-03.pdf](#)
[Spicer Homestead Report -Hiistoric Research Sarah Holmes 2022.pdf](#)
[Spicerr Ruins- Photos.pdf](#)
[HISOTIRC DISTRICT COMMISSION MINUTES-2023-12-18](#)

2. Discussion regarding the establishment of a Long-Term Capital Plan for all of the town-owned facilities.
3. Any New Business proper to come before the Committee

IV ADJOURNMENT

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



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 26-0601

Agenda Date: 7/6/2026

Agenda #:

MINUTES

Minutes:

MOTION to approve the Land Use/Planning/Public Works Committee Minutes of May 4, 2026



TOWN OF LEDYARD
CONNECTICUT
TOWN COUNCIL
HYBRID FORMAT

741 Colonel Ledyard Highway
Ledyard, CT 06339

860 464-3203
Roxanne Maher
Administrative Assistant

Chairman Gary St. Vil

MINUTES
LAND USE/PLANNING/PUBLIC WORKS COMMITTEE –
REGULAR MEETING

Monday, May 4, 2026

6:00 PM

Annex Meeting Room, Town Hall Annex

DRAFT

- I. CALL TO ORDER – The meeting was called to order by Councilor Thompson at 6:02 p.m. at the Town Hall Annex Building.

Councilor Thompson welcomed all to the Hybrid Meeting noting 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 –

Table with 6 columns: Attendee Name, Title, Status, Location, Arrived, Departed. Rows include Jessica Buhle, Ty (Earl) Lamb, James Thompson, Karen Parkinson, Doug Kelley, Brandon Graber, and Roxanne Maher.

- III. CITIZENS' PETITIONS –

- IV. PRESENTATIONS/INFORMATIONAL ITEMS – None.

- V. REVIEW AND APPROVAL OF PRIOR MEETING MINUTES

MOTION to approve the and Use/Planning/Public Works Minutes of April 6, 2026
Moved by Councilor Buhle seconded by Councilor Lamb

VOTE: 3 - 0 Approved and so declared

- IV. OLD BUSINESS

- 1. Process to designate the Spicer Homestead Ruins, within the Clark Farm property, as a Registered Historical Site.

Mrs. Karen Parkinson, 55 Rose Hill Road, Ledyard, Historic District Commission Chairman, provided an update regarding the status of the Commission’s Report work, noting the following:

- Aerial drone pictures of the site were taken before the leaves came. Mr. A.J. Sarrol who volunteered his time to take the pictures with the drone.
• Pencil drawing of what the Spicer Mansion would have looked like.

- Dr. Ammie Chittum, Registered Archeologist, and Historic District Commission Member has been defining the area by looking at things such as how the chimney fell by the location of bricks that have been found and the granite from the cellar.

Mrs. Parkinson noted that Councilor Garcia-Irizarry provided her with a copy of the A2 Survey that was conducted by Dieter & Gardner in December, 2024. However, she stated the print out was very large; and that she needed a digital copy of the A2 Survey Map to print on an 8.5x11 piece of paper to include in the Report. Mrs. Parkinson provided a map of the Commission's proposed 4.3-acres, and she suggested another Site Walk of the property be conducted to consider expanding the site from the current A2 Survey outlining 0.7 acres to 4.3 acres. She noted that Preservation Connecticut Mr. Stefon Danczuk participated in two site walks of the Spicer Homestead Ruins, and he thought that the Homestead should be preserved. She noted about three-weeks ago a number of volunteers that included Mr. Doug Kelley, Dr. Ammie Chittum, Registered Archeologist, Councilor Garcia-Irizarry, Mr. AJ Sarrol, and herself visited the site to conduct some additional research.

Mrs. Parkinson provided some background noting the Spicer Homestead had gardens, wells, small out buildings for small animals, and orchards. She noted because there has been no development up there the stonewalls have not been disturbed. She provided some background noting that Spicer Homestead dates back to approximately 1670. She noted that Peter and Mary Spicer, first settlers, are the ancestors of many Mystic whaling captains (Spicer Marina), founders of Spicer Oil, "Parke" Spicer (Preston's long-serving selectman) and many Town of Ledyard and Preston early leaders. The Homestead was occupied for five generations and grew to over 200 acres. John and Cyrus each inherited half the farm in 1769; Cyrus sold the east half of the property to Isaac Geer in 1788; John and his successors farmed the west half of the property for another hundred years. The original dwelling was referenced as "*The Mansion*" in the 1769 Will of John Spicer. She stated that they do not know when the Spicer Home went away, noting that it would require a land search of other land deeds, which they planned to do. She stated there were forty-five homes in Ledyard that were standing since the American Revolution, and that she was still counting, noting that Ledyard is a historic town.

Mr. Doug Kelley, 40 Pinelock Drive, Gales Ferry, Historic District Commission Vice-Chairman, noted the on-site archeological work has shown that "*The Mansion*" was a 17th Century Massachusetts House Plan and he explained that it was common during that time to start with a small house and to continue to add on to the house as families expanded. He stated the large colonel house had a rectangular floor plan, with a huge center chimney noting the fireplace was made of brick, noting that it was similar to the Nathan Lester House. He stated the rooms were 15 square foot, which was large, noting during that period most rooms were about 12 square feet. He stated the house foundation was made of large granite stones of which some can be seen; however, they would need to be excavated; and the cellar was made with granite rubble. He provided a pencil rendering that he drew showing what the Spicer Homestead would have looked like. He stated that the Spicer Homestead was not only a home, but it was a farm.

Mr. Kelley went on to state so far they have only used rakes to move away some debris; however, he stated that it was going to require some on-site archeological work to do any excavation work. He stated once all of this work has been done and they could relate their findings to anything similar in period that he believed they would find a large residential house like the Nathan Lester House. He stated it would have been similar to the historic Ebenezer Avery House, which was a 1750 Colonial-style home of local significance in Groton on Poquonnock Road. He stated the house was no longer standing there but that it was widely remembered as a refuge for wounded American soldiers following the Revolutionary War's Battle of Groton.

Councilor Lamb questioned whether the Historic District Commission had their Spicer Homestead Ruins Package ready to submit to the Planning & Zoning Commission and to the State. He also questioned whether they were planning to give a Preliminary Report to the Land Use/Planning/Public Works Committee or to the Town Council before they submit their Report to the State; and whether the Land Use/Planning/Public Work Committee could remove this item from their future Agendas.

Mrs. Parkinson stated before the Historic District Commission could assemble their Study/Report the following was needed:

- Conduct another site walk with the Land Use/Planning/Public Works Committee.
- Town Council letter assigning the Historic District Commission as the Spicer Homestead Ruins Study Committee.
- Digital A2 Survey Map.
- Present enough evidence to the Town Council to obtain authorization to expand the study to the 4.3-ares. This authorization was needed before they could complete the Study/Report. If they cannot expand the site then the Historic District Commission would need to go back and prepare their Study/Report in a different way.
- Having the Study/Report ready to simultaneously submit to the local Planning & Zoning Commission and to the State of Economic & Development was still a ways out.

Mrs. Parkinson stated that she would leave it to the LUPPW Committee as to whether they wanted to keep the Spicer Homestead Ruins on their Agenda. She went on to note that the Tri-Town Trail would like to cut down the saplings that were less than four-inches along the trail and in the area in the 0.7-acre area for the Spicer Homestead Ruins.

Councilor Lamb questioned who had Administrative Control of the Clark Farm Property. Administrative Assistant Roxanne Maher stated the Town Council had Administrative Control of the Clark Farm Property; however, the Mayor has been working with the Tri-Town Trail on their initiatives.

Councilor Lamb questioned whether the LUPPW Committee felt they needed to keep the Spicer Homestead Ruins on their Agenda, noting that they could always add the item back when it was time for the property owners to approve the request for the Historic Designation and other related actions.

Councilor Thompson questioned the timeline for the Historic District Commission to present their Preliminary Study/Report to the Town Council. Mrs. Parkinson stated that she would like to present their Preliminary Study/Report to the Town Council before the fourth of July.

Mr. Brandon Graber, 42 Church Hill Road, Ledyard, stated that he frequently runs the following trails in town: the Blonders Trail, Nathan Lester House Trail, and the Tri-Town Trail/Spicer Homestead Trail. He stated this past weekend he chose to run all of the trails, and he noted the Spicer Homestead Trail was by far the most diverse run. He stated it was challenging, it had rolling hills, it had beauty, the most contiguous length with 4.3 miles running through the woods, so that runners did not have to go over the same path. He stated having this area available for public access promotes both personal health and environmental health. He stated preserving this diverse public access tract was worth the Town Council's consideration.

Councilor Thompson thanked the residents for their time and comments.

2. Status update regarding potential blight on Mill Cove Road.

Councilor Thompson noted Blight Enforcement Officer Hannah Gienau's May 4, 2026 letter in which she reported that she conducted a site inspection and would be sending a letter to the property owner regarding the Blight Violation at 2 Mill Cove Road.

Councilor Buhle addressed blighted properties, and she encouraged residents to submit their Blight Complaints early on. She stated that residents often say that a property has had blight issues for years, and they need it taken care of it. However, she stated if the Town was not notified; or made aware of a situation that needed to address, they might not know about it. She stated just because the matter has been there for years that they could not fast-track enforcement, explaining that there was a process and they had specific steps they had to follow, noting it could take some time. She stated whether there was a Blight Issue for six-months, one-year; or two-years that they had to provide the property owner the opportunity to mitigate the blight issue on their own. She encouraged residents who were frustrated with blighted properties to submit their Blight Complaint with the understanding that the mitigation does not happen within a couple of weeks. She stated depending on the severity of the situation that it could take some time.

Councilor Buhle continued by noting that she thought a deterrent of submitting a Blight Complaint was that Form required the person to disclose their name and address. She stated that she understands that it was to deter people from submitting false complaints; or malicious complaints. However, she stated that having to include their name on the Complaint Form was also a deterrent when it comes to filing a complaint against neighbor or someone they know. Therefore, she questioned whether the LUPPW Committee could work with the Land Use Department to suggest a way for Blight Complaints to be submitted anonymously. She stated that perhaps if residents filed the complaint in-person the Land Use Department would see that it was a valid complaint, explaining that this would prevent the property owner from becoming upset that a neighbor filed the complaint.

Councilor Thompson stated Councilor Buhle had a good point about being able to file complaints anonymously. He noted at work he had a situation where someone wanted to file a complaint about the condition of a neighbor's property, but because they were in fear of retaliation they have not. He stated the situation has been progressively getting worse over the last several weeks. He stated for the person filing the complaint to be required to disclose their name and address was a deterrent.

Administrative Assistant Roxanne Maher provided clarification explaining that Blight Complaints need to be filed with the Land Use Department at the Town Hall; not with the Town Council's Land Use/Planning/Public Works Committee. She explained the Town Council's LUPPW Committee does not have any authority regarding Blight matters.

Councilor Buhle stated she would be happy to talk with the Land Use Department about a potential solution to modify the Blight Complaint Form; or the procedure to file a complaint. She stated they wanted to make sure the complaints were coming from a place of truth and were not something that was not going to waste the time of town officials and employees. She stated that they also wanted to make sure that those who want to file a complaint felt comfortable to do so. She stated that she would report back at the June 1, 2026 LUPPW Committee.

RESULT: CONTINUED

Next Meeting: 6/1/2026 6:00 p.m.

3. Continued discussion regarding the establishment of a Long-Term Town-Wide Capital Plan for all of the town-owned facilities.

Councilor Lamb stated since he began this discussion that he was pleased with the progress, noting when School Superintendent Jason Hartling presented the Board of Education's Capital Needs Plan at the Town Council's February 11, 2026 meeting he stated that the Board of Education authorized the use of \$75,000 to conduct a High School Facilities Needs Assessment Study. He stated that he thought people were realizing that a Long-Term Strategic Plan was good for the town.

Councilor Lamb concluded his comments by noting that he has set up meeting with town leadership and that he would be prepared to present boiler plate for a Long-Term Capital Plan at the LUPPW Committee's June 1, 2026 meeting for the Committee to review.

RESULT: CONTINUED

Next Meeting: 6/1/2026 6:00 p.m.

4. Any other Old Business proper to come before the Committee.- None.
- V. NEW BUSINESS
1. Any New Business proper to come before the Committee.- None.

IX. ADJOURNMENT-

Councilor Buhle moved the meeting be adjourned, seconded by Councilor Lamb
3- 0 Approved and so declared, the meeting was adjourned at 6:41 p.m.

VOTE:

Respectfully submitted,

James Thompson
Committee Chairman
Land Use/Planning/Public Works Committee



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 26-0716

Agenda Date: 7/9/2026

Agenda #: 7.

CONTRACT-LEASE

Motion/Request:

MOTION to recommend the Town of Ledyard sell town-owned property located 480R Shewville Road, (fka) Loftus Wellfield approximately 11.46+/- acres, for \$150,000 to Mr. Kevin Blacker, of Noank, Connecticut.

Background- Terms:

In 1993, the Town sought a new well field location to supply water to the Highlands subdivision (700+ homes), as the existing supply was failing. An agreement was reached with William and Dorothy Loftus to acquire the 11.46 acre parcel with a ROW only for access (no deeded frontage), now known as 480R Shewville Road for \$275,000. The wells were installed and ultimately supplied water to the Highlands as well as Lakeside Condominiums. In 2010, Groton Utilities and the Town reached an agreement to provide water in parts of town, including the areas served by the Loftus Well Field, thereby terminating the need for the well field. Once connections were made, the Loftus wells were filled in and officially closed, equipment removed from the structure. Recognizing this as surplus property, we sought ways to re-use the parcel but soon learned a restrictive covenant prohibited any use but as a *municipal* well water supply. With that use extinguished, we had effectively no use of the property. The Mayor contacted legal counsel to determine the validity of the highly restrictive covenant, which was legally determined to be enforceable.

In addition, the Mayor started the legal research on the Loftus restrictive covenant on 7/7/2021 and completed that work with our then new Town Attorney, Shipman & Goodwin in April 2023. This was a time consuming process that was not knee-jerk.

Department Comment/Recommendation:

(type text here)

Finance Director Comment/Recommendation:

(type text here)

Mayor Comment/Recommendation:

I support the sale of the parcel to Mr. Blacker as he also has a contract with the Loftus family for the remaining farmlands that surround this parcel. Though the Town purchased the parcel for \$125,000 more than the offer, the value in providing drinking water to residents in a time of need was the true value, so the residual value of \$150,000 is fair to all parties.

PURCHASE AND SALE AGREEMENT

AGREEMENT, made as of this day of , 2026, by and between **KEVIN BLACKER**, of 11 Church Street, Noank, Connecticut 06349 ; (the "Buyer") and the **TOWN OF LEDYARD**, a municipal corporation located in the County of New London and State of Connecticut (the "Seller").

WITNESSETH:

1. **PROPERTY**. In consideration of the purchase price hereinafter specified, the Seller will convey to the Buyer certain real property located at and known as: **480R, Shewville Road**, in the Town of Ledyard, County of New London and State of Connecticut, and being the same premises described in **Schedules A and A-1**, hereafter attached (the "Premises").

2. **PURCHASE PRICE**. The purchase price is One Hundred Fifty Thousand and 00/100 (\$ 150,000.00) Dollars, which the Buyer agrees to pay as follows:

- | | |
|--|---------------------------------------|
| (a) By way of deposit paid upon the execution of this agreement to the Seller | \$ 5,000.00 |
| (b) By away of bank cashier or Attorney's client's fund check paid at time of closing. | <u>\$ 145,000.00</u>
\$ 150,000.00 |

3. **CLOSING AND CONTINGENCY**. (a) The closing shall take place at the offices of the Ledyard Town Hall within thirty (30) days of the issuance all necessary approvals by the Town of Ledyard, or on or before October 1, 2026, or at such other time and place as may be mutually agreed upon by the parties, at which time the deed shall be delivered upon receipt of the payment due hereunder. (b) This sale is contingent upon the issuance of all required approvals by the Town of Ledyard. In the event the sale is not so approved, by October 1, 2026, the Buyer may terminate this Agreement upon written notice to the Seller and upon such notice, be entitled to the refund of the deposit paid to the Seller.

4. **POSSESSION**. The Seller shall deliver exclusive possession of the premises to the Buyer, at the time of closing.

5. **DEED**. The deed of conveyance to the premises shall be by Quit Claim Deed in the usual Connecticut form, which deed shall be executed, acknowledged and delivered, with any necessary Connecticut Conveyance Tax paid by the Seller, conveying the marketable fee simple

title in and to the premises to the Buyer, free and clear of all encumbrances, liens, and exceptions to title other than those set forth in this Agreement. The deed of conveyance will omit the restriction, contained in the deed of conveyance to the Town, limiting the use of the Premises for the sole purpose of constructing and maintaining municipal well water sites and related appurtenances on said Premises.

6. **TITLE DEFECTS.** It is further understood and agreed that if, upon the date of the delivery of the deed, as hereinbefore provided, the Seller shall be unable to convey the title to the premises to the Buyer free and clear of encumbrances, except as set forth in this Agreement, then, the Buyer shall elect, as the Buyer' sole remedy, either to accept such title as the Seller can convey, upon the payment of the aforesaid purchase price, or to refuse to accept the deed conveying such title on the ground of such encumbrances.

7. **TITLE EXCEPTIONS.** The premises will be conveyed subject to the following:
- a. Taxes due the Town of Ledyard which become due and payable after the date of the delivery of the deed.
 - b. Any statement of facts which an accurate survey or physical inspection of the premises would disclose, provided the same does not render title unmarketable

The Buyer do agree to assume and pay, as part of the consideration for the deed, all such taxes, assessments and installments which become due and payable after the delivery of the deed.

8. **DEFAULT.** In the event the Buyer, through no fault of the Seller, fails to perform any of the obligations hereinbefore set forth, he shall forfeit all claims to the premises described herein and the Seller may retain the deposit paid by the Buyer as full liquidated damages.

9. **ENTIRE AGREEMENT.** It is understood and agreed that this written Agreement (including Schedule A and any other schedule or rider referred to in the body of this Agreement and annexed hereto) constitutes the entire contract between the parties hereto, and that no oral statements or promises or any understanding not embodied in this writing shall be valid.

10. **BINDING EFFECT.** The covenants and stipulations of this Agreement shall apply to and bind the heirs, executors, administrators, successors and assigns of the respective parties hereto. This agreement may be executed in counterparts by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the , and year first hereinbefore written.

Witness:

Kevin Blacker, Buyer

Witness:

**The Town of Ledyard
Seller**

Witness:

By: _____

Witness:

State of Connecticut

County of _____ ss: _____, 2026

On this the _____ day of _____ 2026, before me, _____, the undersigned officer, personally appeared Kevin Blacker, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained, as his free act and deed.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

/Notary Public
My Commission Expires:

State of Connecticut

ss. Ledyard

County of New London

On this the _____ day of _____, 2026, before me, _____, undersigned officer, personally appeared _____, who acknowledged _____ self to be the _____ of the Town of Ledyard and that she/he as such officer being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the Town by her/ himself as such officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

/Notary Public
My Commission Expires:

PROPERTY DESCRIPTION

A certain piece or parcel of land situated in the Town of Ledyard, County of New London and State of Connecticut as shown on a map or plan entitled "Survey map prepared for Town of Ledyard Shewville Road Ledyard, Connecticut Lot 480R Shewville Road-Property to be Conveyed by William J. Loftus, Jr. and Dorothy M. Loftus to the Town of Ledyard, Connecticut date July 9, 1994 Scale 1" = 100' Chandler, Palmer, & King, Architecture, Engineering and Surveying 110 Broadway Norwich, CT 06360". Said parcel is more particularly bounded and described as follows:

Beginning at a steel plug set in a stone wall at the southwesterly corner of the within described premises, said wall being the southerly line of the within described premises and the northerly line of land now or formerly of Lester T. Frye, thence running S79°42'34"E by and along said stone wall and Frye land a distance of 68.61 feet to a drill hole in said stone wall; thence running S72°25'52"E by and along said wall and Frye land a distance of 276.65 feet to a drill hole in said stone wall; thence running S78°04'20"E by and along said wall and Frye land a distance of 128.13 feet; thence running S86°34'36"E by and along said wall and Frye land a distance of 35.94 feet; thence running S58°34'00"E by and along said wall and Frye land a distance of 19.10 feet to a drill hole in said stone wall; thence running S75°04'29"E by and along said wall and Frye land a distance of 89.40 feet to a drill hole in said stone wall; thence running S82°59'27"E along a wire fence and Frye land a distance of 103.62 feet to a tree with wire affixed thereto; thence running S84°39'51"E along said Frye land, bounded in part by a wire fence, a distance of 184 feet, more or less, to the centerline of Whitford Brook, said centerline also being the boundary line between the Town of Ledyard and the Town of Stonington; thence running in a general northeasterly direction along the centerline of Whitford Brook a distance of 400 feet, more or less, to the intersection of Whitford Brook and Williams Brook; thence running northwesterly and then northeasterly along the centerline of Williams Brook and land now or formerly of Henry W. Morgan a distance of 760 feet, more or less, to an iron pin on the northeasterly bank of Whitford Brook; thence running N78°20'44"W along other land of the Grantors a distance of 350 feet, more or less, to a monument at the northwesterly corner of the within described parcel; thence running S34°13'18"W along a bobwire fence and other land of the Grantors a distance of 452.89 feet to a monument; thence running S23°18'25"W along other land of the Grantors a distance of 318.16 feet to the steel plug at the point and place of beginning. Together with a right of way to the premises described above from Shewville Road and the conditions described in a Warranty Deed from William J. Loftus, Jr. and Dorothy W. Loftus to the Town of Ledyard dated 11/22/1994 and recorded 11/22/1994 in Book 247 at Page 431 of the Ledyard Land Records. Said right of way is more particularly described as follows:

A certain piece or parcel of land situated in the Town of Ledyard, County of New London and State of Connecticut as shown on a map or plan entitled "Survey map prepared for Town of Ledyard Shewville Road Ledyard, Connecticut Lot 480R Shewville Road-Property to be Conveyed by William J. Loftus, Jr. and Dorothy M. Loftus to the Town of Ledyard, Connecticut date July 9, 1994 Scale 1" = 100' Chandler, Palmer, & King, Architecture, Engineering and Surveying 110 Broadway Norwich, CT 06360". Said parcel is more particularly bounded and described as follows:

Beginning at a steel plug set in a stone wall at the southwesterly corner of the within described premises, said wall being the southerly line of the within described premises and the northerly line of land now or formerly of Lester T. Frye, thence running S79°42'34"E by and along said stone wall and Frye land a distance of 68.61 feet to a drill hole in said stone wall; thence running S72°25'52"E by and along said wall and Frye land a distance of 276.65 feet to a drill hole in said stone wall; thence running S78°04'20"E by and along said wall and Frye land a distance of 128.13 feet; thence running S86°34'36"E by and along said wall and Frye land a distance of 35.94 feet; thence running S58°34'00"E by and along said wall and Frye land a distance of 19.10 feet to a drill hole in said stone wall; thence running S75°04'29"E by and along said wall and Frye land a distance of 89.40 feet to a drill hole in said stone wall; thence running S82°59'27"E along a wire fence and Frye land a distance of 103.62 feet to a tree with wire affixed thereto; thence running S84°39'51"E along said Frye land, bounded in part by a wire fence, a distance of 184 feet, more or less, to the centerline of Whitford Brook, said centerline also being the boundary line between the Town of Ledyard and the Town of Stonington; thence running in a general northeasterly direction along the centerline of Whitford Brook a distance of 400 feet, more or less, to the intersection of Whitford Brook and Williams Brook; thence running northwesterly and then northeasterly along the centerline of Williams Brook and land now or formerly of Henry W. Morgan a distance of 760 feet, more or less, to an iron pin on the northeasterly bank of Whitford Brook; thence running N78°20'44"W along other land of the Grantors a distance of 350 feet, more or less, to a monument at the northwesterly corner of the within described parcel; thence running S34°13'18"W along a bobwire fence and other land of the Grantors a distance of 452.89 feet to a monument; thence running S23°18'25"W along other land of the Grantors a distance of 318.16 feet to the steel plug at the point and place of beginning.

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by CATIC. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its Issuing agent that may be in electronic form.

To all People to Whom these Presents shall Come, Greeting:

Know Ye, That We, WILLIAM J. LOFTUS, JR. and DOROTHY W. LOFTUS, of the Town of Ledyard, County of New London and State of Connecticut, hereinafter called the "Grantors"

for the consideration of Two Hundred Seventy Five Thousand (\$275,000) Dollars

received to our full satisfaction of the TOWN OF LEDYARD, a municipal corporation located in the County of New London and State of Connecticut, hereinafter called the "Grantee"

do give, grant, bargain, sell and confirm unto the said Grantee

That certain piece or parcel of land situated in the Town of Ledyard, County of New London and State of Connecticut more particularly bounded and described in Schedule "A" attached hereto. Said premises shall be used for the sole purpose of constructing and maintaining municipal water well sites and related equipment, machinery, structures, piping and utilities.

The Grantors also give, grant, bargain, sell and convey to the Grantee a right of way to the premises described in Schedule "A" from Shewville Road. Said right of way is more particularly described in Schedule "A-1" attached hereto. Said right of way shall be for the sole purpose of ingress and egress to and from the premises described in Schedule "A" and for all necessary utilities and water transmission lines. The Grantee shall be responsible for the maintenance of said right of way. The Grantors and their heirs and assigns shall have the right to make use of the right of way, in common with the Grantee, in any manner which does not interfere with the purposes for which it is granted.

SCHEDULE "A"

A certain piece or parcel of land situated in the Town of Ledyard, County of New London and State of Connecticut as shown on a map or plan entitled "Survey map prepared for Town of Ledyard Shewville Road Ledyard, Connecticut Lot 480R Shewville Road-Property to be Conveyed by William J. Loftus, Jr. and Dorothy M. Loftus to the Town of Ledyard, Connecticut date July 9, 1994 Scale 1" = 100' Chandler, Palmer & King, Architecture, Engineering and Surveying 110 Broadway Norwich, CT 06360". Said parcel is more particularly bounded and described as follows:

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SCHEDULE "A-1"

A certain piece or parcel of land situated in the Town of Ledyard, County of New London and State of Connecticut as shown on a map or plan entitled "Survey map prepared for Town of Ledyard Shewville Road Ledyard, Connecticut Lot 480R Shewville Road-Property to be Conveyed by William J. Loftus, Jr. and Dorothy M. Loftus to the Town of Ledyard, Connecticut date July 9, 1994 Scale 1" = 100' Chandler, Palmer & King, Architecture, Engineering and Surveying 110 Broadway Norwich, CT 06360". Said parcel is more particularly bounded and described as follows:

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No Conveyance Tax Collected

Patricia Karna
Town Clerk of Ledyard

No ^{STATE} Conveyance Tax Collected

Patricia Karna
Town Clerk of Ledyard

To Have and to Hold the above granted and bargained premises, with the appurtenances thereof, unto it the said grantee and its ~~heirs~~ successors and assigns forever, to its and their own proper use and behoof.

And also, we the said grantors do for ourselves and our heirs, executors and administrators, covenant with the said grantee and its successors, ~~heirs~~ and assigns, that at and until the ensailing of these presents, we are well seized of the premises, as a good indefeasible estate in FEE SIMPLE; and good right to bargain and sell the same in manner and form as is above written; and that the same is free from all incumbrances whatsoever, except as hereinbefore mentioned.

And Furthermore, we the said grantors do by these presents bind ourselves and our heirs, executors and administrators forever to WARRANT AND DEFEND the above granted and bargained premises to it the said grantee and its successors, ~~heirs~~ and assigns, against all claims and demands whatsoever, except as hereinbefore mentioned.

In Witness Whereof, we have hereunto set our hand^s and seals this 22nd day of November in the year of our Lord nineteen hundred and ninety four Signed, Sealed and Delivered in presence of

Edward B. O'Connell
Edward B. O'Connell
Ellen C. Brown
ELLEN C. BROWN

William J. Loftus, Jr. L.S.
WILLIAM J. LOFTUS, JR.
Dorothy W. Loftus L.S.
DOROTHY W. LOFTUS
L.S.

State of Connecticut, }
County of New London } ss. New London

On this the 22nd day of November, 19 94, before me, Edward B. O'Connell, the undersigned officer, personally appeared William J. Loftus, Jr. and Dorothy W. Loftus

known to me (or satisfactorily proven) to be the persons whose names subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained, as their free act and deed.

In Witness Whereof, I hereunto set my hand and official seal.
Edward B. O'Connell
Edward B. O'Connell
Commissioner of Superior Court
Title of Officer

State of Connecticut, }
County of } ss.

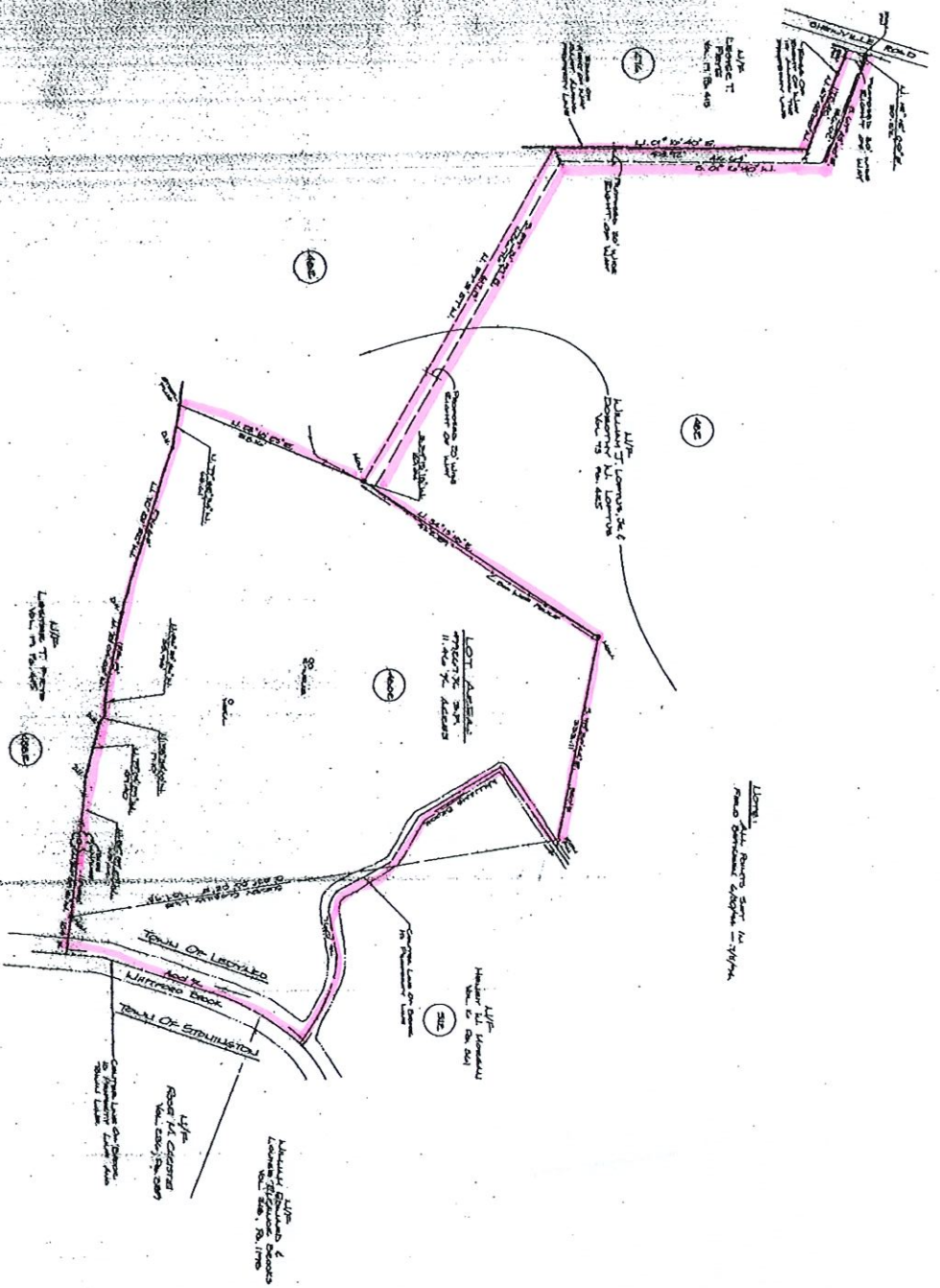
On this the _____ day of _____, 19 _____, before me, _____ the undersigned officer, personally appeared _____ who acknowledged himself to be the _____, a corporation, and that he as such _____, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as

In Witness Whereof, I hereunto set my hand and official seal.

Title of Officer

Latest address of Grantee:
No. and Street Ledyard Town Hall
City Ledyard
State CT Zip 06339

RECEIVED FOR RECORD AT LEDYARD, CT,
ON 11-22-94 AT 3:43 P. M.
ATTEST: PATRICIA KARNS, TOWN CLERK



LEGEND

1/4" = 100' (Scale)
 1/8" = 100' (Scale)
 1/16" = 100' (Scale)

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 1/8" = 100' (Scale)
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1/4" = 100' (Scale)
 1/8" = 100' (Scale)
 1/16" = 100' (Scale)

This map was prepared by [Name] for the purpose of [Purpose].
 It is not intended to be used for any other purpose.
 The user assumes all responsibility for the use of this map.
 [Signature]
 [Date]

NO.	DESCRIPTION	DATE
1	REVISION	
2	REVISION	
3	REVISION	
4	REVISION	
5	REVISION	
6	REVISION	
7	REVISION	
8	REVISION	
9	REVISION	
10	REVISION	



CURRENT OWNER	TOPO	UTILITIES	STRT/ROAD	LOCATION	CURRENT ASSESSMENT		PREVIOUS ASSESSMENTS (HISTORY)	
1 Level			1 Paved	3 Rural	Description	Code	Appraised	Assessed
I TOWN OF LEDYARD					EX COM LN	21	117,800	82,460
					EX COM BL	22	88,300	61,810
741 COLONEL LEDYARD HWY	Alt Prcl ID 102-2210-480	SUPPLEMENTAL DATA						
	Sub-div	Solar Pane Generator						
LEDYARD CT 06339	Dev Lot Survey# 1766	Forest Farm						
	Elderly Census 07011	MPT SB						
	GIS ID 6738	Assoc Pld#						
Total							206,100	144,270

RECORD OF OWNERSHIP				BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed
I TOWN OF LEDYARD		0247	0431	11-21-1994	Q	V	275,000	00		2022	21	82,460	2021	21	82,460	2020	21	82,460
LOFTUS WILLIAM J JR + DOROTHY		0073	0425	03-11-1969				0			22	61,810			61,810			61,810
Total												144,270			144,270			144,270

EXEMPTIONS				OTHER ASSESSMENTS			
Year	Code	Description	Amount	Code	Description	Number	Amount
Total				0.00			

ASSESSING NEIGHBORHOOD			
Nbhd	Nbhd Name	B	Tracing
0050		B	Tracing

NOTES
 ROW OVER #482
 SHOWN ON MAP 117 + 118
 00-PERMIT-SITE WORK PIPE
 INSTALLATION,BUILDING +
 CONCRETE FOUNDATION.
 MECHANICALS-PER PROP?
 RIGHT OF WAY
 1-OVERHEAD DOOR
 PROPANE TANK-E OSTERMAN
 PROPANE GAS SERVICE INC
 GAS TANK
 Appraised Bldg. Value (Card) 88,300
 Appraised Xf (B) Value (Bldg) 0
 Appraised Ob (B) Value (Bldg) 0
 Appraised Land Value (Bldg) 117,800
 Special Land Value
 Total Appraised Parcel Value 206,100
 Valuation Method C

BUILDING PERMIT RECORD				VISIT/CHANGE HISTORY									
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Date	Id	Type	Is	Cd	Purpose/Result
99-77	04-08-1999	CM	PUMP HOUSE	540,000	10-11-2000	100	09-30-1999	07-26-2020	DM			15	Reval Review
								03-26-2001	SL			00	Measur+Listed

LAND LINE VALUATION SECTION															
B	Use Code	Description	Zone	Land Type	Land Units	Unit Price	Size Adj	Site Index	Cond.	Nbhd.	Nbhd Adj	Notes	Location Adjustment	Adj Unit P	Land Value
1	9031	Municipal M96	R60	R60	1,380	72,000	0.75684	1	1.00	0050	1,000	WELL SITE PROPOSED/PW	1,000	54,489.6	75,200
1	9031	Municipal M96	R60	R60	10,080	4,700	1,00000	0	0.90	0050	1,000	TOPO	1,000	4,230	42,600
Total Card Land Units					11,460	AC						Parcel Total Land Area	11,460		117,800



CONSTRUCTION DETAIL

CONSTRUCTION DETAIL (CONTINUED)

Element	Cd	Description	Element	Cd	Description
Style: Model Grade	52	Pre-Eng Mfg Ind or Comm Average			
Stories: 1	06				
Occupancy	03				
Exterior Wall 1	27	Pre-finish Metl			
Exterior Wall 2	03	Gable/Hip			
Roof Structure	03	Metal/Tin			
Roof Cover	01	Minim/Masonry			
Interior Wall 1	01				
Interior Wall 2	03	Concr-Finished			
Interior Floor 1	03	Gas/Propane			
Interior Floor 2	03	Hot Air-no Duc			
Heating Fuel	03	None			
Heating Type	01	Municipal M96			
AC Type	9031				
Bldg Use					
Total Rooms	00				
Total Bedrms	00				
Total Baths	00				
Heat/AC	00	NONE			
Frame Type	05	STEEL			
Baths/Plumbing	01	LIGHT			
Ceiling/Wall	00	NONE			
Rooms/Prtis	01	LIGHT			
Wall Height	18.00				
% Corn Wall	0.00				
1st Floor Use:	9031				

MIXED USE

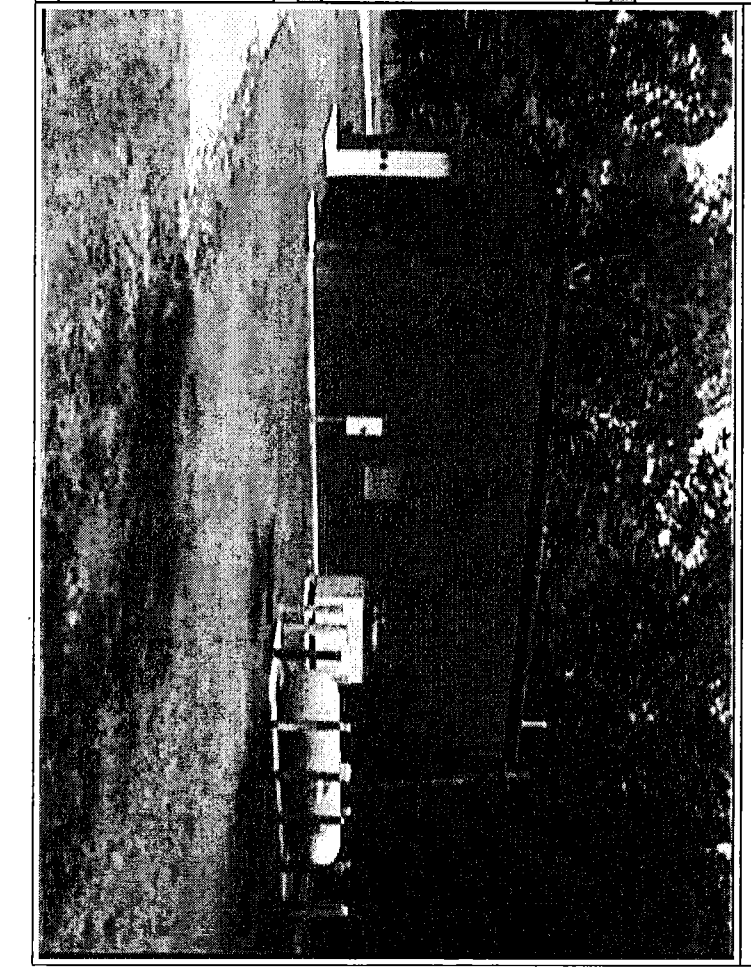
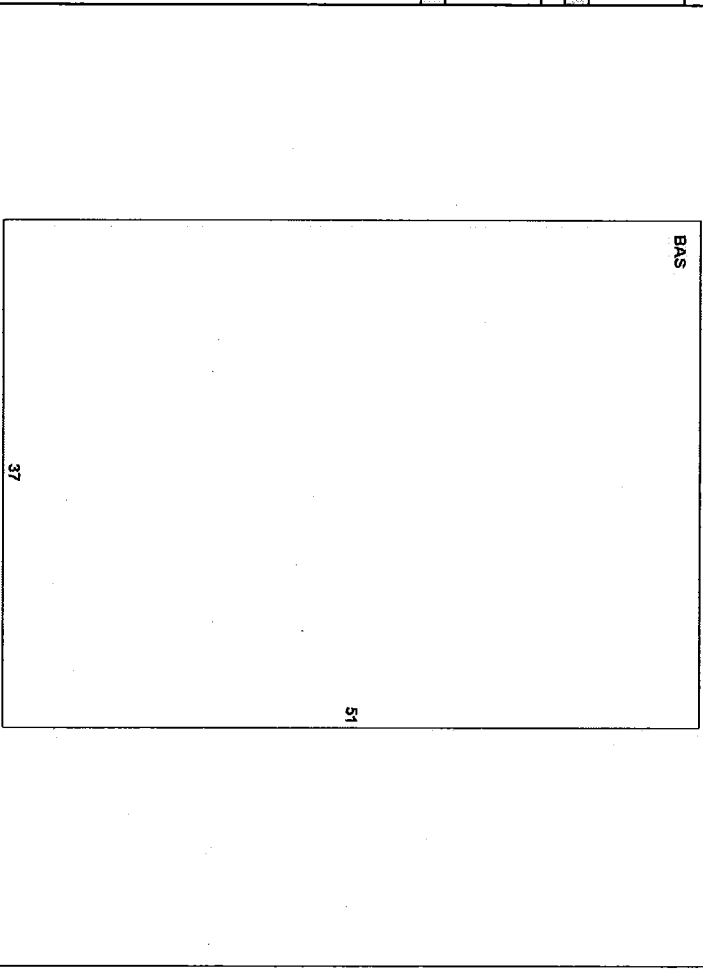
Code	Description	Percentage
9031	Municipal M96	100
		0
		0

COST / MARKET VALUATION

Building Value New	107,710
Adjusted Base Rate	57.08
Year Built	1999
Effective Year Built	2002
Depreciation Code	A
Remodel Rating	
Year Remodeled	
Depreciation %	18
Functional Obsol	0
External Obsol	0
Trend Factor	1
Condition	
Condition %	
Percent Good	82
RCNLD	88,300
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	

OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)

Code	Description	LB	Units	Unit Price	Yr Bt	Cond.	Cd	% Cd	Grade	Grade Adj.	Appr. Value
BUILDING SUB-AREA SUMMARY SECTION											
Code	Description	Living Area	Floor Area	EF Area	Unit Cost	Undeprc Value					
BAS	Main Floor	1,887	1,887	1,887	57.08	107,710					
TH Gross LV / Lease Area		1,887	1,887	1,887		107,710					



VOL. 247 PAGE 431

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for the consideration of Two Hundred Seventy Five Thousand (\$275,000) Dollars

received to our full satisfaction of the TOWN OF LEDYARD, a municipal corporation located in the County of New London and State of Connecticut, hereinafter called the "Grantee"

do give, grant, bargain, sell and confirm unto the said Grantee

That certain piece or parcel of land situated in the Town of Ledyard, County of New London and State of Connecticut more particularly bounded and described in Schedule "A" attached hereto. Said premises shall be used for the sole purpose of constructing and maintaining municipal water well sites and related equipment, machinery, structures, piping and utilities.

The Grantors also give, grant, bargain, sell and convey to the Grantee a right of way to the premises described in Schedule "A" from Shewville Road. Said right of way is more particularly described in Schedule "A-1" attached hereto. Said right of way shall be for the sole purpose of ingress and egress to and from the premises described in Schedule "A" and for all necessary utilities and water transmission lines. The Grantee shall be responsible for the maintenance of said right of way. The Grantors and their heirs and assigns shall have the right to make use of the right of way, in common with the Grantee, in any manner which does not interfere with the purposes for which it is granted.

FIELD DEED RESTRICTION

ACCESS RESTRICTION

SCHEDULE "A"

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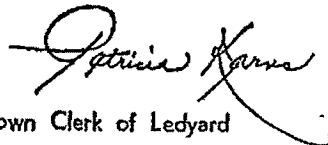
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SCHEDULE "A-1"

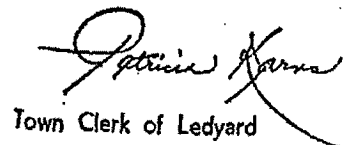
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No Conveyance Tax Collected


Town Clerk of Ledyard

^{STATE}
No Conveyance Tax Collected


Town Clerk of Ledyard

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And also, we the said grantors do for ourselves and our heirs, executors and administrators, covenant with the said grantee and its successors, ~~heirs~~ and assigns, that at and until the ensueing of these presents, we are well seized of the premises, as a good indefeasible estate in FEE SIMPLE; and good right to bargain and sell the same in manner and form as is above written; and that the same is free from all incumbrances whatsoever, except as hereinbefore mentioned.

And Furthermore, we the said grantors do by these presents bind ourselves and our heirs, executors and administrators forever to WARRANT AND DEFEND the above granted and bargained premises to it the said grantee and its successors, ~~heirs~~ and assigns, against all claims and demands whatsoever, except as hereinbefore mentioned.

In Witness Whereof, we have hereunto set our hands and seals this 22nd day of November in the year of our Lord nineteen hundred and ninety four Signed, Sealed and Delivered in presence of

Edward B. O'Connell
Edward B. O'Connell
Ellen C. Brown
ELLEN C. BROWN

William J. Loftus, Jr. L.S.
WILLIAM J. LOFTUS, JR.
Dorothy W. Loftus L.S.
DOROTHY W. LOFTUS
L.S.

State of Connecticut, }
County of New London } ss. New London

On this the 22nd day of November, 1994, before me, Edward B. O'Connell, the undersigned officer, personally appeared William J. Loftus, Jr. and Dorothy W. Loftus

known to me (or satisfactorily proven) to be the persons whose names subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained, as their free act and deed.

In Witness Whereof, I hereunto set my hand and official seal:
Edward B. O'Connell
Edward B. O'Connell
Commissioner of Superior Court
Title of Officer

State of Connecticut, }
County of } ss.

On this the _____ day of _____, 19____, before me, the undersigned officer, personally appeared _____ who acknowledged himself to be the _____, a corporation, and that he as such _____, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as

In Witness Whereof, I hereunto set my hand and official seal.

Title of Officer

Latest address of Grantee:
No. and Street Ledyard Town Hall
City Ledyard
State CT Zip 06339

RECEIVED FOR RECORD AT LEDYARD CT,
ON 11-22-94 AT 3:43 P. M
ATTEST: PATRICIA KARNS, TOWN CLERK

Challenges Regarding the Commercial Sale Of Water from the Loftus Well Field

Eric Treaster
22 June 2016

Introduction

Councilor Saums asked if I would be interested in researching the feasibility for the commercial sale of water, including bottled water, from the Loftus Well Field. Based on concurrence from the Water Pollution Control Authority (W.P.C.A) during its May 24th meeting, and from the Council on May 25th, as a private citizen I agreed to investigate, based on publicly available information, the Loftus Well Field and determine the challenges associated with the desired commercial use of the property. This report contains a summary of what I discovered and suggestions on how to proceed. It is prepared for Chairman Dombrowski of the Land Use/Planning/Public Works Committee and the Town Council.

History

The Loftus Well field is a rear parcel located at 480-R Shewville Road. A copy of its property card is attached.

The property is defined by two legal descriptions, both of which are part of the same warranty deed, created from farm property known as 484 Shewville Road. A copy of the deed is attached.

The "Town of Ledyard, a municipal corporation" acquired the property for \$275,000 on November 22, 1994.

The land is zoned R-60 Residential, which allows single-family dwellings and their accessory structures on 60,000' lots and two-family dwellings and their accessory structures on 80,000' lots. The zone also allows adult day care centers, age restricted housing, antenna towers, bed and breakfast establishments, cemeteries, community centers, country inns, golf courses, nursing homes, public schools, solar energy systems, and transformer substations. The zone allows farming if greater than 3-acres, and it allows utility installations provided there is no service yard or outside storage of supplies.

The Purchase Contract¹ and the Warranty Deed² were from William J. Loftus, Jr. and Dorothy Loftus (the Grantors) to the Town of Ledyard (the Grantee).

The first³ legal description creates an internal parcel of about 11.47⁴ acres, which is known as the Loftus Well Field. A drawing of the field, taken from the parcel's A2 site plan, is attached.

The second⁵ legal description is for a 20' wide access road from Shewville Road to the Loftus well field.

¹ Per Purchase Contract for \$275,000 executed April 25, 1994 with Mayor Lozier.

² Per Warranty Deed recorded 11/24/1994.

³ Schedule "A" to Purchase Contract, and Schedule "A" to Warranty Deed.

⁴ Per A2 Site Plan prepared July 8, 1994 (required by purchase contract)

⁵ Schedule "A-1" to Purchase Contract, and Schedule "A-1" to Warranty Deed.

The access road consists of a 172' leg from Shewville Road with a 113-degree corner, a 404-foot leg with a 120-degree corner, and a final 617-foot leg to the Loftus Field. A drawing of the access road, taken from the parcel's A2 site plan, is attached.

Although the A2 site plan shows the access road to be 20' in width, what exists today is mostly a 10' to 12' wide hard-dirt farm road⁶.

Using the full 20' width of the access road as shown on the site plan, the longest truck that will be able to make the corners is about 30' assuming its width is 102", which is the maximum width allowed in Connecticut.

The deed contains a restriction on the use of the 11.47 acres (Schedule "A") as follows: *"Said premises shall be used for the sole purpose of constructing and maintaining municipal water well sites and related equipment, machinery, structures, piping and utilities."*

The deed also contains a restriction on the use of the access road to the well field (Schedule "A-1") as follows: *"Said right of way shall be for the sole purpose of ingress and egress to and from the premises described in Schedule "A" and for all necessary utilities and water transmission lines."*

The deed provides that " *The Grantors and their heirs and assigns shall have the right to make use of the right of way [the access road], in common with the Grantee, in any manner which does not interfere with the purposes for which it is granted.*"

When granted, it appears to have been the intent of the parties that the access road is to be used only for infrequent access to the Loftus Field for the construction and maintenance of the well sites and their related equipment, and its use by the Town would not impact the Loftus farming operations. The deed restrictions were important to the Seller⁷.

The well field has an active diversion permit that allows 250,000 gallons per day to be continuously drawn from the two wells (combined).⁸ The diversion permit was issued on September 21, 2010 and will expire on July 14, 2020. The diversion permit cost \$1,200⁹. A copy of the diversion permit is attached.

Although there are two wells in the well field, there is currently only one submerged pump.¹⁰ This pump was in operating condition at the time the field was shutdown late in 2011.

The property is serviced with a 220V power line, which feeds two inverters that create 440V that powers the two pumps. Each inverter has the ability to power both pumps simultaneously. However, one of the inverters has demonstrated a high failure rate and is not operable. It was strongly recommended that 440V power be provided if the site is to be reactivated.¹¹

⁶ From inspection of first 175' of access road conducted on 6/17/16.

⁷ Mayor's Report - 1/26/94 Council Meeting Minutes (contract delayed to reach agreement on deed restrictions)

⁸ Consumptive Diversion Permit #DIV-200802557 to the Ledyard Water Pollution Control Authority

⁹ Unable to confirm.

¹⁰ Per 6/30/16 meeting with Ray Valentini at Groton Utilities.

¹¹ Per 6/30/16 meeting with Ray Valentini at Groton Utilities.

The Loftus Well Field was acquired using a \$300,000 grant from the “*HUD Small Cities Development Block Grant*” to “*help offset the cost of relocating the well fields in the Highlands Area.*”¹² I was unable to find long-term conditions imposed by the grant or related long-term commitments by the Town.

The development of the Loftus Well Field, support building, and its pumps and pipeline were funded as part of a \$2,585,000 bond.^{13 14} I was unable to find long-term conditions imposed by the bond issuers or related long term commitments by the Town.

Water quality tests dated 10/3/95 for PW#1 shows color, pH, iron, and manganese exceeded EPA guidelines.¹⁵ The tests for PW#2 shows coliform bacteria, color, turbidity, odor, iron, and manganese exceeded EPA guidelines. It is not unusual for raw ground water to exceed the color, pH, turbidity, iron and manganese EPA guidelines in Connecticut. Greensand was used as one of the treatment mediums. A copy of the water quality report is attached.

Multiple sources reported that the water had excellent taste and quality, presumably after treatment.

The output of the well field consists of a single 20” pipe under the access road to Shewville. There are two valves, one near its support building at the well field, and one near Shewville Road. The 20” pipe goes north on Shewville, and dead ends immediately south of the entrance to the access road.

The Loftus well field was shutdown in late October or November of 2011.¹⁶

The Challenges

A potential commercial water purchaser, such as a bottled water company, will be unlikely to expend resources to perform due diligence and engineering if the Loftus Field is unlikely to become available, and the Town will be unlikely to expend the resources required to allow the Loftus Field to be made available unless the effort will result in a reasonable revenue stream.

If enforced, the deed restrictions would likely be interpreted as limiting the use of the Loftus Field to “*the sole purpose of constructing and maintaining municipal water well sites and related equipment, machinery, structures, piping and utilities.*” In my opinion, the keywords “*sole purpose, “constructing and maintaining” and “municipal”*”, together, imply a town owned utility “use” of the property.

The deed restrictions for the access road, together with its two sharp corners, constrain its use.

¹² On 4/21/92, there was a public hearing on a \$300,000 bond. On 4/22/92, the Council authorized the Mayor to make application for the W.P.C.A. for \$300,000 “*to offset the cost of relocating the well field for the Highlands Water system.*”

¹³ On 1/26/94, the Council approved a resolution and authorization for “*..... and for the upgrade of the Highlands Water Supply, and authorizing the issue of bonds and notes in the same amount to defray said appropriation.*”

¹⁴ On 2/22/94, a Town meeting was held for the authorization of a \$2,585,000 bond for the Route 12 Waterline, filtration plant, and [Loftus] well field developments.

¹⁵ American Environmental Laboratories, Incorporated Report # AA68201 dated 10/3/95 – for PW-1 & PW-2 (Loftus Site).

¹⁶ October 25, 2011 Minutes of Ledyard Water Pollution Control Authority authorized \$9,000 to keep heat at 40 degrees, dispose of greensand, and to return a pump to S.B. Church. The heat is no longer being maintained.

The restrictions could also be interpreted as prohibiting the access road from being paved or improved because such improvements are unnecessary to “construct and maintain” the well field.

The question would likely become, if challenged, is if “*municipal water well sites and related equipment*” include equipment for the sale of water to commercial water buyers for on-site bottling and/or resale, and/or access to the well field by daily multiple commercial tanker trucks and/or commercial bottled water trucks?

In my opinion, the word “*municipal*” constitutes a restriction that, if challenged, would likely be interpreted as not allowing (a) the trucking of large quantities of water to users outside of Town, (b) the on-site commercial bottling of water, (c) the production of water intended for consumption by non-residents, or (d) any use that would result in heavy commercial vehicles frequently using the access road. These interpretations are consistent with the zoning regulations, which do not allow utility installations in residential districts if the installation includes a “service yard”.

Implementation Plan

Step 1. Determine the revenue expected from the Loftus Field.

Before significant time consuming, costly, and uncertain efforts are expended by the Town, a Town Representative should informally contact water companies and bottled water trade associations to confirm there is a demand for use of the Loftus Field. The Town representative should “market” the exclusive long-term use of the 11+ acre Loftus well field, with two existing high capacity wells, a valid potable water diversion permit for 250,000 gallons per day, 220V electricity, access via a well maintained Town road directly to Route 184 and I-95, with the assumption that all permits will be granted for the long term use of the property as a commercial water production, bottling, and shipping facility.

The Town should invite representatives of the water companies to field walk the Loftus Field and its access road. In addition to the Town Representative, a representative of the W.P.C.A. should be present for the field walks.

The Representative should request a “Letter of Interest” from interested water companies. The Letters of Interest should include an estimate of the amount companies are willing to pay for the exclusive use of the Loftus Field. It would be helpful if the Letters of Interest included if a water company has a preference to either purchase or lease the well field, a preference to purchase water in bulk, or a preference to lease the field with separate payments for the amount of water it uses.

Continue to Step 2 if the Town confirms there is (a) a significant demand for water from the property, and (b) the estimated income from the field will make the effort worthwhile.

If there is not a significant demand, or if the expected revenue will be too little, then the Town should determine how it wishes to dispose of the property. Choices¹⁷ include, but are not limited, to (a) demolishing the site – including plugging the wells and converting the property

¹⁷ Suggested by Ed Lynch, Chairman of the Water Pollution and Control Authority (W.P.C.A)

to open space¹⁸; (b) abandoning the property and leaving it as is; and (c) selling, trading, or gifting the property – where the intent would be for it to again be used for farming¹⁹.

Step 2. Determine if the proposed use will be acceptable to the Town.

Making the Loftus Field productive for Ledyard will be costly, uncertain, have a significant environmental impact, be controversial, and time consuming. The Town should first reach a consensus, formally on the record, with a public hearing, and perhaps even a referendum, on exactly what it wants.

The Loftus Field is a precious resource for our Town. The economics²⁰ of selling its water in bulk to a water bottling company may be compelling, especially if the full capacity of the Loftus Field can be utilized for extended periods of time. If the cost of water paid to the Town is 1¢ per bottle, then at 250,000 gallons per day, which can be packaged into about 2,000,000 bottles, the Town could, in theory, be paid \$20,000 per day or \$7,300,000 per year for water sold from the Loftus Field. (Letters of Interest from Step 1 are necessary to obtain meaningful estimates of the expected revenue from the field.)

However, revenue from the field will come with significant environmental and safety impacts, especially if the water is bottled on site and shipped by truck as expected. For example, if a water company bottles 250,000 gallons per day, it would require about 45 22-ton 18-wheel trucks to enter and exit the property per day²¹. The Town needs to determine if the benefits outweigh the noise, traffic, safety, risk, and environmental costs of operating such an intensive facility in what is essentially a rural farming district. The use will change the character of our Town.

Under §6.2.H of the Zoning Regulations, and under the Connecticut General Statutes §7-159b, the Planning and Zoning Commission is authorized to conduct a non-binding pre-application review for the purpose of discovering in advance what it will allow and to determine how to best address its concerns when a formal application is submitted.

A member of the Land Use Committee, the Economic Development Commission, or a Town official, should request, as an agenda item, a formal pre-application review by the Planning and Zoning Commission to determine if it would be willing to change the zoning of the access road and the well field at 480-R Shewville Road from its current R-60 residential designation to a proposed “I” or “Industrial” designation. The intent would be for the town to document its willingness to allow for the on-site manufacture, bottling, and trucking of bottled water and/or the use of tank trucks to transport water from the Loftus Field. Although not legally required, the pre-application review should be formal and include a public hearing.

The Commission should also create a list of the conditions of approval it might impose to protect health, safety, convenience, and property values if it grants a special permit for the proposed commercial use of the Loftus Field.

¹⁸ May require release of the deed restrictions for the property – if the field is to be used as public open space.

¹⁹ May require release of the deed restrictions for the property – if the field is to be used for farming.

²⁰ Per preliminary calculations provided by Ed Lynch – based on rough optimum-case preliminary calculations, a water company could produce 2,000,000 .5 liter bottles per day from the Loftus Field, each of which could retail for about \$2.50. If costs were 40%, this would yield a \$3,000,000 per day net income to the water company when operating at full capacity.

²¹ Per preliminary calculations provided by Ed Lynch.

To prepare its response, the Commission should consider expected increased road maintenance costs, increased truck traffic and noise, traffic safety, site parking, the queuing of tanker trucks, wetlands, present and future alternative uses of the property and surrounding properties, refuse and waste management, and conformance to the Plan of Conservation and Development. It should consider if the proposed change constitutes “spot zoning”, which is usually illegal. It may propose the imposition of conditions regarding the hours of operation, or limit truck traffic to certain days and times. The Commission may request Town staff to confirm estimates of revenue that is expected to be generated, and to provide its estimates of the expected increase in traffic and road maintenance costs.

Step 3. Determine if the deed restrictions are serious.

Properly written deed restrictions are difficult to delete or amend. If the Planning and Zoning Commission provides a determination that it will likely allow an industrial use of the Loftus Field, under reasonable conditions, then the Town should seek a legal opinion regarding the significance of the deed restrictions. This should be a straightforward task for a land-use attorney. I expect the deed restrictions will be found to be significant. (Go to Step 5 if the deed restrictions are found to be insignificant.)

If significant, the attorney will have to determine who has standing to enforce the deed restrictions. Those individuals must be willing to execute a release for the deed restrictions to effectively vanish.

The attorney will have to determine if just the owners of adjacent properties have standing, if owners of nearby properties have standing, or if everyone has standing to enforce the restrictions.

Although unlikely, it is possible the attorney will recommend ignoring the deed restrictions because of the Constitution, corresponding laws, policy, and the established precedence that the development and reasonable use of land is to be encouraged – and deed restrictions (and zoning regulations) are not enforceable if they prevent all reasonable uses of a parcel of land in perpetuity. The deed restrictions, in my opinion, might be unenforceable because they effectively prohibit all reasonable uses (except the production of municipal water) of the property in perpetuity, including farming, hiking, bird watching, and picnicking.)

Step 4. Determine if the parties with standing will be agreeable to the proposed use.

If the deed restrictions are found to be significant, and if it is found that just the owners of the adjacent properties have standing to enforce the deed restrictions, then those owners should be contacted by a town official to determine if they are agreeable to “releasing” the deed restrictions. Consideration may be necessary to reach agreement.

If there are a large number of people who have standing to enforce the deed restrictions, the desired use of the property will probably not be achievable because either the total amount of consideration will be excessive, and/or there will be a least one person who is immune to consideration.

To avoid unnecessary legal costs, it is not required to execute “release” agreements at this step. However, the willingness of those with standing to execute a release of the deed restrictions should be documented in writing.

Regarding the access road – per the property cards – a willingness to release the deed restrictions will likely be required from Amy C. Callahan, 484 Shewville Road, who owns the adjacent property north of first leg of the access road; Lester T. Freye, 476 Shewville Road, who owns the adjacent property south of the first leg of access road and west of the second leg of the access road; and Christopher and Matthew Loftus, 482 Shewville Road, who owns the adjacent property on the east side of the second leg of the access road, the northeast side of the third leg, and the southwest side of the third leg of the access road.

Regarding the well field, a willingness to release the deed restrictions to allow the proposed use will likely be necessary from Lester T. Freye, 458R Shewville Road, who owns the property south of Loftus Field; Christopher and Matthew Loftus, who owns the 482 Shewville Road property that is on the west and north of the 480-R well field property; and from Richard H. Morgan, 512 Shewville Road, who owns the land that is on the northeast and east boundaries of the property.

I was unable to determine who owns the landlocked parcel that is on the southeast side of the well field.

Step 5. Determine if the parties with standing will be agreeable to paving the access road.

Paving of the full 20’ width of the access road will be necessary for it to support heavy commercial bottled water trucks and/or 18-wheel tanker trucks. Consideration may be required to entice the parties to grant permission to pave the access road.

Step 6. Determine if adjacent property owners will allow for the widening and “rounding” of the corners in the access road.

Adjacent property owners will have to agree to allow the long-term assignable use of a few feet of additional land for widening and rounding the corners in the access road. Consideration may be required to reach such an agreement.

Contractual resolution is not required at this time for Steps 5 and 6, but it is important that there is a written commitment from the parties that they will, upon request, execute the agreements that will be necessary to allow the access road to be used.

Step 7. Change the zoning district from Residential to Industrial. Execute release of deed restrictions.

The Planning and Zoning Commission will then submit an application to itself for the required zone change from R-60 to I (Residential to Industrial). In parallel, the Town will execute a “release” of the deed restrictions from the parties with standing to enforce the restrictions. The Town will also enter into an agreement (lease or purchase) for a few feet of additional land that is necessary to widen and round the corners in the access road.

Step 8. Market the property and execute a “Letter of Intent” with a prospective user.

The Town representative will next contact the water companies who responded to the requests for “Letters of Interest” – with the goal of entering into a “Letter of Intent” that is subject to a list of conditions to be resolved.

The representative may be the Mayor, a member of the EDC, or perhaps a member of the Land Use/Planning/Public Works Committee. It may also be by a licensed real estate agent, representing the Town, who has expertise in the marketing and leasing of commercial real estate.

The Town Representative should invite representatives of the interested water companies to another field walk of the Loftus Field and its access road.²² A member or agent of the W.P.C.A should also attend the field walks.

The “Letter of Intent” will constitute a firm “pre-contract” proposal that includes proposed payments to the Town. Revenue could be structured as fixed lease payments for use of the property, lease payments plus payments based on the amount of water removed from the site, or simply payments for water that is removed from the site. I recommend the property not be sold.

The Letter of Intent should provide that the equipment ownership, facility maintenance, upgrades, repairs, replacements, security, insurance, taxes, electricity, liability, and responsibility for the equipment, building, fencing, and snow plowing of the access road – will reside with the Lessee.

The Council should approve the best “Letter of Intent” prior to Step 9.

Step 9. (Final) – The water company applies for a special permit to use 480-R Shewville Road (the Loftus Field) for the collection, treatment, testing, bottling, and transporting of water.

The proposed use is allowed in Industrial districts under the “Specialized Commercial Uses, Other” entry in Attachment A – “Schedule of Permitted Uses” to the Zoning Regulations.

The applicant water company will submit an application to the Planning and Zoning Commission for a special permit. The application will require a public hearing, and it is likely the public will strenuously object. However, if the use is allowed, if the regulations are satisfied, and if reasonable conditions are imposed to protect public health, safety, convenience, and property values, then the Commission is obligated to approve the application.

²² I recommend Ray Valentino (from Groton Utilities).

Alternative Approach

I did not investigate the alternative of off-site delivery of the Loftus Field water via its existing 20" pipeline to a "to-be-acquired" nearby staging property where it would be stored, treated, bottled, and shipped. This approach would have the benefit of removing the need to improve the dirt access road, and may mitigate the deed restriction issues associated with the access road.

However, the alternative would:

- a. Not make a difference regarding the environmental issues associated with heavy truck traffic on Shewville Road.
- b. Not mitigate the deed restriction issues associated with the non-municipal use of the Loftus Field.
- c. Require both the Loftus Field and the "to-be-acquired" staging property to be rezoned to allow industrial uses.
- d. Likely result in a large unattractive storage tank being installed on the staging property that can be viewed from Shewville Road.
- e. Require a costly extension of the pipeline south along Shewville Road.

Please do not hesitate to contact me if you wish to view my notes, if you have information that would be helpful in this matter, or how I can be of assistance.

Respectfully,

Eric Treaster

SHELVILLE ROAD

N. 15° 15' 00" E
30.22'

PROPOSED 30' WIDE
RIGHT OF WAY

S. 67° 45' 00" E
172.42'
186.02'

N. 67° 45' 00" W.

EDGE OF
RIGHT OF WAY
IS ALONG THE
PROPERTY LINE

N/F
LESTER T.
FRYE
Vol. 19 Pg. 415

476

S. 01° 16' 40" W.
416.64'
403.92'

PROPOSED 30' WIDE
RIGHT OF WAY

EDGE OF
RIGHT OF WAY
IS NOT ALONG
PROPERTY LINE

MOL.

S. 59° 31' 57" E
606.76'

617.19'
N. 59° 31' 57" W.

PROPOSED 20' WIDE
RIGHT OF WAY

S. 34° 13' 18" W.
20.04'

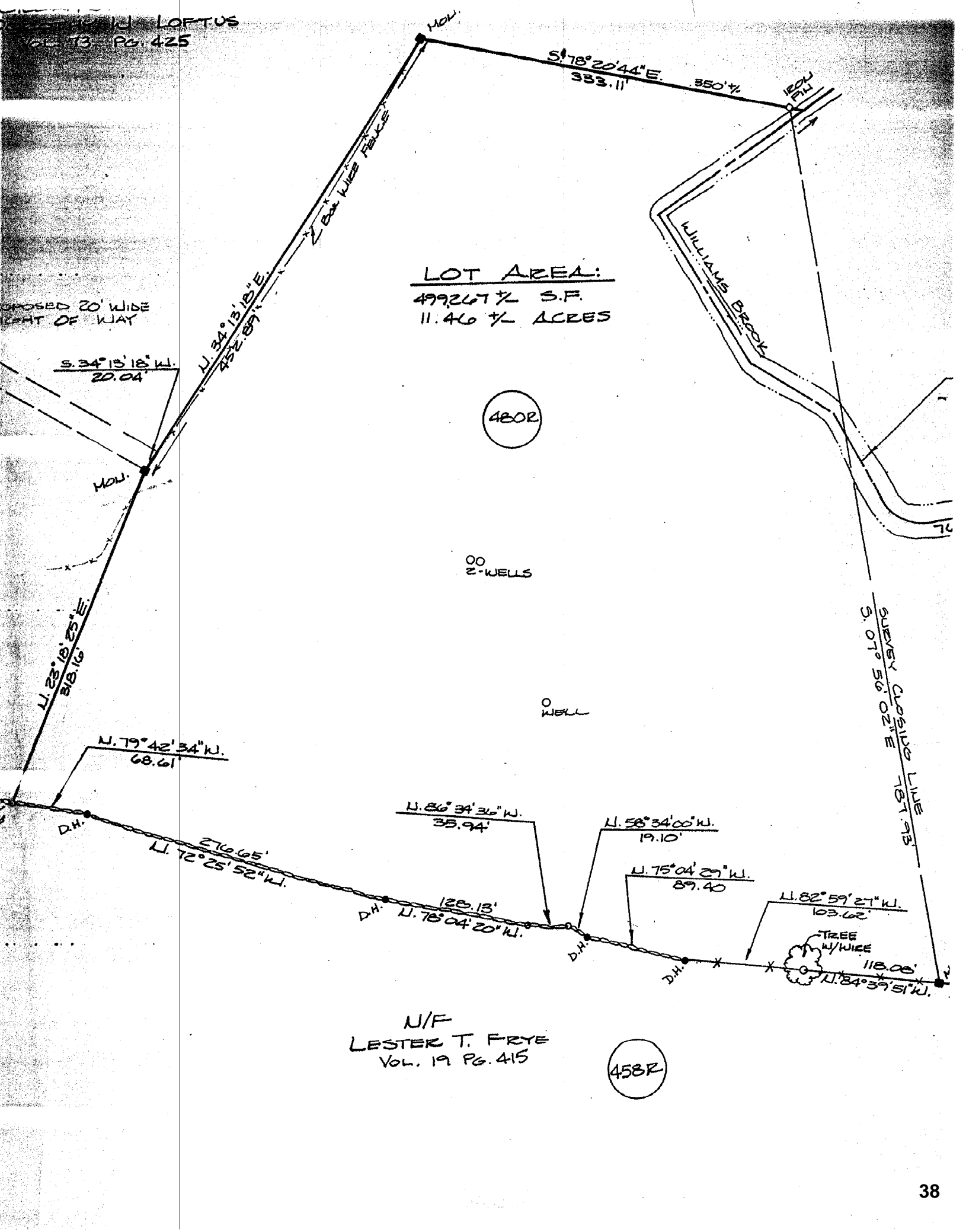
N. 34° 13' 18" E
452.87'

MOL.

482

N/F
WILLIAM J. LOFTUS, JR. &
DOROTHY W. LOFTUS
Vol. 73 Pg. 425

482



LOT AREA:
 499,267 1/2 S.F.
 11.46 1/2 ACRES

480R

00
 2-WELLS

0
 WELL

N/F
 LESTER T. FRYE
 Vol. 19 Pg. 415

453R

PROPOSED 20' WIDE
 RIGHT OF WAY

S. 34° 13' 18" W.
 20.04'

N. 34° 13' 18" E.
 452.89'

S. 78° 20' 44" E.
 333.11'

350' ±

120' ±

N. 23° 10' 52" E.
 318.16'

M.O.U.

N. 79° 42' 34" W.
 68.61'

D.H.

270.65'
 N. 72° 25' 52" W.

D.H.

N. 86° 34' 36" W.
 35.94'

125.13'
 N. 78° 04' 20" W.

D.H.

N. 58° 34' 00" W.
 19.10'

N. 75° 04' 29" W.
 89.40'

D.H.

N. 82° 59' 27" W.
 103.62'

TREE
 W/WICE

118.08'
 N. 84° 39' 51" W.

SWEET CLOSURE LINE
 181.93'
 S. 07° 56' 02" E.

WILLIAMS BROOK

76



File #: 26-0812

Agenda Date: 7/6/2026

Agenda #: 8.

CONTRACT-LEASE

Motion/Request:

MOTION to set a Public Hearing (Hybrid Format - Video Conference and In-Person) on Wednesday, August 12, 2026 at 6:15 p.m. to be held in the Council Chambers, 741 Colonel Ledyard Highway, Ledyard, to receive comment regarding the Town of Ledyard to sell town-owned property located 480R Shewville Road, (fka) Loftus Wellfield, for \$150,000 to Mr. Kevin Blacker, of Noank, Connecticut; in accordance with CGS 07-163e.

Background

CHAPTER 98* MUNICIPAL POWERS

In accordance with

Sec. 7-163e. Public hearing on the sale, lease or transfer of real property owned by a municipality. (a) The legislative body of a municipality, or in any municipality where the legislative body is a town meeting or representative town meeting, the board of selectmen, ***shall conduct a public hearing on the sale, lease or transfer of real property owned by the municipality prior to final approval of such sale, lease or transfer.***

Notice of the hearing shall be published in a newspaper having a general circulation in such municipality where the real property that is the subject of the hearing is located at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the date set for the hearing. The municipality shall also post a sign conspicuously on the real property that is the subject of the public hearing.

(b) The provisions of subsection (a) of this section shall not apply to (1) sales of real property, except parkland, open space or playgrounds, if the fair market value of such property does not exceed ten thousand dollars, (2) renewals of leases where there is no change in use of the real property, and (3) the sale, lease or transfer of real property acquired by the municipality by foreclosure.

Additional Background:

In 1993, the Town sought a new well field location to supply water to the Highlands subdivision (700+ homes), as the existing supply was failing. An agreement was reached with William and Dorothy Loftus to acquire the 11.46 acre parcel with a ROW only for access (no deeded frontage), now known as 480R Shewville Road for \$275,000. The wells were installed and ultimately supplied water to the Highlands as well as Lakeside Condominiums. In 2010, Groton Utilities and the Town reached an agreement to provide water in parts of town, including the areas served by the Loftus Well Field, thereby terminating the need for the well field. Once connections were made, the Loftus wells were filled in and officially closed, equipment removed from the structure. Recognizing this as surplus property, we sought ways to re-use the parcel but soon learned a restrictive covenant prohibited any use but as a ***municipal*** well water supply. With that use extinguished, we had effectively no use of the property. The Mayor contacted legal counsel to determine the validity of the highly restrictive covenant, which was legally determined to be enforceable.

In addition, the Mayor started the legal research on the Loftus restrictive covenant on 7/7/2021 and completed that work with our then new Town Attorney, Shipman & Goodwin in April 2023. This was a time consuming process that was not knee-jerk.

Finance Director Comment/Recommendation:

(type text here)

Mayor Comment/Recommendation:

I support the sale of the parcel to Mr. Blacker as he also has a contract with the Loftus family for the remaining farmlands that surround this parcel. Though the Town purchased the parcel for \$125,000 more than the offer, the value in providing drinking water to residents in a time of need was the true value, so the residual value of \$150,000 is fair to all parties.

CHAPTER 98*
MUNICIPAL POWERS

Sec. 7-163e. Public hearing on the sale, lease or transfer of real property owned by a municipality. (a)

The legislative body of a municipality, or in any municipality where the legislative body is a town meeting or representative town meeting, the board of selectmen, shall conduct a public hearing on the sale, lease or transfer of real property owned by the municipality prior to final approval of such sale, lease or transfer. Notice of the hearing shall be published in a newspaper having a general circulation in such municipality where the real property that is the subject of the hearing is located at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the date set for the hearing. The municipality shall also post a sign conspicuously on the real property that is the subject of the public hearing.

(b) The provisions of subsection (a) of this section shall not apply to (1) sales of real property, except parkland, open space or playgrounds, if the fair market value of such property does not exceed ten thousand dollars, (2) renewals of leases where there is no change in use of the real property, and (3) the sale, lease or transfer of real property acquired by the municipality by foreclosure.

CHAPTER 98*
MUNICIPAL POWERS

Sec. 7-163e. Public hearing on the sale, lease or transfer of real property owned by a municipality. (a)

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CHAPTER 98*
MUNICIPAL POWERS

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PURCHASE AND SALE AGREEMENT

AGREEMENT, made as of this day of , 2026, by and between **KEVIN BLACKER**, of 11 Church Street, Noank, Connecticut 06349 ; (the "Buyer") and the **TOWN OF LEDYARD**, a municipal corporation located in the County of New London and State of Connecticut (the "Seller").

WITNESSETH:

1. **PROPERTY**. In consideration of the purchase price hereinafter specified, the Seller will convey to the Buyer certain real property located at and known as: **480R, Shewville Road**, in the Town of Ledyard, County of New London and State of Connecticut, and being the same premises described in **Schedules A and A-1**, hereafter attached (the "Premises").

2. **PURCHASE PRICE**. The purchase price is One Hundred Fifty Thousand and 00/100 (\$ 150,000.00) Dollars, which the Buyer agrees to pay as follows:

- | | |
|--|---------------------------------------|
| (a) By way of deposit paid upon the execution of this agreement to the Seller | \$ 5,000.00 |
| (b) By away of bank cashier or Attorney's client's fund check paid at time of closing. | <u>\$ 145,000.00</u>
\$ 150,000.00 |

3. **CLOSING AND CONTINGENCY**. (a) The closing shall take place at the offices of the Ledyard Town Hall within thirty (30) days of the issuance all necessary approvals by the Town of Ledyard, or on or before October 1, 2026, or at such other time and place as may be mutually agreed upon by the parties, at which time the deed shall be delivered upon receipt of the payment due hereunder. (b) This sale is contingent upon the issuance of all required approvals by the Town of Ledyard. In the event the sale is not so approved, by October 1, 2026, the Buyer may terminate this Agreement upon written notice to the Seller and upon such notice, be entitled to the refund of the deposit paid to the Seller.

4. **POSSESSION**. The Seller shall deliver exclusive possession of the premises to the Buyer, at the time of closing.

5. **DEED**. The deed of conveyance to the premises shall be by Quit Claim Deed in the usual Connecticut form, which deed shall be executed, acknowledged and delivered, with any necessary Connecticut Conveyance Tax paid by the Seller, conveying the marketable fee simple

title in and to the premises to the Buyer, free and clear of all encumbrances, liens, and exceptions to title other than those set forth in this Agreement. The deed of conveyance will omit the restriction, contained in the deed of conveyance to the Town, limiting the use of the Premises for the sole purpose of constructing and maintaining municipal well water sites and related appurtenances on said Premises.

6. **TITLE DEFECTS.** It is further understood and agreed that if, upon the date of the delivery of the deed, as hereinbefore provided, the Seller shall be unable to convey the title to the premises to the Buyer free and clear of encumbrances, except as set forth in this Agreement, then, the Buyer shall elect, as the Buyer' sole remedy, either to accept such title as the Seller can convey, upon the payment of the aforesaid purchase price, or to refuse to accept the deed conveying such title on the ground of such encumbrances.

7. **TITLE EXCEPTIONS.** The premises will be conveyed subject to the following:
- a. Taxes due the Town of Ledyard which become due and payable after the date of the delivery of the deed.
 - b. Any statement of facts which an accurate survey or physical inspection of the premises would disclose, provided the same does not render title unmarketable

The Buyer do agree to assume and pay, as part of the consideration for the deed, all such taxes, assessments and installments which become due and payable after the delivery of the deed.

8. **DEFAULT.** In the event the Buyer, through no fault of the Seller, fails to perform any of the obligations hereinbefore set forth, he shall forfeit all claims to the premises described herein and the Seller may retain the deposit paid by the Buyer as full liquidated damages.

9. **ENTIRE AGREEMENT.** It is understood and agreed that this written Agreement (including Schedule A and any other schedule or rider referred to in the body of this Agreement and annexed hereto) constitutes the entire contract between the parties hereto, and that no oral statements or promises or any understanding not embodied in this writing shall be valid.

10. **BINDING EFFECT.** The covenants and stipulations of this Agreement shall apply to and bind the heirs, executors, administrators, successors and assigns of the respective parties hereto. This agreement may be executed in counterparts by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the , and year first hereinbefore written.

Witness:

Kevin Blacker, Buyer

Witness:

**The Town of Ledyard
Seller**

Witness:

By: _____

Witness:

State of Connecticut

County of _____ ss: _____, 2026

On this the _____ day of _____ 2026, before me, _____, the undersigned officer, personally appeared Kevin Blacker, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained, as his free act and deed.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

/Notary Public
My Commission Expires:

State of Connecticut

ss. Ledyard

County of New London

On this the _____ day of _____, 2026, before me, _____, undersigned officer, personally appeared _____, who acknowledged _____ self to be the _____ of the Town of Ledyard and that she/he as such officer being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the Town by her/ himself as such officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

/Notary Public
My Commission Expires:

PROPERTY DESCRIPTION

A certain piece or parcel of land situated in the Town of Ledyard, County of New London and State of Connecticut as shown on a map or plan entitled "Survey map prepared for Town of Ledyard Shewville Road Ledyard, Connecticut Lot 480R Shewville Road-Property to be Conveyed by William J. Loftus, Jr. and Dorothy M. Loftus to the Town of Ledyard, Connecticut date July 9, 1994 Scale 1" = 100' Chandler, Palmer, & King, Architecture, Engineering and Surveying 110 Broadway Norwich, CT 06360". Said parcel is more particularly bounded and described as follows:

Beginning at a steel plug set in a stone wall at the southwesterly corner of the within described premises, said wall being the southerly line of the within described premises and the northerly line of land now or formerly of Lester T. Frye, thence running S79°42'34"E by and along said stone wall and Frye land a distance of 68.61 feet to a drill hole in said stone wall; thence running S72°25'52"E by and along said wall and Frye land a distance of 276.65 feet to a drill hole in said stone wall; thence running S78°04'20"E by and along said wall and Frye land a distance of 128.13 feet; thence running S86°34'36"E by and along said wall and Frye land a distance of 35.94 feet; thence running S58°34'00"E by and along said wall and Frye land a distance of 19.10 feet to a drill hole in said stone wall; thence running S75°04'29"E by and along said wall and Frye land a distance of 89.40 feet to a drill hole in said stone wall; thence running S82°59'27"E along a wire fence and Frye land a distance of 103.62 feet to a tree with wire affixed thereto; thence running S84°39'51"E along said Frye land, bounded in part by a wire fence, a distance of 184 feet, more or less, to the centerline of Whitford Brook, said centerline also being the boundary line between the Town of Ledyard and the Town of Stonington; thence running in a general northeasterly direction along the centerline of Whitford Brook a distance of 400 feet, more or less, to the intersection of Whitford Brook and Williams Brook; thence running northwesterly and then northeasterly along the centerline of Williams Brook and land now or formerly of Henry W. Morgan a distance of 760 feet, more or less, to an iron pin on the northeasterly bank of Whitford Brook; thence running N78°20'44"W along other land of the Grantors a distance of 350 feet, more or less, to a monument at the northwesterly corner of the within described parcel; thence running S34°13'18"W along a bobwire fence and other land of the Grantors a distance of 452.89 feet to a monument; thence running S23°18'25"W along other land of the Grantors a distance of 318.16 feet to the steel plug at the point and place of beginning. Together with a right of way to the premises described above from Shewville Road and the conditions described in a Warranty Deed from William J. Loftus, Jr. and Dorothy W. Loftus to the Town of Ledyard dated 11/22/1994 and recorded 11/22/1994 in Book 247 at Page 431 of the Ledyard Land Records. Said right of way is more particularly described as follows:

A certain piece or parcel of land situated in the Town of Ledyard, County of New London and State of Connecticut as shown on a map or plan entitled "Survey map prepared for Town of Ledyard Shewville Road Ledyard, Connecticut Lot 480R Shewville Road-Property to be Conveyed by William J. Loftus, Jr. and Dorothy M. Loftus to the Town of Ledyard, Connecticut date July 9, 1994 Scale 1" = 100' Chandler, Palmer, & King, Architecture, Engineering and Surveying 110 Broadway Norwich, CT 06360". Said parcel is more particularly bounded and described as follows:

Beginning at a steel plug set in a stone wall at the southwesterly corner of the within described premises, said wall being the southerly line of the within described premises and the northerly line of land now or formerly of Lester T. Frye, thence running S79°42'34"E by and along said stone wall and Frye land a distance of 68.61 feet to a drill hole in said stone wall; thence running S72°25'52"E by and along said wall and Frye land a distance of 276.65 feet to a drill hole in said stone wall; thence running S78°04'20"E by and along said wall and Frye land a distance of 128.13 feet; thence running S86°34'36"E by and along said wall and Frye land a distance of 35.94 feet; thence running S58°34'00"E by and along said wall and Frye land a distance of 19.10 feet to a drill hole in said stone wall; thence running S75°04'29"E by and along said wall and Frye land a distance of 89.40 feet to a drill hole in said stone wall; thence running S82°59'27"E along a wire fence and Frye land a distance of 103.62 feet to a tree with wire affixed thereto; thence running S84°39'51"E along said Frye land, bounded in part by a wire fence, a distance of 184 feet, more or less, to the centerline of Whitford Brook, said centerline also being the boundary line between the Town of Ledyard and the Town of Stonington; thence running in a general northeasterly direction along the centerline of Whitford Brook a distance of 400 feet, more or less, to the intersection of Whitford Brook and Williams Brook; thence running northwesterly and then northeasterly along the centerline of Williams Brook and land now or formerly of Henry W. Morgan a distance of 760 feet, more or less, to an iron pin on the northeasterly bank of Whitford Brook; thence running N78°20'44"W along other land of the Grantors a distance of 350 feet, more or less, to a monument at the northwesterly corner of the within described parcel; thence running S34°13'18"W along a bobwire fence and other land of the Grantors a distance of 452.89 feet to a monument; thence running S23°18'25"W along other land of the Grantors a distance of 318.16 feet to the steel plug at the point and place of beginning.

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by CATIC. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its Issuing agent that may be in electronic form.

To all People to Whom these Presents shall Come, Greeting:

Know Ye, That We, WILLIAM J. LOFTUS, JR. and DOROTHY W. LOFTUS, of the Town of Ledyard, County of New London and State of Connecticut, hereinafter called the "Grantors"

for the consideration of Two Hundred Seventy Five Thousand (\$275,000) Dollars

received to our full satisfaction of the TOWN OF LEDYARD, a municipal corporation located in the County of New London and State of Connecticut, hereinafter called the "Grantee"

do give, grant, bargain, sell and confirm unto the said Grantee

That certain piece or parcel of land situated in the Town of Ledyard, County of New London and State of Connecticut more particularly bounded and described in Schedule "A" attached hereto. Said premises shall be used for the sole purpose of constructing and maintaining municipal water well sites and related equipment, machinery, structures, piping and utilities.

The Grantors also give, grant, bargain, sell and convey to the Grantee a right of way to the premises described in Schedule "A" from Shewville Road. Said right of way is more particularly described in Schedule "A-1" attached hereto. Said right of way shall be for the sole purpose of ingress and egress to and from the premises described in Schedule "A" and for all necessary utilities and water transmission lines. The Grantee shall be responsible for the maintenance of said right of way. The Grantors and their heirs and assigns shall have the right to make use of the right of way, in common with the Grantee, in any manner which does not interfere with the purposes for which it is granted.

SCHEDULE "A"

A certain piece or parcel of land situated in the Town of Ledyard, County of New London and State of Connecticut as shown on a map or plan entitled "Survey map prepared for Town of Ledyard Shewville Road Ledyard, Connecticut Lot 480R Shewville Road-Property to be Conveyed by William J. Loftus, Jr. and Dorothy M. Loftus to the Town of Ledyard, Connecticut date July 9, 1994 Scale 1" = 100' Chandler, Palmer & King, Architecture, Engineering and Surveying 110 Broadway Norwich, CT 06360". Said parcel is more particularly bounded and described as follows:

Beginning at a steel plug set in a stone wall at the southwesterly corner of the within described premises, said wall being the southerly line of the within described premises and the northerly line of land now or formerly of Lester T. Frye, thence running $S79^{\circ}42'34''E$ by and along said stone wall and Frye land a distance of 68.61 feet to a drill hole in said stone wall; thence running $S72^{\circ}25'52''E$ by and along said wall and Frye land a distance of 276.65 feet to a drill hole in said stone wall; thence running $S78^{\circ}04'20''E$ by and along said wall and Frye land a distance of 128.13 feet; thence running $S86^{\circ}34'36''E$ by and along said wall and Frye land a distance of 35.94 feet; thence running $S58^{\circ}34'00''E$ by and along said wall and Frye land a distance of 19.10 feet to a drill hole in said stone wall; thence running $S75^{\circ}04'29''E$ by and along said wall and Frye land a distance of 89.40 feet to a drill hole in said stone wall; thence running $S82^{\circ}59'27''E$ along a wire fence and Frye land a distance of 103.62 feet to a tree with wire affixed thereto; thence running $S84^{\circ}39'51''E$ along said Frye land, bounded in part by a wire fence, a distance of 184 feet, more or less, to the centerline of Whitford Brook, said centerline also being the boundary line between the Town of Ledyard and the Town of Stonington; thence running in a general northeasterly direction along the centerline of Whitford Brook a distance of 400 feet, more or less, to the intersection of Whitford Brook and Williams Brook; thence running northwesterly and then northeasterly along the centerline of Williams Brook and land now or formerly of Henry W. Morgan a distance of 760 feet, more or less, to an iron pin on the northeasterly bank of Whitford Brook; thence running $N78^{\circ}20'44''W$ along other land of the Grantors a distance of 350 feet, more or less, to a monument at the northwesterly corner of the within described parcel; thence running $S34^{\circ}13'18''W$ along a bobwire fence and other land of the Grantors a distance of 452.89 feet to a monument; thence running $S23^{\circ}18'25''W$ along other land of the Grantors a distance of 318.16 feet to the steel plug at the point and place of beginning.

SCHEDULE "A-1"

A certain piece or parcel of land situated in the Town of Ledyard, County of New London and State of Connecticut as shown on a map or plan entitled "Survey map prepared for Town of Ledyard Shewville Road Ledyard, Connecticut Lot 480R Shewville Road-Property to be Conveyed by William J. Loftus, Jr. and Dorothy M. Loftus to the Town of Ledyard, Connecticut date July 9, 1994 Scale 1" = 100' Chandler, Palmer & King, Architecture, Engineering and Surveying 110 Broadway Norwich, CT 06360". Said parcel is more particularly bounded and described as follows:

Beginning at an iron pin set in a corner of stone walls in the easterly line of Shewville Road, thence running S67°45'00"E along said stone wall and land now or formerly of Lester T. Frye a distance of 172.40 feet to a drill hole at a corner of stone walls; thence running S01°16'40"W a distance of 403.92 feet to a monument; thence running S59°31'57"E along other land of the Grantors a distance of 617.19 feet to a monument set in the westerly line of the premises described in Schedule A; thence running N34°13'18"E along the westerly line of the premises described in Schedule A a distance of 20.04 feet; thence running N59°31'57"W along other land of the Grantors a distance of 606.76 feet to a point distant 20 feet northeasterly from the monument marking the southerly end of the second course; thence running N01°16'40"E along other land of the Grantors a distance of 416.64 feet to a point near a stone wall; thence running N67°45'00"W along other land of the Grantors a distance of 186.02 feet to an iron pin in the easterly line of Shewville Road; thence running S15°15'00"W along the easterly line of Shewville Road a distance of 30.22 feet to the point and place of beginning.

No Conveyance Tax Collected

Patricia Karna
Town Clerk of Ledyard

No ^{STATE} Conveyance Tax Collected

Patricia Karna
Town Clerk of Ledyard

To Have and to Hold the above granted and bargained premises, with the appurtenances thereof, unto it the said grantee and its ~~successors~~ successors and assigns forever, to its and their own proper use and behoof.

And also, we the said grantors do for ourselves and our heirs, executors and administrators, covenant with the said grantee and its successors, ~~to~~ and assigns, that at and until the enrolling of these presents, we are well seized of the premises, as a good indefeasible estate in FEE SIMPLE; and good right to bargain and sell the same in manner and form as is above written; and that the same is free from all incumbrances whatsoever, except as hereinbefore mentioned.

And Furthermore, we the said grantors do by these presents bind ourselves and our heirs, executors and administrators forever to WARRANT AND DEFEND the above granted and bargained premises to it the said grantee and its successors, ~~to~~ and assigns, against all claims and demands whatsoever, except as hereinbefore mentioned.

In Witness Whereof, we have hereunto set our hand^s and seals this 22nd day of November in the year of our Lord nineteen hundred and ninety four Signed, Sealed and Delivered in presence of

Edward B. O'Connell
Edward B. O'Connell
Ellen C. Brown
ELLEN C. BROWN

William J. Loftus, Jr. L.S.
WILLIAM J. LOFTUS, JR.
Dorothy W. Loftus L.S.
DOROTHY W. LOFTUS
L.S.

State of Connecticut, }
County of New London } SS. New London

On this the 22nd day of November, 19 94, before me, Edward B. O'Connell, the undersigned officer, personally appeared William J. Loftus, Jr. and Dorothy W. Loftus

known to me (or satisfactorily proven) to be the persons whose names subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained, as their free act and deed.

In Witness Whereof, I hereunto set my hand and official seal.
Edward B. O'Connell
Edward B. O'Connell
Commissioner of Superior Court
Title of Officer

State of Connecticut, }
County of } SS.

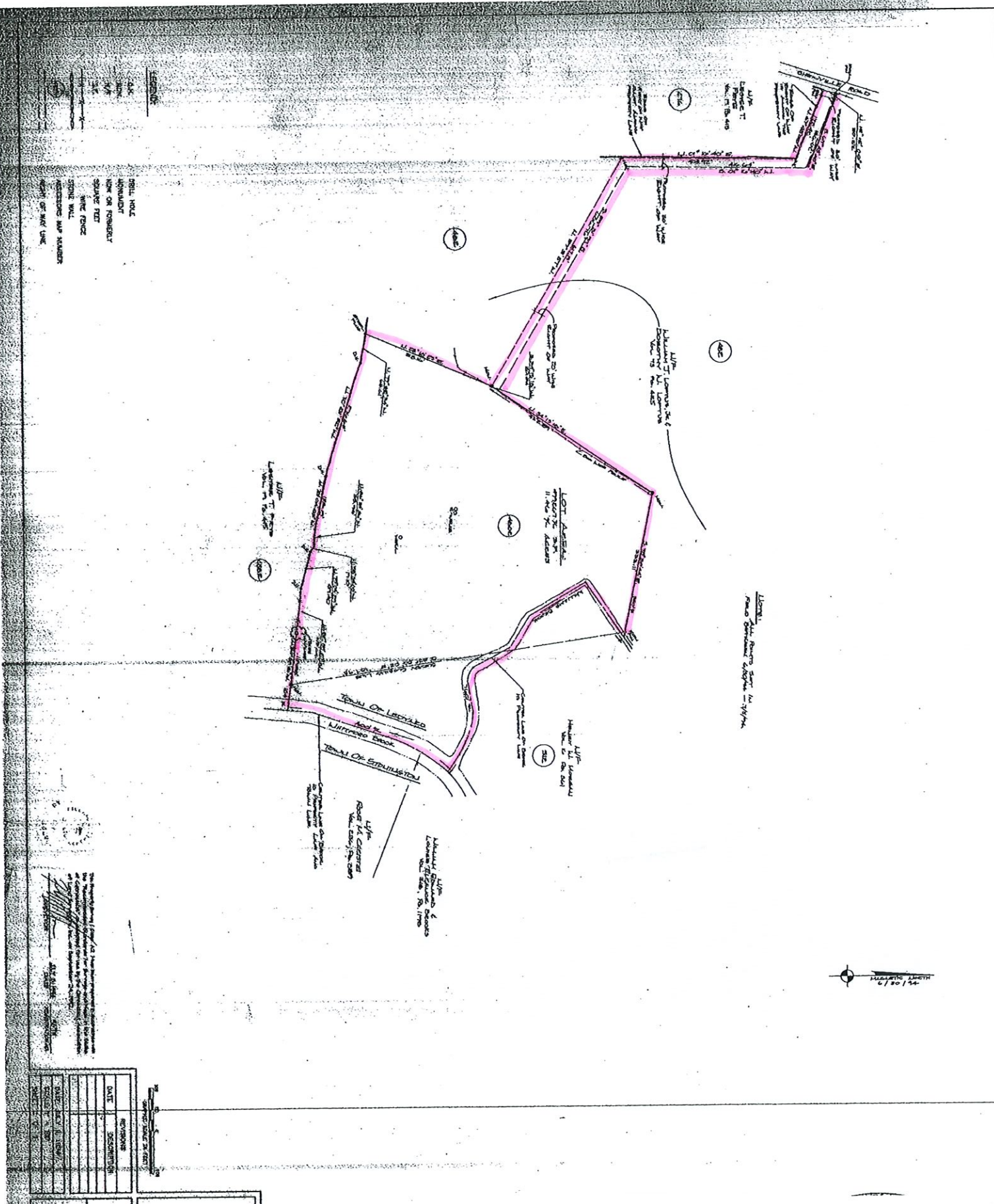
On this the _____ day of _____, 19 _____, before me, _____ the undersigned officer, personally appeared _____ who acknowledged himself to be the _____, a corporation, and that he as such _____, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as

In Witness Whereof, I hereunto set my hand and official seal.

Title of Officer

Latest address of Grantee:
No. and Street Ledyard Town Hall
City Ledyard
State CT Zip 06339

RECEIVED FOR RECORD AT LEDYARD, CT,
ON 11-22-94 AT 3:43 P. M.
ATTEST: PATRICIA KARNS, TOWN CLERK



LEGEND

--- 1/4" = 1' ---
 --- 1/8" = 1' ---
 --- 1/16" = 1' ---
 --- 1/32" = 1' ---
 --- 1/64" = 1' ---
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CONSTRUCTION DETAIL

CONSTRUCTION DETAIL (CONTINUED)

Element	Cd	Description	Element	Cd	Description
Style: Model Grade	52	Pre-Eng Mfg Ind or Comm Average			
Stories:	1				
Occupancy	0.00	Pre-finish Metl			
Exterior Wall 1	27				
Exterior Wall 2	03	Gable/Hip			
Roof Structure	03	Metal/Tin			
Roof Cover	01	Minim/Masonry			
Interior Wall 1	01				
Interior Wall 2	03	Concr-Finished			
Interior Floor 1	03	Gas/Propane Hot Air-no Duc			
Interior Floor 2	03	None			
Heating Fuel	03	Municipal M96			
Heating Type	01				
AC Type	9031				
Bldg Use	00				
Total Rooms	00				
Total Bedrms	0				
Total Baths	00				
Heat/AC	05	NONE			
Frame Type	01	STEEL			
Baths/Plumbing	00	LIGHT			
Ceiling/Wall	01	NONE			
Rooms/Prtis	01	LIGHT			
Wall Height	18.00				
% Corn Wall	0.00				
1st Floor Use:	9031				

MIXED USE

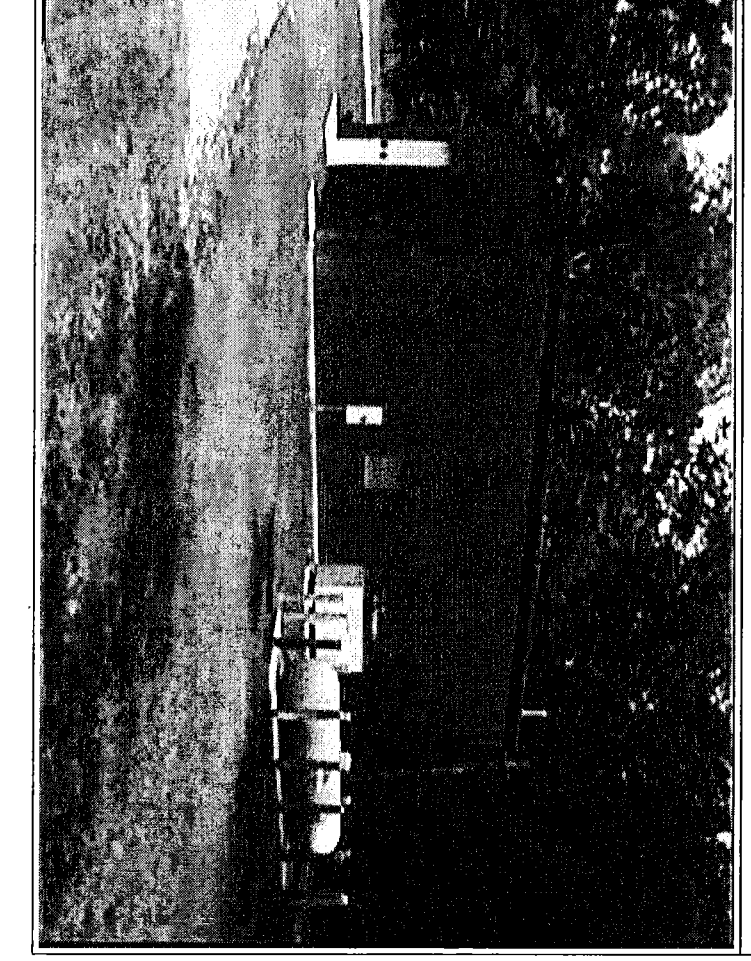
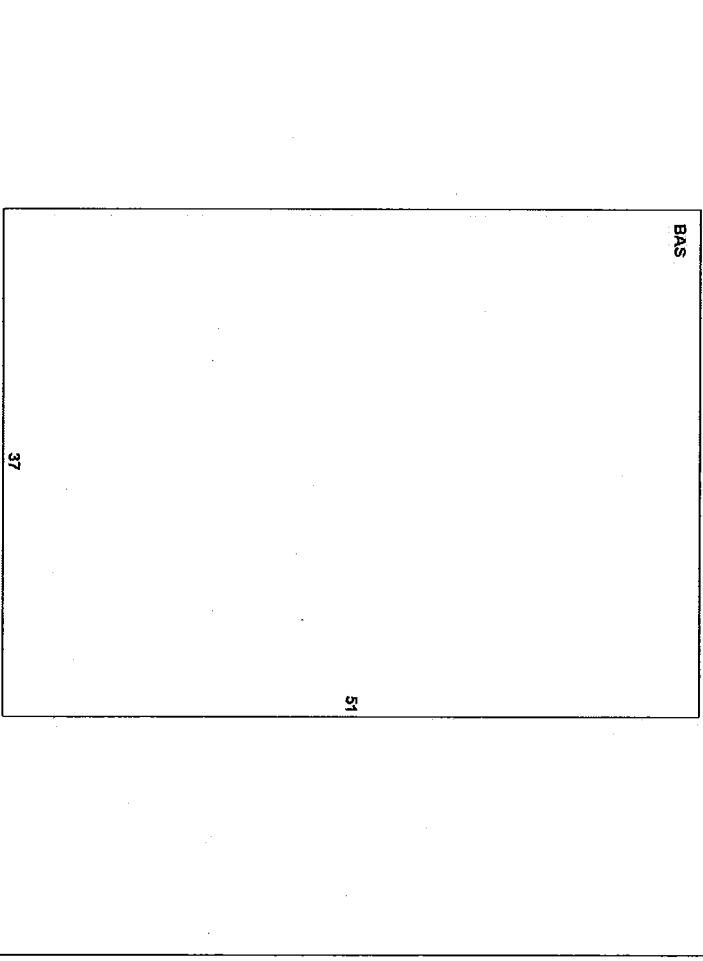
Code	Description	Percentage
9031	Municipal M96	100
		0
		0

COST / MARKET VALUATION

Building Value New	107,710
Adjusted Base Rate	57.08
Year Built	1999
Effective Year Built	2002
Depreciation Code	A
Remodel Rating	
Year Remodeled	
Depreciation %	18
Functional Obsol	0
External Obsol	0
Trend Factor	1
Condition	
Condition %	
Percent Good	82
RCNLD	88,300
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	

OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)

Code	Description	LB	Units	Unit Price	Yr Bt	Cond.	Cd	% Cd	Grade	Grade Adj.	Appr. Value
BUILDING SUB-AREA SUMMARY SECTION											
Code	Description	Living Area	Floor Area	EF Area	Unit Cost	Undeprc Value					
BAS	Main Floor	1,887	1,887	1,887	57.08	107,710					
TH Gross LV / Lease Area		1,887	1,887	1,887		107,710					





TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 26-0813

Agenda Date: 7/6/2026

Agenda #: 9.

CONTRACT-LEASE

Motion/Request:

MOTION to set Special Town Meeting (Hybird Format - Video Conference and In-Person) on Wednesday, August 12, 2026 at 6:30 p.m. to be held in the Council Chambers, 741 Colonel Ledyard Highway, Ledyard, to consider, discus and vote upon the following:

“Shall the Town of Ledyard sell town-owned property located 480R Shewville Road, (fka) Loftus Wellfield, for \$150,000 to Mr. Kevin Blacker, of Noank, Connecticut?.

Background

TOWN CHARTER CHAPTER VII

In accordance with Section 9 “Financial Powers”

Any resolution making a non-budgeted appropriation of more than one (1) percent of the current tax levy, but less than five (5) percent for any purpose, any resolution authorizing the issuance of bonds or notes or other borrowing of less than five (5) percent of the current tax levy, except notes in anticipation of taxes to be paid within the fiscal year in which issued, and **any sale or purchase of real estate or interest therein shall become effective only after it has been approved by the Town Council and adopted at a Town meeting by a majority vote of the qualified voters present and voting at such meeting.**

Department Comment/Recommendation:

In 1993, the Town sought a new well field location to supply water to the Highlands subdivision (700+ homes), as the existing supply was failing. An agreement was reached with William and Dorothy Loftus to acquire the 11.46 acre parcel with a ROW only for access (no deeded frontage), now known as 480R Shewville Road for \$275,000. The wells were installed and ultimately supplied water to the Highlands as well as Lakeside Condominiums. In 2010, Groton Utilities and the Town reached an agreement to provide water in parts of town, including the areas served by the Loftus Well Field, thereby terminating the need for the well field. Once connections were made, the Loftus wells were filled in and officially closed, equipment removed from the structure. Recognizing this as surplus property, we sought ways to re-use the parcel but soon learned a restrictive covenant prohibited any use but as a ***municipal*** well water supply. With that use extinguished, we had effectively no use of the property. The Mayor contacted legal counsel to determine the validity of the highly restrictive covenant, which was legally determined to be enforceable.

In addition, the Mayor started the legal research on the Loftus restrictive covenant on 7/7/2021 and completed that work with our then new Town Attorney, Shipman & Goodwin in April 2023. This was a time consuming process that was not knee-jerk.

Finance Director Comment/Recommendation:

(type text here)

Mayor Comment/Recommendation:

I support the sale of the parcel to Mr. Blacker as he also has a contract with the Loftus family for the remaining farmlands that surround this parcel. Though the Town purchased the parcel for \$125,000 more than the offer, the value in providing drinking water to residents in a time of need was the true value, so the residual value of \$150,000 is fair to all parties.

PURCHASE AND SALE AGREEMENT

AGREEMENT, made as of this day of , 2026, by and between **KEVIN BLACKER**, of 11 Church Street, Noank, Connecticut 06349 ; (the "Buyer") and the **TOWN OF LEDYARD**, a municipal corporation located in the County of New London and State of Connecticut (the "Seller").

WITNESSETH:

1. **PROPERTY**. In consideration of the purchase price hereinafter specified, the Seller will convey to the Buyer certain real property located at and known as: **480R, Shewville Road**, in the Town of Ledyard, County of New London and State of Connecticut, and being the same premises described in **Schedules A and A-1**, hereafter attached (the "Premises").

2. **PURCHASE PRICE**. The purchase price is One Hundred Fifty Thousand and 00/100 (\$ 150,000.00) Dollars, which the Buyer agrees to pay as follows:

- | | |
|--|---------------------------------------|
| (a) By way of deposit paid upon the execution of this agreement to the Seller | \$ 5,000.00 |
| (b) By away of bank cashier or Attorney's client's fund check paid at time of closing. | <u>\$ 145,000.00</u>
\$ 150,000.00 |

3. **CLOSING AND CONTINGENCY**. (a) The closing shall take place at the offices of the Ledyard Town Hall within thirty (30) days of the issuance all necessary approvals by the Town of Ledyard, or on or before October 1, 2026, or at such other time and place as may be mutually agreed upon by the parties, at which time the deed shall be delivered upon receipt of the payment due hereunder. (b) This sale is contingent upon the issuance of all required approvals by the Town of Ledyard. In the event the sale is not so approved, by October 1, 2026, the Buyer may terminate this Agreement upon written notice to the Seller and upon such notice, be entitled to the refund of the deposit paid to the Seller.

4. **POSSESSION**. The Seller shall deliver exclusive possession of the premises to the Buyer, at the time of closing.

5. **DEED**. The deed of conveyance to the premises shall be by Quit Claim Deed in the usual Connecticut form, which deed shall be executed, acknowledged and delivered, with any necessary Connecticut Conveyance Tax paid by the Seller, conveying the marketable fee simple

title in and to the premises to the Buyer, free and clear of all encumbrances, liens, and exceptions to title other than those set forth in this Agreement. The deed of conveyance will omit the restriction, contained in the deed of conveyance to the Town, limiting the use of the Premises for the sole purpose of constructing and maintaining municipal well water sites and related appurtenances on said Premises.

6. **TITLE DEFECTS.** It is further understood and agreed that if, upon the date of the delivery of the deed, as hereinbefore provided, the Seller shall be unable to convey the title to the premises to the Buyer free and clear of encumbrances, except as set forth in this Agreement, then, the Buyer shall elect, as the Buyer' sole remedy, either to accept such title as the Seller can convey, upon the payment of the aforesaid purchase price, or to refuse to accept the deed conveying such title on the ground of such encumbrances.

7. **TITLE EXCEPTIONS.** The premises will be conveyed subject to the following:
- a. Taxes due the Town of Ledyard which become due and payable after the date of the delivery of the deed.
 - b. Any statement of facts which an accurate survey or physical inspection of the premises would disclose, provided the same does not render title unmarketable

The Buyer do agree to assume and pay, as part of the consideration for the deed, all such taxes, assessments and installments which become due and payable after the delivery of the deed.

8. **DEFAULT.** In the event the Buyer, through no fault of the Seller, fails to perform any of the obligations hereinbefore set forth, he shall forfeit all claims to the premises described herein and the Seller may retain the deposit paid by the Buyer as full liquidated damages.

9. **ENTIRE AGREEMENT.** It is understood and agreed that this written Agreement (including Schedule A and any other schedule or rider referred to in the body of this Agreement and annexed hereto) constitutes the entire contract between the parties hereto, and that no oral statements or promises or any understanding not embodied in this writing shall be valid.

10. **BINDING EFFECT.** The covenants and stipulations of this Agreement shall apply to and bind the heirs, executors, administrators, successors and assigns of the respective parties hereto. This agreement may be executed in counterparts by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the , and year first hereinbefore written.

Witness:

Kevin Blacker, Buyer

Witness:

**The Town of Ledyard
Seller**

Witness:

By: _____

Witness:

State of Connecticut

County of _____ ss: _____, 2026

On this the _____ day of _____ 2026, before me, _____, the undersigned officer, personally appeared Kevin Blacker, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained, as his free act and deed.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

/Notary Public
My Commission Expires:

State of Connecticut

ss. Ledyard

County of New London

On this the _____ day of _____, 2026, before me, _____, undersigned officer, personally appeared _____, who acknowledged _____ self to be the _____ of the Town of Ledyard and that she/he as such officer being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the Town by her/ himself as such officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

/Notary Public
My Commission Expires:

PROPERTY DESCRIPTION

A certain piece or parcel of land situated in the Town of Ledyard, County of New London and State of Connecticut as shown on a map or plan entitled "Survey map prepared for Town of Ledyard Shewville Road Ledyard, Connecticut Lot 480R Shewville Road-Property to be Conveyed by William J. Loftus, Jr. and Dorothy M. Loftus to the Town of Ledyard, Connecticut date July 9, 1994 Scale 1" = 100' Chandler, Palmer, & King, Architecture, Engineering and Surveying 110 Broadway Norwich, CT 06360". Said parcel is more particularly bounded and described as follows:

Beginning at a steel plug set in a stone wall at the southwesterly corner of the within described premises, said wall being the southerly line of the within described premises and the northerly line of land now or formerly of Lester T. Frye, thence running S79°42'34"E by and along said stone wall and Frye land a distance of 68.61 feet to a drill hole in said stone wall; thence running S72°25'52"E by and along said wall and Frye land a distance of 276.65 feet to a drill hole in said stone wall; thence running S78°04'20"E by and along said wall and Frye land a distance of 128.13 feet; thence running S86°34'36"E by and along said wall and Frye land a distance of 35.94 feet; thence running S58°34'00"E by and along said wall and Frye land a distance of 19.10 feet to a drill hole in said stone wall; thence running S75°04'29"E by and along said wall and Frye land a distance of 89.40 feet to a drill hole in said stone wall; thence running S82°59'27"E along a wire fence and Frye land a distance of 103.62 feet to a tree with wire affixed thereto; thence running S84°39'51"E along said Frye land, bounded in part by a wire fence, a distance of 184 feet, more or less, to the centerline of Whitford Brook, said centerline also being the boundary line between the Town of Ledyard and the Town of Stonington; thence running in a general northeasterly direction along the centerline of Whitford Brook a distance of 400 feet, more or less, to the intersection of Whitford Brook and Williams Brook; thence running northwesterly and then northeasterly along the centerline of Williams Brook and land now or formerly of Henry W. Morgan a distance of 760 feet, more or less, to an iron pin on the northeasterly bank of Whitford Brook; thence running N78°20'44"W along other land of the Grantors a distance of 350 feet, more or less, to a monument at the northwesterly corner of the within described parcel; thence running S34°13'18"W along a bobwire fence and other land of the Grantors a distance of 452.89 feet to a monument; thence running S23°18'25"W along other land of the Grantors a distance of 318.16 feet to the steel plug at the point and place of beginning. Together with a right of way to the premises described above from Shewville Road and the conditions described in a Warranty Deed from William J. Loftus, Jr. and Dorothy W. Loftus to the Town of Ledyard dated 11/22/1994 and recorded 11/22/1994 in Book 247 at Page 431 of the Ledyard Land Records. Said right of way is more particularly described as follows:

A certain piece or parcel of land situated in the Town of Ledyard, County of New London and State of Connecticut as shown on a map or plan entitled "Survey map prepared for Town of Ledyard Shewville Road Ledyard, Connecticut Lot 480R Shewville Road-Property to be Conveyed by William J. Loftus, Jr. and Dorothy M. Loftus to the Town of Ledyard, Connecticut date July 9, 1994 Scale 1" = 100' Chandler, Palmer, & King, Architecture, Engineering and Surveying 110 Broadway Norwich, CT 06360". Said parcel is more particularly bounded and described as follows:

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This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by CATIC. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its Issuing agent that may be in electronic form.

To all People to Whom these Presents shall Come, Greeting:

Know Ye, That We, WILLIAM J. LOFTUS, JR. and DOROTHY W. LOFTUS, of the Town of Ledyard, County of New London and State of Connecticut, hereinafter called the "Grantors"

for the consideration of Two Hundred Seventy Five Thousand (\$275,000) Dollars

received to our full satisfaction of the TOWN OF LEDYARD, a municipal corporation located in the County of New London and State of Connecticut, hereinafter called the "Grantee"

do give, grant, bargain, sell and confirm unto the said Grantee

That certain piece or parcel of land situated in the Town of Ledyard, County of New London and State of Connecticut more particularly bounded and described in Schedule "A" attached hereto. Said premises shall be used for the sole purpose of constructing and maintaining municipal water well sites and related equipment, machinery, structures, piping and utilities.

The Grantors also give, grant, bargain, sell and convey to the Grantee a right of way to the premises described in Schedule "A" from Shewville Road. Said right of way is more particularly described in Schedule "A-1" attached hereto. Said right of way shall be for the sole purpose of ingress and egress to and from the premises described in Schedule "A" and for all necessary utilities and water transmission lines. The Grantee shall be responsible for the maintenance of said right of way. The Grantors and their heirs and assigns shall have the right to make use of the right of way, in common with the Grantee, in any manner which does not interfere with the purposes for which it is granted.

SCHEDULE "A"

A certain piece or parcel of land situated in the Town of Ledyard, County of New London and State of Connecticut as shown on a map or plan entitled "Survey map prepared for Town of Ledyard Shewville Road Ledyard, Connecticut Lot 480R Shewville Road-Property to be Conveyed by William J. Loftus, Jr. and Dorothy M. Loftus to the Town of Ledyard, Connecticut date July 9, 1994 Scale 1" = 100' Chandler, Palmer & King, Architecture, Engineering and Surveying 110 Broadway Norwich, CT 06360". Said parcel is more particularly bounded and described as follows:

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SCHEDULE "A-1"

A certain piece or parcel of land situated in the Town of Ledyard, County of New London and State of Connecticut as shown on a map or plan entitled "Survey map prepared for Town of Ledyard Shewville Road Ledyard, Connecticut Lot 480R Shewville Road-Property to be Conveyed by William J. Loftus, Jr. and Dorothy M. Loftus to the Town of Ledyard, Connecticut date July 9, 1994 Scale 1" = 100' Chandler, Palmer & King, Architecture, Engineering and Surveying 110 Broadway Norwich, CT 06360". Said parcel is more particularly bounded and described as follows:

Beginning at an iron pin set in a corner of stone walls in the easterly line of Shewville Road, thence running S67°45'00"E along said stone wall and land now or formerly of Lester T. Frye a distance of 172.40 feet to a drill hole at a corner of stone walls; thence running S01°16'40"W a distance of 403.92 feet to a monument; thence running S59°31'57"E along other land of the Grantors a distance of 617.19 feet to a monument set in the westerly line of the premises described in Schedule A; thence running N34°13'18"E along the westerly line of the premises described in Schedule A a distance of 20.04 feet; thence running N59°31'57"W along other land of the Grantors a distance of 606.76 feet to a point distant 20 feet northeasterly from the monument marking the southerly end of the second course; thence running N01°16'40"E along other land of the Grantors a distance of 416.64 feet to a point near a stone wall; thence running N67°45'00"W along other land of the Grantors a distance of 186.02 feet to an iron pin in the easterly line of Shewville Road; thence running S15°15'00"W along the easterly line of Shewville Road a distance of 30.22 feet to the point and place of beginning.

No Conveyance Tax Collected

Patricia Karna
Town Clerk of Ledyard

No ^{STATE} Conveyance Tax Collected

Patricia Karna
Town Clerk of Ledyard

To Have and to Hold the above granted and bargained premises, with the appurtenances thereof, unto it the said grantee and its ~~heirs~~ successors and assigns forever, to its and their own proper use and behoof.

And also, we the said grantors do for ourselves and our heirs, executors and administrators, covenant with the said grantee and its successors, ~~heirs~~ and assigns, that at and until the enrolling of these presents, we are well seized of the premises, as a good indefeasible estate in FEE SIMPLE; and good right to bargain and sell the same in manner and form as is above written; and that the same is free from all incumbrances whatsoever, except as hereinbefore mentioned.

And Furthermore, we the said grantors do by these presents bind ourselves and our heirs, executors and administrators forever to WARRANT AND DEFEND the above granted and bargained premises to it the said grantee and its successors, ~~heirs~~ and assigns, against all claims and demands whatsoever, except as hereinbefore mentioned.

In Witness Whereof, we have hereunto set our hand^s and seals this 22nd day of November in the year of our Lord nineteen hundred and ninety four Signed, Sealed and Delivered in presence of

Edward B. O'Connell
Edward B. O'Connell
Ellen C. Brown
ELLEN C. BROWN

William J. Loftus, Jr. L.S.
WILLIAM J. LOFTUS, JR.
Dorothy W. Loftus L.S.
DOROTHY W. LOFTUS
L.S.

State of Connecticut, }
County of New London } SS. New London

On this the 22nd day of November, 19 94, before me, Edward B. O'Connell, the undersigned officer, personally appeared William J. Loftus, Jr. and Dorothy W. Loftus

known to me (or satisfactorily proven) to be the persons whose names subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained, as their free act and deed.

In Witness Whereof, I hereunto set my hand and official seal.
Edward B. O'Connell
Edward B. O'Connell
Commissioner of Superior Court
Title of Officer

State of Connecticut, }
County of } SS.

On this the _____ day of _____, 19 _____, before me, _____ the undersigned officer, personally appeared _____ who acknowledged himself to be the _____, a corporation, and that he as such _____, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as

In Witness Whereof, I hereunto set my hand and official seal.

Title of Officer

Latest address of Grantee:
No. and Street Ledyard Town Hall
City Ledyard
State CT Zip 06339

RECEIVED FOR RECORD AT LEDYARD, CT,
ON 11-22-94 AT 3:43 P. M.
ATTEST: PATRICIA KARNS, TOWN CLERK

CURRENT OWNER	TOPO	UTILITIES	STRT/ROAD	LOCATION	DESCRIPTION	CODE	APPRAISED	ASSESSED
I TOWN OF LEDYARD	1 Level		1 Paved	3 Rural	EX COM LN	21	117,800	82,460
					EX COM BL	22	88,300	61,810
741 COLONEL LEDYARD HWY	Alt Prcl ID 102-2210-480	SUPPLEMENTAL DATA						
	Sub-div		Solar Pane Generator					
LEDYARD CT 06339	Dev Lot Survey# 1766		Forest Farm					
	Elderly Census 07011		MPT SB					
	GIS ID 6738		Assoc Pld#					
Total							206,100	144,270

RECORD OF OWNERSHIP	BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	Year	Code	Assessed	Year	Code	Assessed V	Year	Code	Assessed
I TOWN OF LEDYARD	0247 0431	11-21-1994	Q	V	275,000	00	2022	21	82,460	2021	21	82,460	2020	21	82,460
LOFTUS WILLIAM J JR + DOROTHY	0073 0425	03-11-1969			0		2022	22	61,810			61,810		22	61,810
Total							144270	Total	144270	Total	144270	Total	144270	Total	144270

EXEMPTIONS	Amount	Code	Description	Number	Amount	Comm Int
	0.00					
Total						

OTHER ASSESSMENTS	Amount	Code	Description	Number	Amount	Comm Int
	0.00					
Total						

ASSESSING NEIGHBORHOOD	Nbhd	Nbhd Name	Tracing	Batch
0050		B		

NOTES
 RIGHT OF WAY
 1-OVERHEAD DOOR
 PROPANE TANK-E OSTERMAN
 PROPANE GAS SERVICE INC
 GAS TANK

ROW OVER #482	SHOWN ON MAP 117 + 118	00-PERMIT-SITE WORK PIPE INSTALLATION,BUILDING + CONCRETE FOUNDATION.	MECHANICALS-PER PROP?	BUILDING PERMIT RECORD	Amount	Insp Date	% Comp	Date Comp	NO C/O	Comments	Date	Id	Type	Is	Cd	Purpose/Result
99-77	04-08-1999	CM	PUMP HOUSE	540,000	10-11-2000	100	09-30-1999				07-26-2020	DM			15	Reval Review
											03-26-2001	SL			00	Measur+Listed
Total Appraised Parcel Value																

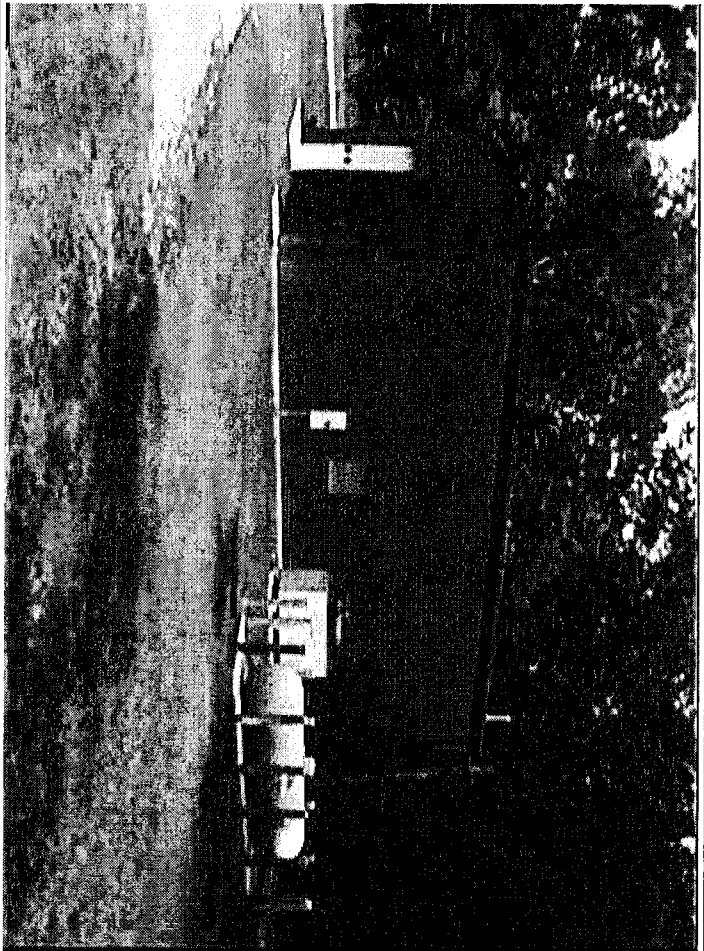
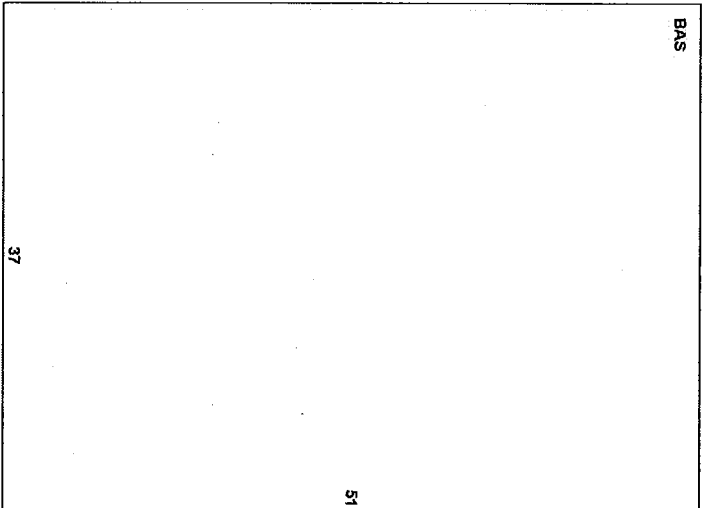
LAND LINE VALUATION SECTION	Use Code	Description	Zone	Land Type	Land Units	Unit Price	Size Adj	Site Index	Cond.	Nbhd.	Nbhd Adj	Notes	Location Adjustment	Adj Unit P	Land Value
B	9031	Municipal M96	R60	AC	1,380	72,000	0.75684	1	1.00	0050	1,000	WELL SITE PROPOSED/PW	1,000	54,489.6	75,200
1	9031	Municipal M96	R60	AC	10,080	4,700	1.00000	0	0.90	0050	1,000	TOPO	1,000	4,230	42,600
Total Card Land Units 11,460 AC															
Parcel Total Land Area 11,4600															
Total Land Value 117,800															

APPRaised VALUE SUMMARY	Appraised Bldg. Value (Card)	Appraised Xf (B) Value (Bldg)	Appraised Ob (B) Value (Bldg)	Appraised Land Value (Bldg)	Special Land Value	Total Appraised Parcel Value
	88,300	0	0	117,800	0	206,100
						206,100

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)			
Element	Cd	Description	Element	Cd	Description	Element	Description
Style: Model Grade	52	Pre-Eng Mfg Ind or Comm Average					
Stories: 1	03						
Occupancy	0.00	Pre-finish Metl					
Exterior Wall 1	27						
Exterior Wall 2	03	Gable/Hip					
Roof Structure	03	Metal/Tin					
Roof Cover	01	Minim/Masonry					
Interior Wall 1	01						
Interior Wall 2	03	Concr-Finished					
Interior Floor 1	03						
Interior Floor 2	03	Gas/Propane Hot Air-no Duc					
Heating Fuel	03	None					
Heating Type	01	Municipal M96					
AC Type	9031						
Bldg Use							
Total Rooms	00						
Total Bedrms	0						
Total Baths	0						
Heat/AC	00	NONE					
Frame Type	05	STEEL					
Baths/Plumbing	01	LIGHT					
Ceiling/Wall	00	NONE					
Rooms/Prtns	01	LIGHT					
Wall Height	18.00						
% Corn Wall	0.00						
1st Floor Use:	9031						
BUILDING SUB-AREA SUMMARY SECTION							
Code	Description	Living Area	Floor Area	EF Area	Unit Cost	Undeprc Value	
BAS	Main Floor	1,887	1,887	1,887	57.08	107,710	
TH Gross LV / Lease Area		1,887	1,887	1,887		107,710	

MIXED USE		
Code	Description	Percentage
9031	Municipal M96	100
		0
		0

COST / MARKET VALUATION	
Building Value New	107,710
Adjusted Base Rate	57.08
Year Built	1999
Effective Year Built	2002
Depreciation Code	A
Remodel Rating	
Year Remodeled	
Depreciation %	18
Functional Obsol	0
External Obsol	0
Trend Factor	1
Condition	
Condition %	
Percent Good	82
RCNLD	88,300
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	





TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 23-2143

Agenda Date: 7/6/2026

Agenda #: 1.

AGENDA REQUEST
INFORMATIONAL ITEM

Subject:

Continued discussion regarding the progress to designate the Spicer Homestead Ruins, within the Clark Farm property, as a Registered Historical Site.

Background:

(type text here)

Department Comment/Recommendation:

(type text here)

Ammie M. Chittim Ph.D., R.P.A.
972 Shewville Rd
Ledyard CT 06339
207-380-7898

January 2, 2026

Liz Berdick, Town Planner
Town of Ledyard
741 Colonel Ledyard Highway
Ledyard, CT 06339

cc: Land Use Committee, Chairman

Dear Ms. Berdick,

I am writing in my capacity as The Town of Ledyard Historic Commission's Director of Archaeological Research and Preservation. I am also a Registered Professional Archaeologist (RPA) with more than 20 years of cultural preservation experience. This letter provides a brief statement regarding the historical and archaeological significance of the 4.4-acre parcel located at 1025 Colonel Ledyard Highway, known as the Spicer Homestead. This letter reflects my referral for the Spicer Homestead site to be submitted as part of the Town's review of historic archaeological properties for inclusion in the Connecticut Historic Resources Inventory.

The Spicer Homestead parcel meets the criteria for historical significance under Connecticut's historic preservation framework due to its direct association with early colonial settlement patterns, documented 18th-century land use, and its potential 17th-century occupation. Probate and land records identify a dwelling, orchard, and barn belonging to John Spicer (4th) on this property by 1769, and documentary evidence suggests the site may also represent the first homestead of Peter Spicer, established on land granted to him in 1693. The parcel contains intact archaeological features—including cellar holes, a possible center-chimney fall, a stone well, stone walls, and a stone-walled paddock—along with a glacial erratic known in Spicer family oral tradition as "Spicer's Rock." These elements collectively represent a well-preserved agrarian landscape with high research potential and strong integrity, consistent with the significance standards outlined by the Connecticut State Historic Preservation Office.

The attached maps illustrate the parcel boundaries that best encompass the surviving historic landscape and the original homestead foundation. Protecting this defined area will ensure the preservation of the core archaeological features and their surrounding context, allowing the Town to safeguard the most meaningful and intact portion of the Spicer family's early farmstead.

Sincerely,

Ammie M Chittim, Ph.D., R.P.A.

Director of Research and Preservation
Ledyard Historic Commission

Roxanne Maher

From: Earl Lamb <TyLamb5350@outlook.com>
Sent: Monday, December 15, 2025 7:56 AM
To: Roxanne Maher
Subject: Fwd: wording for motion
Attachments: Chapter 97a - Historic Districts and Historic Properties.html

Motion for the LUPW committee to recommended to the full Town Council, TC Finance committee a comprehensive town wide CIP.

Sent from my iPhone

Begin forwarded message:

From: Earl Lamb <tylamb5350@outlook.com>
Date: December 14, 2025 at 6:14:11 PM EST
To: Ty Lamb <tylamb5350@outlook.com>
Subject: Fwd: wording for motion

Sent from my iPhone

Begin forwarded message:

From: karen parkinson <karen@thepaddockinc.com>
Date: December 14, 2025 at 6:11:58 PM EST
To: Earl Lamb <tylamb5350@outlook.com>
Subject: wording for motion

The Town Council hereby appoints the Ledyard Historic District Commission to conduct a study of the proposed Spicer Homestead and follow all steps according to State Statute Chapter 7a, Section 7-147q "procedures for establishing historic properties." attached

Roxanne Maher

From: Ty Lamb
Sent: Thursday, December 18, 2025 1:11 PM
To: Roxanne Maher
Subject: Ref information from - Archaeology Circuit Rider Preservation Connecticut

Roxanne,

I would like to include this e-mail as reference material for my proposed agenda point concerning the next TC - LUPW meeting.

If you have any questions or concerns, please contact me.

Yr.,
Ty Lamb

Hello Karen,

You never need to apologize for help! I am happy to supply it how I can and welcome the chance to assist you in the important work of preservation.

In my limited experience, I have always seen the Town appoint a Study Committee to create the Study Report for a new Local Designation, regardless of existing Historic District Commissions. The exact wording of CGS Section 7-147b(a) makes it clear, to my reading, that the Town Council still needs to approve the appointment of the HDC to a historic district study committee for the purpose of making an investigation and submitting a report. 7-147c(b) specifically states "by following the procedure for creation... in section 7-147b." So, I would say explicitly that you NEED approval from the Town Council before you can move forward with a Study Report.

I've CC'd my colleague Stacey Vairo who does Historic District Commission Trainings, and our colleague Mary Dunne from the State Historic Preservation Office who reviews Study Reports and also does Historic District Commission Trainings. If they have anything else to add or correct, please feel free to jump in.

Best,
Stefon

Stefon Danczuk
Archaeology Circuit Rider
Preservation Connecticut
940 Whitney Ave
Hamden, CT 06517
475-355-8287 (cell)

CHAPTER 97a*

HISTORIC DISTRICTS AND HISTORIC PROPERTIES

*Cited. 196 C. 596; 227 C. 71.

Cited. 29 CA 28.

Table of Contents

[Note: Readers should refer to the 2024 Supplement, revised to January 1, 2024, for updated versions of statutes amended, repealed or added during the 2023 legislative sessions.](#)

[Sec. 7-147a. Historic districts authorized. Definitions.](#)

[Sec. 7-147b. Procedure for establishment of historic district.](#)

[Sec. 7-147c. Historic district commission.](#)

[Sec. 7-147d. Certificate of appropriateness: Parking areas.](#)

[Sec. 7-147e. Application for certificate. Hearing. Approval.](#)

[Sec. 7-147f. Considerations in determining appropriateness. Solar energy systems.](#)

[Sec. 7-147g. Variations, permissible when.](#)

[Sec. 7-147h. Action by commission to prevent illegal acts.](#)

[Sec. 7-147i. Appeals.](#)

[Sec. 7-147j. Exempted acts. Delay of demolition.](#)

[Sec. 7-147k. Prior districts unaffected. Validation of prior creations and actions. Nonprofit institutions of higher education excluded.](#)

[Secs. 7-147l and 7-147m. Method of balloting; eligibility to vote; balloting on prior districts.](#)

[Secs. 7-147n and 7-147o. Reserved](#)

[Sec. 7-147p. Historic property ordinances authorized. Definitions.](#)

[Sec. 7-147q. Procedures for establishment of historic properties.](#)

[Sec. 7-147r. Historic properties commission.](#)

[Sec. 7-147s. Certificate of appropriateness.](#)

[Sec. 7-147t. Procedure for application for certificate.](#)

[Sec. 7-147u. Considerations in determining appropriateness.](#)

[Sec. 7-147v. Variations, permissible when.](#)

[Sec. 7-147w. Action by commission to prevent illegal acts.](#)

[Sec. 7-147x. Appeals.](#)

[Sec. 7-147y. Exempted acts. Delay of demolition.](#)

PART I*

HISTORIC DISTRICTS

*Cited. 196 C. 596, 602, 607.

Because part (Sec. 7-147a et seq.) provides comprehensive, detailed legislative scheme for establishment of historic district, including approval of legislative body, and because referendum authorized by town charter is not such a legislative body, provision of town charter is inapplicable to adoption of historic district ordinance in accordance with part and has no place in such scheme. 62 CA 298.

Sec. 7-147a. Historic districts authorized. Definitions. (a) As used in this part: ♦Altered♦ means changed, modified, rebuilt, removed, demolished, restored, razed, moved or reconstructed; ♦erected♦ means constructed, built, installed or enlarged; ♦exterior architectural features♦ means such portion of the exterior

of a structure or building as is open to view from a public street, way or place; ♦building♦ means a combination of materials forming a shelter for persons, animals or property; ♦structure♦ means any combination of materials, other than a building, which is affixed to the land, and shall include, but not be limited to, signs, fences and walls; ♦municipality♦ means any town, city, borough, consolidated town and city or consolidated town and borough; ♦appropriate♦ means not incongruous with those aspects of the historic district which the historic district commission determines to be historically or architecturally significant.

(b) Any municipality may, by vote of its legislative body and in conformance with the standards and criteria formulated by the Department of Economic and Community Development, establish within its confines an historic district or districts to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places associated with the history of or indicative of a period or style of architecture of the municipality, of the state or of the nation.

(c) The legislative body of any municipality may make appropriations for the purpose of carrying out the provisions of this part.

(1961, P.A. 430, S. 1; February, 1965, P.A. 221, S. 2; P.A. 80-314, S. 1; P.A. 86-105, S. 1; June 30 Sp. Sess. P.A. 03-6, S. 210(e); P.A. 04-20, S. 3; 04-205, S. 5; May Sp. Sess. P.A. 04-2, S. 30; P.A. 11-48, S. 142.)

History: 1965 act added provision requiring district to conform to standards and criteria of historical commission; P.A. 80-314 added Subsec. (a) containing definitions and divided earlier provisions into Subsecs. (b) and (c); P.A. 86-105 added definition of ♦appropriate♦ in Subsec. (a); June 30 Sp. Sess. P.A. 03-6 and P.A. 04-20 replaced the Connecticut Historical Commission with the Connecticut Commission on Arts, Tourism, Culture, History and Film, effective August 20, 2003; P.A. 04-205, effective June 3, 2004, and May Sp. Sess. P.A. 04-2, effective May 12, 2004, both replaced Connecticut Commission on Arts, Tourism, Culture, History and Film with Connecticut Commission on Culture and Tourism; P.A. 11-48 amended Subsec. (b) to replace ♦Connecticut Commission on Culture and Tourism♦ with ♦Department of Economic and Community Development♦, effective July 1, 2011.

Cited. 153 C. 160; 171 C. 199; 189 C. 727; 196 C. 596.

Subsec. (a):

Includes objects embedded in the earth, such as posts, stakes and foundations connected to objects rising above the surface and very heavy objects ♦affixed♦ to the ground by gravity, but not isolated objects that rest lightly on the surface of the ground that can easily be moved. 282 C. 672.

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Sec. 7-147b. Procedure for establishment of historic district. Prior to the establishment of an historic district or districts, the following steps shall be taken:

(a) The legislative body shall appoint or authorize the chief elected official of the municipality to appoint an historic district study committee for the purpose of making an investigation of a proposed historic district or districts. The legislative body of a municipality which proposes to establish more than one district may establish more than one committee if the proposed districts are not contiguous to each other nor to any existing historic district. Each committee established under the provisions of this section shall consist of five regular and three alternate members who shall be electors of the municipality holding no salaried municipal office. Such alternate members shall, when seated as provided in this section, have all powers and duties of a member of the committee. If a regular member of such committee is absent or has a conflict of interest, the chairman of the committee shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

(b) The historic district study committee shall investigate and submit a report which shall include the following: (1) An analysis of the historic significance and architectural merit of the buildings, structures, places or surroundings to be included in the proposed historic district or districts and the significance of the district as a whole; (2) a general description of the area to be included within the district or districts, including the total number of buildings in each such district or districts listed according to their known or estimated ages; (3) a map showing the exact boundaries of the area to be included within the district or districts; (4) a proposed ordinance or proposed ordinances designed to create and provide for the operation of an historic district or districts in accordance with the provisions of this part; (5) such other matters as the committee may deem necessary or advisable.

(c) The historic district study committee shall transmit copies of its report to the Department of Economic and Community Development, the planning commission and zoning commission, or the combined planning and zoning commission, of the municipality, if any, and, in the absence of such a planning commission, zoning commission or combined planning and zoning commission, to the chief elected official of the municipality for their comments and recommendations. In addition to such other comments and recommendations as it may make, the Department of Economic and Community Development may recommend either approval, disapproval, modification, alteration or rejection of the proposed ordinance or ordinances and of the boundaries of each proposed district. Each such commission, board or individual shall deliver such comments and recommendations to the committee within sixty-five days of the date of transmission of such report. Failure to deliver such comments and recommendations shall be taken as approval of the report of the committee.

(d) The historic district study committee shall hold a public hearing on the establishment of a proposed historic district or districts not less than sixty-five nor more than one hundred thirty days after the transmission of the report to each party as provided in subsection (c) of this section, except that, if all such parties have delivered their comments and recommendations to the committee, such hearing may be held less than sixty-five days after the transmittal of the report. The comments and recommendations received pursuant to subsection (c) of this section shall be read in full at the public hearing.

(e) Notice of the time and place of such hearing shall be given as follows: (1) Written notice of the time, place and purpose of such hearing, postage prepaid, shall be mailed to the owners of record of all real property to be included in the proposed historic district or districts, as they appear on the last-completed grand list, at the addresses shown thereon, at least fifteen days before the time set for such hearing, together with a copy of the report of the historic district study committee or a fair and accurate synopsis of such report. A complete copy of the report, a copy of all recommendations made under subsection (c) of this section, a map showing the boundaries of the area to be included in the proposed district and a copy of the proposed ordinance shall be available at no charge from the town clerk during business hours or shall be mailed, upon request, to any owner of record of real property in the proposed historic district or districts with the notice of the hearing; and (2) by publication of such notice in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the municipality at least twice, at intervals of not less than two days, the first not more than fifteen days nor less than ten days and the last not less than two days before such hearing.

(f) The historic district study committee shall submit its report with any changes made following the public hearing, along with any comments or recommendations received pursuant to subsection (c) of this section, and such other materials as the committee may deem necessary or advisable to the legislative body and the clerk of the municipality within sixty-five days after the public hearing.

(g) The clerk or his designee shall, not later than sixty-five days from receipt of such report, mail ballots to each owner of record of real property to be included in the proposed district or districts on the question of creation of an historic district or districts, as provided for in sections [7-147a](#) to [7-147k](#), inclusive. Only an

owner who is eighteen years of age or older and who is liable, or whose predecessors in title were liable, to the municipality for taxes on an assessment of not less than one thousand dollars on the last-completed grand list of the municipality on real property within the proposed district, or who would be or would have been so liable if not entitled to an exemption under subdivision (7), (8), (10), (11), (13), (14), (15), (16), (17), (20), (21), (22), (23), (24), (25), (26), (29) or (49) of section 12-81, may vote, provided such owner is the record owner of the property, thirty days before the ballots must be returned. Any tenant in common of any freehold interest in any land shall have a vote equal to the fraction of his ownership in said interest. Joint tenants of any freehold interest in any land shall vote as if each joint tenant owned an equal, fractional share of such land. A corporation shall have its vote cast by the chief executive officer of such corporation or his designee. No owner shall have more than one vote.

(h) The form of the ballot to be mailed to each owner shall be consistent with the model ballot prepared by the Historic Preservation Council of the Department of Economic and Community Development established pursuant to section 10-409. The ballot shall be a secret ballot and shall set the date by which such ballots shall be received by the clerk of the municipality. The ballots shall be mailed by first class mail to each owner eligible to vote in such balloting at least fifteen days in advance of the day on which ballots must be returned. Notice of balloting shall be published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the municipality at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the day on which the ballots must be returned. Such ballot shall be returned to the municipal clerk, inserted in an inner envelope which shall have endorsed on the face thereof a form containing a statement as follows: ♦I, the undersigned, do hereby state under the penalties of false statement that I am an owner of record of real property to be included in the proposed historic district and that I am, or my predecessors in title were, liable to the municipality for taxes on an assessment of not less than one thousand dollars on the last grand list of the municipality of real property within the district, or who would be or would have been so liable if not entitled to an exemption under subdivision (7), (8), (10), (11), (13), (14), (15), (16), (17), (20), (21), (22), (23), (24), (25), (26), (29) or (49) of section 12-81. ♦ Such statement shall be signed and dated. Any person who intentionally falsely signs such ballot shall be guilty of false statement as provided in section 53a-157b. The inner envelope, in which the ballot has been inserted by the owner, shall be returned to the municipal clerk in an outer envelope endorsed on the outside with the words: ♦Official ballot♦. Such outer envelope shall also contain, in the upper left corner of the face thereof, blank spaces for the name and return address of the sender. In the lower left corner of such outer envelope, enclosed in a printed box, there shall be spaces upon which the municipal clerk, before issuance of the ballot and envelopes, shall inscribe the name, street and number of the elector's voting residence and the date by which the ballot must be returned, and before issuance the municipal clerk shall similarly inscribe such envelope with his name and address for the return thereof. All outer envelopes shall be serially numbered. The ballots shall be returned to the municipal clerk by the close of business on the day specified, and such clerk shall compare each ballot to the list of property owners to whom such ballots were mailed to insure that each such ballot has been properly signed and returned.

(i) If two-thirds of all property owners voting cast votes in the affirmative, the legislative body of the municipality shall by majority vote take one of the following steps: (1) Accept the report of the committee and enact an ordinance or ordinances to create and provide for the operation of an historic district or districts in accordance with the provisions of this part; (2) reject the report of the committee, stating its reasons for such rejection; (3) return the report to the historic district study committee with such amendments and revisions thereto as it may deem advisable, for consideration by the committee. The committee shall submit an amended report to the legislative body within sixty-five days of such return. The committee need not hold a public hearing other than the one provided for in subsection (d) of this section, notwithstanding any changes in its report following such hearing, unless the legislative body has recommended a change in the boundaries of the proposed district or districts. The legislative body of the municipality may authorize another ballot of the owners within a proposed district or districts to be cast, other than the balloting provided for in subsection (g) of this section, notwithstanding any changes in the proposed ordinance following such balloting, if the boundaries of the proposed district in which the owners' property is situated are changed.

(j) Any ordinance, or amendment thereof, enacted pursuant to this part, which creates or alters district boundaries, shall contain a legal description of the area to be included within the historic district. The legislative body, when it passes such an ordinance, or amendment thereof, shall transmit to the municipal clerk a copy of the ordinance or amendment thereof. Such ordinance, or amendment thereof, shall be recorded in the land records of the municipality in which such real property is located and indexed by the municipal clerk in the grantor index under the names of the owners of record of such property.

(1961, P.A. 430, S. 2; 1963, P.A. 600, S. 1; P.A. 75-52; P.A. 77-338, S. 1; P.A. 80-314, S. 2; P.A. 87-167; P.A. 91-135, S. 1; June 30 Sp. Sess. P.A. 03-6, S. 210(e), 235; P.A. 04-20, S. 3; 04-205, S. 5; 04-257, S. 4; May Sp. Sess. P.A. 04-2, S. 30; P.A. 11-48, S. 125, 126.)

History: 1963 act amended Subsec. (c) to extend time for recommendations after receipt of report from 60 to 90 days and to authorize Connecticut historical commission to recommend re boundaries of proposed districts, amended Subsec. (d) to extend time within which hearing is to be held, amended Subsec. (e) to provide for sending a copy or synopsis of the study committee's report, together with a copy of the recommendations under Subsec. (c), a map and a copy of the proposed ordinance to property owners, amended Subsec. (f) to provide for inclusion of list of all buildings in report of committee and amended Subsec. (g) to provide for balloting by property owners; P.A. 75-52 added Subsec. (i) re ordinance contents; P.A. 77-338 deleted requirement in Subsec. (d) that hearing be held not less than 120 days after report; P.A. 80-314 amended Subsec. (a) to allow more than one committee and to include provisions for alternate members, amended Subsec. (b) to include in requirements for report consideration of architectural merit, description of area to be included, map of exact boundaries, proposed ordinance etc., amended Subsec. (c) to include combined planning and zoning commissions and to replace previous provision requiring that recommendations be read at hearing with provision for turning over recommendations to committee, amended Subsec. (d) to require that hearing be held not less than 65 days after report sent to commissions unless conditions specified in exception are met, amended Subsec. (e) to require 15 rather than 20 days' notice and to allow towns to have available on request rather than to automatically send out complete report and other data, amended Subsec. (f) to change deadline from 60 to 65 days and deleted specific accounting of report contents, amended Subsec. (g) to set deadline for mailing ballots and to replace general provisions for voting and action on result with detailed provisions for voting, deleted former Subsec. (h) re proposed amendments to ordinance replacing it with further voting detail, added Subsec. (i) re actions taken following vote and relettered former Subsec. (j) as Subsec. (j) and added requirement that copy of ordinance be sent to municipal clerk; P.A. 87-167 amended Subsec. (i) to reduce the affirmative vote requirement from 75% to two-thirds of all owners voting; P.A. 91-135 amended Subsec. (g) to transfer authority to mail ballots from the legislative body to the town clerk or his designee and amended Subsec. (h) to require that the ballot be consistent with a model ballot prepared by the Connecticut historical commission; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-20 replaced the Connecticut Historical Commission with the Connecticut Commission on Arts, Tourism, Culture, History and Film in Subsec. (c), and June 30 Sp. Sess. P.A. 03-6 also amended Subsec. (h) to substitute Historic Preservation Council of Connecticut Commission on Arts, Tourism, Culture, History and Film for Connecticut Historical Commission, effective August 20, 2003; P.A. 04-205, effective June 3, 2004, and May Sp. Sess. P.A. 04-2, effective May 12, 2004, both replaced Connecticut Commission on Arts, Tourism, Culture, History and Film with Connecticut Commission on Culture and Tourism; P.A. 04-257 made technical changes in Subsec. (h), effective June 14, 2004; P.A. 11-48 amended Subsecs. (c) and (h) by replacing ♦Connecticut Commission on Culture and Tourism♦ with ♦Department of Economic and Community Development♦, effective July 1, 2011.

Cited. 153 C. 160; 171 C. 199; 189 C. 727; 196 C. 596; 227 C. 71.

Cited. 43 CS 297.

Subsec. (g):

Each condominium unit owner entitled to a vote proportionate to his freehold interest in the land. 196 C. 596.

Sec. 7-147c. Historic district commission. (a) Once an historic district has been established, the historic district study committee shall cease to exist and thereafter an historic district commission shall perform all the functions of the committee relative to the new district and to administering the provisions of this part.

(b) The historic district commission may from time to time, by following the procedure for creation of an historic district provided for in section [7-147b](#), suggest that an historic district be enlarged or that additional districts be created. Where additional property is to be included within an existing district, the owners of such additional property shall vote pursuant to subsection (g) of section [7-147b](#).

(c) Notwithstanding the provisions of section [7-147b](#), the legislative body of the municipality may enact amendments to the ordinance or ordinances of an historic district established pursuant to this part if such amendments do not involve changing district boundaries or the creation of new districts. No amendment shall be enacted until the substance of such amendment has first been submitted to the historic district commission having jurisdiction over the district affected for its comments and recommendations and either its comments and recommendations have been received or sixty-five days have elapsed without receipt of such comments and recommendations. The historic district commission may suggest amendments to the legislative body.

(d) The historic district commission established under the provisions of this part shall consist of five regular and three alternate members, who shall be electors of the municipality in which the district is situated holding no salaried municipal office. The ordinance shall provide that one or more of the members or alternates of the historic district commission shall reside in an historic district under the jurisdiction of the commission, if any persons reside in any such district and are willing to serve on such commission. Such alternate members shall, when seated as provided in this section, have all powers and duties of a member of the commission. If a regular member of said commission is absent or has a conflict of interest, the chairman of the commission shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting. The method of appointment shall be fixed by ordinance. The appointments to membership in the commission shall be so arranged that the term of at least one member shall expire each year, and their successors shall be appointed in like manner for terms of five years. Vacancies shall be filled for the unexpired term and in the same manner as the original appointment. The commission shall elect annually a chairman, a vice-chairman and a clerk from its own number. Each member and alternate shall continue in office until his successor is duly appointed. All members and alternates shall serve without compensation. Any member or alternate may be appointed for another term or terms.

(e) The historic district commission shall adopt rules of procedure not inconsistent with the provisions of this part. The commission may adopt regulations not inconsistent with the provisions of this part to provide guidance to property owners as to factors to be considered in preparing an application for a certificate of appropriateness.

(f) The historic district commission shall keep a permanent record of its resolutions, transactions and determinations and of the vote of each member participating therein.

(g) A copy of any ordinance creating an historic district adopted under authority of this part, amendments to any such ordinance, maps of any districts created under this part, annual reports and other publications of the historic district commission and the roster of membership of such commission shall be transmitted to the Department of Economic and Community Development. The historic district commission shall also file with the department at least once every year a brief summary of its actions during that year, including a statement of the number and nature of certificates of appropriateness issued, any changes in the membership of the commission and any other information deemed appropriate by the historic district commission.

(h) The historic district commission may accept grants and gifts, employ clerical and technical assistance or consultants and incur other expenses appropriate to the carrying on of its work, subject to appropriation by the municipality or receipt of such grants or gifts and may expend the same for such purposes.

(i) A municipality which has more than one historic district may establish more than one historic district commission if the districts are not contiguous.

(j) Any historic district commission established under this section may, unless prohibited by charter, ordinance or special act: (1) Make periodic reports to the legislative body; (2) provide information to property owners and others involving the preservation of the district; (3) suggest pertinent legislation; (4) initiate planning and zoning proposals; (5) cooperate with other regulatory agencies and civic organizations and groups interested in historic preservation; (6) comment on all applications for zoning variances and special exceptions where they affect historic districts; (7) render advice on sidewalk construction and repair, tree planting, street improvements and the erection or alteration of public buildings not otherwise under its control where they affect historic districts; (8) furnish information and assistance in connection with any capital improvement program involving historic districts; (9) consult with groups of experts.

(1961, P.A. 430, S. 3; P.A. 77-338, S. 2; P.A. 80-314, S. 3; P.A. 86-105, S. 2; June 30 Sp. Sess. P.A. 03-6, S. 210(e); P.A. 04-20, S. 3; 04-205, S. 5; May Sp. Sess. P.A. 04-2, S. 30; P.A. 11-48, S. 143.)

History: P.A. 77-338 added Subsec. (b) re procedure for inclusion of individual's property in district after its establishment; P.A. 80-314 deleted previous Subsec. (b), inserted new material concerning enlarging districts or creating new ones and ordinance amendments as Subsecs. (b) and (c), placed provisions for commission membership, appointments, etc. in Subsec. (d) rather than Subsec. (a) as previously, amending provisions for alternate members and adding provision concerning vacancies and reappointments, placed provision for adopting rules in Subsec. (e) rather than Subsec. (a) and added provision concerning regulations providing guidance for property owners in preparing applications, added Subsecs. (f) and (g) re permanent records and information required to be sent to the state historical commission, amended provision re acceptance of grants and gifts and employment of personnel, formerly in Subsec. (a), and designated it as Subsec. (h) and added Subsecs. (i) and (j) re multiple commissions and further powers; P.A. 86-105 amended Subsec. (d) to require that one or more residents of historic district be included on commission as members or alternates; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-20 replaced the Connecticut Historical Commission with the Connecticut Commission on Arts, Tourism, Culture, History and Film, effective August 20, 2003; P.A. 04-205, effective June 3, 2004, and May Sp. Sess. P.A. 04-2, effective May 12, 2004, both replaced Connecticut Commission on Arts, Tourism, Culture, History and Film with Connecticut Commission on Culture and Tourism; P.A. 11-48 amended Subsec. (g) to replace ♦Connecticut Commission on Culture and Tourism♦ with ♦Department of Economic and Community Development♦ and ♦department♦, effective July 1, 2011.

Cited. 153 C. 160; 171 C. 199; 189 C. 727; 227 C. 71.

Sec. 7-147d. Certificate of appropriateness: Parking areas. (a) No building or structure shall be erected or altered within an historic district until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to the historic district commission and approved by said commission.

(b) No building permit for erection of a building or structure or for alteration of an exterior architectural feature within an historic district and no demolition permit for demolition or removal of a building or structure within an historic district shall be issued by a municipality or any department, agency or official thereof until a certificate of appropriateness has been issued. A certificate of appropriateness shall be required whether or not a building permit is required.

(c) The historic district commission may request such plans, elevations, specifications, material and other information, including in the case of demolition or removal, a statement of the proposed condition and appearance of property after such demolition or removal, as may be reasonably deemed necessary by the commission to enable it to make a determination on the application. The style, material, size and location of outdoor advertising signs and bill posters within an historic district shall also be under the control of such commission. The provisions of this section shall not be construed to extend to the color of paint used on the exterior of any building or structure.

(d) No area within an historic district shall be used for industrial, commercial, business, home industry or occupational parking, whether or not such area is zoned for such use, until after an application for a certificate of appropriateness as to parking has been submitted to the commission and approved by said commission. The provisions of this section shall apply to the enlargement or alteration of any such parking area in existence on October 1, 1973.

(1961, P.A. 430, S. 4; 1963, P.A. 600, S. 2; P.A. 73-473, S. 1; P.A. 80-314, S. 4.)

History: 1963 act redefined ♦exterior architectural features♦, deleted stone walls, fences, signs, light fixtures, steps and paving from purview of certificate and excluded exterior paint color from provisions of section; P.A. 73-473 added Subsec. (b) re parking areas; P.A. 80-314 deleted ♦restored, moved or demolished♦ and removed definition of ♦exterior architectural features♦ from Subsec. (a), added Subsec. (b) re certificates of appropriateness, added Subsec. (c) including provisions re signs and exterior paint color, previously in Subsec. (a), and stating what information is necessary for commission's decision on application and relettered former Subsec. (b) as Subsec. (d).

Cited. 153 C. 160; 171 C. 199; 189 C. 727; 196 C. 596.

Cited. 29 CA 28.

Subsec. (d):

A reading of the word ♦occupational♦ that restricts it strictly to for-profit commercial or industrial uses would render other words unnecessary surplusage, which would violate basic tenet of statutory construction that legislature does not intend to enact meaningless provisions; Subsec. plainly and unambiguously encompasses parking for private elementary educational facilities because legislature drafted statute with language clearly intended to subject a broad variety of nonresidential parking uses to historic district regulation; legislature's enactment of Sec. 7-147k(b) which exempts from provisions of historic district act ♦any property owned by a nonprofit institution of higher education, for as long as a nonprofit institution of higher education owns such property♦ further supports a construction of Subsec. subjecting nonprofit private elementary school to jurisdiction of commission. 284 C. 838.

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Sec. 7-147e. Application for certificate. Hearing. Approval. (a) The historic district commission shall hold a public hearing upon each application for a certificate of appropriateness unless the commission determines that such application involves items not subject to approval by the commission. The commission shall fix a reasonable time and place for such hearing. Notice of the time and place of such hearing shall be given by publication in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the municipality not more than fifteen days nor less than five days before such hearing.

(b) Unless otherwise provided by ordinance, a majority of the members of the commission shall constitute a quorum and the concurring vote of a majority of the members of the commission shall be necessary to issue a certificate of appropriateness. Within not more than sixty-five days after the filing of an application as required by section [7-147d](#), the commission shall pass upon such application and shall give written notice of its decision to the applicant. When a certificate of appropriateness is denied, the commission shall place upon its records and in the notice to the applicant the reasons for its determination, which shall include the bases for its conclusion that the proposed activity would not be appropriate. In the notice to the applicant the commission may make recommendations relative to design, arrangement, texture, material and similar features. The commission may issue a certificate of appropriateness with stipulations. Evidence of approval, as referred to in section [7-147d](#), shall be by certificate of appropriateness issued by the commission. Failure of the commission to act within said sixty-five days shall constitute approval and no other evidence of approval shall be needed.

(1961, P.A. 430, S. 5, 7; 1969, P.A. 37; P.A. 73-473, S. 2; P.A. 80-314, S. 5; P.A. 86-105, S. 3.)

History: 1969 act changed deadline for commission action in Subsec. (a) from 60 to 120 days; P.A. 73-473 specified parking as well as exterior architectural features as concern of certificate of appropriateness; P.A. 80-314 deleted reference specifying parking or exterior architectural features, changed number of times notice to appear in newspaper from seven to two and add specific time requirements, deleted requirement that commission record applications and activities and deleted former Subsec. (b) and placed in new Subsec. (b) procedure for action on application, changing deadline for action to 65 days, adding provisions re quorum, voting and denial of application or issuance with stipulations; P.A. 86-105 reduced newspaper notice requirements to one publication and provided that the bases for commission's determination shall be included in any notice of denial of certificate of appropriateness.

Cited. 153 C. 160; 171 C. 199; 189 C. 727; 196 C. 596.

Subsec. (a):

Failure to republish notice of continuance of a hearing in newspaper did not violate Subsec. 49 CS 498.

Subsec. (b):

In appeal from a decision by historic district commission, reviewing courts are limited to determining whether reason or reasons stated by commission are supported by substantial evidence in the record. 285 C. 755.

Although commission mailed notice of denial of the application to applicant 68 days after filing of the application, applicant was not entitled to automatic approval of the application on that basis since commission had acted within 65 days after filing of the application and applicant had actual notice of the commission's decision. 108 CA 682.

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Sec. 7-147f. Considerations in determining appropriateness. Solar energy systems. (a) If the commission determines that the proposed erection, alteration or parking will be appropriate, it shall issue a certificate of appropriateness. In passing on appropriateness as to exterior architectural features, buildings or structures, the commission shall consider, in addition to other pertinent factors, the type and style of exterior windows, doors, light fixtures, signs, above-ground utility structures, mechanical appurtenances and the type and texture of building materials. In passing upon appropriateness as to exterior architectural features the commission shall also consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, scale, general design, arrangement, texture and material of the architectural features involved and the relationship thereof to the exterior architectural style and pertinent features of other buildings and structures in the immediate neighborhood. No application for a certificate of appropriateness for an exterior architectural feature, such as a solar energy system, designed for the utilization of renewable resources shall be denied unless the commission finds that the feature cannot be installed without substantially impairing the historic character and appearance of the district. A certificate of appropriateness for such a feature may include stipulations requiring design modifications and limitations on the location of the feature which do not significantly impair its effectiveness. In passing upon appropriateness as to parking, the commission shall take into consideration the size of such parking area, the visibility of cars parked therein, the closeness of such area to adjacent buildings and other similar factors.

(b) In its deliberations, the historic district commission shall act only for the purpose of controlling the erection or alteration of buildings, structures or parking which are incongruous with the historic or architectural aspects of the district. The commission shall not consider interior arrangement or use. However, the commission may recommend adaptive reuse of any buildings or structures within the district compatible with the historic architectural aspects of the district.

(1961, P.A. 430, S. 8; P.A. 73-473, S. 3; P.A. 80-314, S. 6; P.A. 81-326.)

History: P.A. 73-473 added specific provisions concerning certificates of appropriateness for parking; P.A. 80-314 added Subsec. (b) re exclusion of consideration of interior space except to recommend adaptive reuse and expanded considerations for certificate concerning exterior features with specific references to doors, windows, signs, etc.; P.A. 81-326 added provisions concerning issuance of certificate of appropriateness for exterior architectural feature designed for utilization of renewable resources.

Cited. 153 C. 160; 171 C. 199; 189 C. 727; 196 C. 596; 227 C. 71.

Subsec. (a):

Commission may consider historic value and significance of buildings in their existing locations, including outbuildings, as a **pertinent factor** in denying an application for alterations. 285 C. 755.

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Sec. 7-147g. Variations, permissible when. Where, by reason of topographical conditions, district borderline situations or because of other unusual circumstances solely with respect to a certain parcel of land and not affecting generally the district in which it is situated, the strict application of any provision of this part would result in exceptional practical difficulty or undue hardship upon the owner of any specific property, the commission in passing upon applications shall have power to vary or modify strict adherence to said sections or to interpret the meaning of said sections so as to relieve such difficulty or hardship; provided such variance, modification or interpretation shall remain in harmony with the general purpose and intent of said sections so that the general character of the district shall be conserved and substantial justice done. In granting variations, the commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, better fulfill the purposes of said sections. In addition to the filing required by subsection (b) of section 7-147e, the commission shall, for each variation granted, place upon its records and in the notice to the applicant the reasons for its determinations.

(1961, P.A. 430, S. 9; P.A. 80-314, S. 7.)

History: P.A. 80-314 required that record of granted variance and commission's reasons for granting it be kept.

Cited. 153 C. 160; 171 C. 199; 189 C. 727; 196 C. 596.

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Sec. 7-147h. Action by commission to prevent illegal acts. (a) If any provision of this part or any action taken or ruling made by the historic district commission pursuant to the provisions of said sections or of any regulation or ordinance adopted under said sections has been violated, the commission may, in addition to other remedies, institute an action in the superior court for the judicial district wherein such violation exists, which court shall have jurisdiction to restrain such violation and to issue orders directing that the violation be corrected or removed. Such order may direct the removal of any building, structure or exterior architectural feature erected in violation of said sections or any bylaw or ordinance adopted under said sections or the substantial restoration of any building, structure, or exterior architectural feature altered or demolished in violation of said sections or any regulation or ordinance adopted under said sections. Regulations and orders of the commission issued pursuant to said sections, or to any regulation or ordinance adopted under said sections, shall be enforced by the zoning enforcement official or building inspector or by such other person as may be designated by ordinance, who may be authorized to inspect and examine any building, structure, place or premises and to require in writing the remedying of any condition found to exist therein or thereon in violation of any provision of the regulations or orders made under the authority of said sections or of any regulation or ordinance adopted under said sections.

(b) The owner or agent of any building, structure or place where a violation of any provision of this part or of any regulation or ordinance adopted under said sections has been committed or exists, or the lessee or tenant of an entire building, entire structure or place where such violation has been committed or exists, or the owner, agent, lessee or tenant of any part of the building, structure or place in which such violation has been committed or exists, or the agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building, structure or place in which any such violation exists, shall be fined not less than ten dollars nor more than one hundred dollars for each day that such violation continues; but, if the offense is willful, the person convicted thereof shall be fined not less than one hundred dollars nor more than two hundred fifty dollars for each day that such violation continues. The superior court for the judicial district wherein such violation continues or exists shall have jurisdiction of all such offenses, subject to appeal as in other cases. Each day that a violation continues to exist shall constitute a separate offense. All costs, fees and expenses in connection with actions under this section may, in the discretion of the court, be assessed as damages against the violator, which, together with reasonable attorney's fees, may be awarded to the historic district commission which brought such action. Any funds collected as fines pursuant to this section shall be used by the commission to restore the affected buildings, structures, or places to their condition prior to the violation wherever possible and any excess shall be paid to the municipality in which the district is situated.

(1961, P.A. 430, S. 10; P.A. 73-473, S. 4; P.A. 74-183, S. 166, 291; P.A. 76-436, S. 145, 681; P.A. 78-280, S. 1, 127; P.A. 80-314, S. 8.)

History: P.A. 73-473 included reference to parking; P.A. 74-183 substituted court of common pleas for circuit court and included reference to ♦county or judicial district♦; P.A. 76-436 substituted superior court for court of common pleas, effective July 1, 1978; P.A. 78-280 deleted reference to ♦county♦; P.A. 80-314 divided section into Subsecs. (a) and (b), replaced former provisions for proceedings to prevent unlawful acts with provisions for proceedings in superior court and added provisions concerning court costs, attorneys' fees and fines.

Cited. 153 C. 160; 171 C. 199; 189 C. 727; 196 C. 596.

Provision authorizing imposition of fines is directory rather than mandatory and the trial court's decision to refrain from imposing fines did not preclude it from awarding attorney's fees to commission; court's order to comply, standing alone, without affirmatively labeling defendant as a violator, is sufficient to implicate the court's authority under section to award attorney's fees to commission for its successful enforcement action; court may award attorney's fees, costs and expenses related to defense of a counterclaim under section. 152 CA 161.

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Sec. 7-147i. Appeals. Any person or persons severally or jointly aggrieved by any decision of the historic district commission or of any officer thereof may, within fifteen days from the date when such decision was rendered, take an appeal to the superior court for the judicial district in which such municipality is located, which appeal shall be made returnable to such court in the same manner as that prescribed for other civil actions brought to such court. Notice of such appeal shall be given by leaving a true and attested copy thereof in the hands of or at the usual place of abode of the chairman or clerk of the commission within twelve days before the return day to which such appeal has been taken. Procedure upon such appeal shall be the same as that defined in section [8-8](#).

(1961, P.A. 430, S. 11; P.A. 76-436, S. 282, 681; P.A. 78-280, S. 1, 127; P.A. 80-314, S. 9.)

History: P.A. 76-436 substituted superior court for court of common pleas and added reference to judicial district, effective July 1, 1978; P.A. 78-280 deleted reference to county; P.A. 80-314 provided that appeal be made returnable to court in same manner as that prescribed for ♦other♦ civil actions.

See Sec. 51-197b re administrative appeals.

Cited. 153 C. 160; 171 C. 199; 189 C. 727. In appeals from administrative zoning decisions, decisions will be invalidated, even if they were reasonably supported by the record, if they were not supported by substantial evidence in the record; in an appeal from decision of a commission, the record is reviewed to determine whether there is factual support for commission's decision; should substantial evidence exist in record to support any basis or stated reason for commission's decision, the court must sustain that decision. 284 C. 838. Although judicial review of land use decisions is deferential, it is not a rubber stamp as a court cannot take view in every case that discretion exercised by local zoning authority must not be disturbed, for if it did the right of appeal would be empty. Id. Although defendant's decision in this case was guided by proper statutory factors under Sec. 7-147f, the application of those factors was not supported by substantial evidence and, therefore, was an abuse of its discretion; because neighborly animosity and outcry are not, without more, factors for defendant's consideration under Sec. 7-147f(a), testimony does not support defendant's conclusion in this case. Id. This section and Sec. 8-8, when read together, do not provide for statutory aggravement in historic district commission appeals. 325 C. 765.

If an appeal has been taken and the trial court remands a case to commission, the scope of the remand order determines the finality of the trial court's judgment for appeal purposes. 108 CA 682.

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Sec. 7-147j. Exempted acts. Delay of demolition. (a) Nothing in this part shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the historic district which does not involve a change in the appearance or design thereof; nor to prevent the erection or alteration of any such feature which the building inspector or a similar agent certifies is required by the public safety because of a condition which is unsafe or dangerous due to deterioration; nor to prevent the erection or alteration of any such feature under a permit issued by a building inspector or similar agent prior to the effective date of establishment of such district.

(b) If a building in an historic district is to be demolished, no demolition shall occur for ninety days from issuance of a demolition permit if during such time the historic district commission or the Department of Economic and Community Development is attempting to find a purchaser who will retain or remove such building or who will present some other reasonable alternative to demolition. During such ninety-day period the municipality may abate all real property taxes. At the conclusion of such ninety-day period, the demolition permit shall become effective and the demolition may occur. Nothing in this section shall be construed to mandate that the owner of such property sell such property or building.

(1961, P.A. 430, S. 6; 1963, P.A. 600, S. 3; P.A. 80-314, S. 10; June 30 Sp. Sess. P.A. 03-6, S. 210(e); P.A. 04-20, S. 3; 04-205, S. 5; May Sp. Sess. P.A. 04-2, S. 30; P.A. 11-48, S. 144.)

History: 1963 act deleted restriction on maintenance or repairs involving a change of material or outward appearance; P.A. 80-314 deleted references to construction, reconstruction and demolition and inserted references to ♦erection♦ and added Subsec. (b) re demolition procedure; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-20 replaced the Connecticut Historical Commission with the Connecticut Commission on Arts, Tourism, Culture, History and Film, effective August 20, 2003; P.A. 04-205, effective June 3, 2004, and May Sp. Sess. P.A. 04-2, effective May 12, 2004, both replaced Connecticut Commission on Arts, Tourism, Culture, History and Film with Connecticut Commission on Culture and Tourism; P.A. 11-48 amended Subsec. (b) to replace ♦Connecticut Commission on Culture and Tourism♦ with ♦Department of Economic and Community Development♦, effective July 1, 2011.

Cited. 153 C. 160; 171 C. 199; 189 C. 727.

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Sec. 7-147k. Prior districts unaffected. Validation of prior creations and actions. Nonprofit institutions of higher education excluded. (a) The provisions of this part shall in no way impair the validity of any historic district previously established under any special act or the general statutes. Any and all historic districts created under the general statutes, prior to October 1, 1980, otherwise valid except that such districts, district study committees, municipalities or officers or employees thereof, failed to comply with the requirements of any general or special law, and any and all actions of such districts or historic district commission, are validated.

(b) The provisions of this part shall not apply to any property owned by a nonprofit institution of higher education, for as long as a nonprofit institution of higher education owns such property.

(1961, P.A. 430, S. 12; P.A. 80-314, S. 11; P.A. 06-196, S. 39.)

History: P.A. 80-314 expanded validation to cover districts created before October 1, 1980, and added Subsec. (b) excepting property of nonprofit higher education institutions from provisions of Secs. 7-147a to 7-147k; P.A. 06-196 made a technical change in Subsec. (b), effective June 7, 2006.

Cited. 171 C. 199; 189 C. 727.

Subsec. (a):

Validation of the Farmington Historic District by statute rendered moot the basis for complaint. 189 C. 727.

Subsec. (b):

Where express exceptions are made, legal presumption is legislature did not intend to save other cases from operation of statute; the enactment of section indicates that legislature, when it desires to do so, knows how to exempt specific kinds of educational institutions from historic district regulation. 284 C. 838.

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Secs. 7-147l and 7-147m. Method of balloting; eligibility to vote; balloting on prior districts. Sections [7-147l](#) and [7-147m](#) are repealed.

(1963, P.A. 600, S. 4, 5; 1971, P.A. 333; 1972, P.A. 127, S. 8; P.A. 75-158; P.A. 78-285; P.A. 80-314, S. 12.)

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Secs. 7-147n and 7-147o. Reserved for future use.

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PART II*

HISTORIC PROPERTIES

*Cited. 196 C. 596.

Sec. 7-147p. Historic property ordinances authorized. Definitions. (a) As used in this part: ♦Historic property♦ means any individual building, structure, object or site that is significant in the history, architecture, archaeology and culture of the state, its political subdivisions or the nation and the real property used in connection therewith; ♦altered♦ means changed, modified, rebuilt, removed, demolished, restored, razed, moved or reconstructed; ♦erected♦ means constructed, built, installed or enlarged; ♦exterior architectural features♦ means such portion of the exterior of a structure or building as is open to view from a public street, way or place; ♦building♦ means a combination of materials forming a shelter for persons, animals or property; ♦structure♦ means any combination of materials, other than a building, which is affixed to the land, and shall include, but not be limited to, signs, fences and walls; ♦municipality♦ means any town, city, borough, consolidated town and city or consolidated town and borough.

(b) Any municipality may, by ordinance and in conformance with the standards and criteria formulated by the Department of Economic and Community Development, designate within its confines an historic property or properties to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of individual buildings and places associated with the history of or indicative of a period or style of architecture of the municipality, of the state or of the nation.

(c) The legislative body of any municipality may make appropriations for the purpose of carrying out the provisions of this part.

(P.A. 84-286, S. 1; June 30 Sp. Sess. P.A. 03-6, S. 210(e); P.A. 04-20, S. 3; 04-205, S. 5; May Sp. Sess. P.A. 04-2, S. 30; P.A. 11-48, S. 145.)

History: June 30 Sp. Sess. P.A. 03-6 and P.A. 04-20 replaced the Connecticut Historical Commission with the Connecticut Commission on Arts, Tourism, Culture, History and Film, effective August 20, 2003; P.A. 04-205, effective June 3, 2004, and May Sp. Sess. P.A. 04-2, effective May 12, 2004, both replaced Connecticut Commission on Arts, Tourism, Culture, History and Film with Connecticut Commission on Culture and Tourism; P.A. 11-48 amended Subsec. (b) to replace ♦Connecticut Commission on Culture and Tourism♦ with ♦Department of Economic and Community Development♦, effective July 1, 2011.

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Sec. 7-147q. Procedures for establishment of historic properties. Prior to the designation of an historic property or properties, the following steps shall be taken:

(a) The legislative body shall appoint or authorize the chief elected official of the municipality to appoint an historic properties study committee for the purpose of making an investigation of one or more proposed historic properties. The legislative body of a municipality which proposes to establish more than one historic property may establish more than one committee. An already existing historic properties commission or an historic district commission established in the municipality pursuant to part I of this chapter may be appointed to make this investigation. Each committee established under the provisions of this section shall consist of five regular and three alternate members who shall be electors of the municipality holding no salaried municipal office. Such alternate members shall, when seated as provided in this section, have all powers and duties of a member of the committee. If a regular member of such committee is absent or has a conflict of interest, the chairman of the committee shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

(b) The historic properties study committee shall investigate and submit a report which shall include the following: (1) An analysis of the historic significance and architectural merit of the buildings, structures, objects or sites proposed as historic properties; (2) a map showing the exact boundaries of the area to be designated as the historic property or properties; (3) a proposed ordinance or proposed ordinances designed to designate and provide for the protection of an historic property or properties in accordance with the provisions of this part; and (4) such other matters as the committee may deem necessary or advisable.

(c) The historic properties study committee shall transmit copies of its report to the Department of Economic and Community Development, the planning commission and zoning commission, or the combined planning and zoning commission, of the municipality, if any, and, in the absence of such a planning commission, zoning commission or combined planning and zoning commission, to the chief elected official of the municipality for their comments and recommendations. In addition to such other comments and recommendations as it may make, the Department of Economic and Community Development may recommend either approval, disapproval, modification, alteration or rejection of the proposed ordinance or ordinances and of the boundaries of each proposed historic property. Each such commission, board or individual shall deliver such comments and recommendations to the committee within sixty-five days of the date of transmission of such report. Failure to deliver such comments and recommendations shall be taken as approval of the report of the committee.

(d) The historic properties study committee shall hold a public hearing on the designation of each proposed historic property not less than sixty-five nor more than one hundred thirty days after the transmission of the report to each party as provided in subsection (c) of this section, except that, if all such parties have delivered their comments and recommendations to the committee, such hearing may be held less than sixty-five days after the transmittal of the report. The comments and recommendations received pursuant to subsection (c) of this section shall be read in full at the public hearing.

(e) Notice of the time and place of such hearing shall be given as follows: (1) Written notice of the time, place and purpose of such hearing, postage prepaid, shall be mailed by certified mail to the owner or owners of record of the real property to be included in each proposed historic property, as they appear on the last-completed grand list, at the addresses shown thereon, at least fifteen days before the time set for such hearing, together with a copy of the report of the historic properties study committee or a fair and accurate synopsis of such report. A complete copy of the report, a copy of all recommendations made under subsection (c) of this section, a map showing the boundaries of the real property to be included in each proposed historic property and a copy of the proposed ordinance shall be available at no charge from the town clerk during business hours or shall be mailed, upon request, to any owner of record of real property in the proposed historic property or properties with the notice of the hearing; and (2) by publication of such notice in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the municipality at least twice, at intervals of not less than two days, the first not more than fifteen days nor less than ten days and the last not less than two days before such hearing.

(f) The historic properties study committee shall submit its report with any changes made following the public hearing, along with any comments or recommendations received pursuant to subsection (c) of this section, and such other materials as the committee may deem necessary or advisable to the legislative body of the municipality within sixty-five days after the public hearing.

(g) The owner or owners of record of a proposed historic property may object to the proposed designation by submitting to the historic properties study committee or to the legislative body of the municipality a notarized statement certifying that the person filing such objection is the entire or partial owner of the property and objects to the designation. Unless persons holding fifty per cent or more of the ownership interest in a proposed historic property object to the proposed designation within thirty days following the public hearing held pursuant to subsection (d) of this section, the legislative body of the municipality shall, by majority vote, take one of the following steps: (1) Accept the report of the committee as to the proposed historic property and enact an ordinance to designate the historic property and provide for its regulation in accordance with the provisions of this part; (2) reject the report of the committee, stating its reasons for such rejection; or (3) return the report to the historic properties study committee, with such amendments and revisions as it may deem advisable, for consideration by the committee. The committee shall, within sixty-five days of such return, submit an amended report to the legislative body and mail by certified mail a copy of the amended report to the owner or owners of record of each proposed historic property covered by the report. The committee need not hold a public hearing other than the one provided for in subsection (d) of this section. Unless persons holding fifty per cent or more of the ownership interest in a proposed historic property object to the proposed designation within thirty days of receipt of the amended report by written submission in the manner set forth in this subsection, the legislative body of the municipality may accept or reject the amended report as provided in this subsection.

(h) Any ordinance, or amendment thereof, enacted pursuant to this part, which designates or alters historic property boundaries, shall contain a legal description of the area to be included within each historic property. The legislative body, when it passes such an ordinance, or amendment thereof, shall transmit to the municipal clerk a copy of the ordinance or amendment thereof. Such ordinance, or amendment thereof, shall be recorded in the land records of the municipality in which such real property is located and indexed by the municipal clerk in the grantor index under the names of the owners of record of such property.

(P.A. 84-286, S. 2; June 30 Sp. Sess. P.A. 03-6, S. 210(e); P.A. 04-20, S. 3; 04-205, S. 5; May Sp. Sess. P.A. 04-2, S. 30; P.A. 11-48, S. 146.)

History: June 30 Sp. Sess. P.A. 03-6 and P.A. 04-20 replaced the Connecticut Historical Commission with the Connecticut Commission on Arts, Tourism, Culture, History and Film, effective August 20, 2003; P.A. 04-205, effective June 3, 2004, and May Sp. Sess. P.A. 04-2, effective May 12, 2004, both replaced Connecticut Commission on Arts, Tourism, Culture, History and Film with Connecticut Commission on Culture and Tourism; P.A. 11-48 amended Subdiv. (c) by replacing ♦Connecticut Commission on Culture and Tourism♦ with ♦Department of Economic and Community Development♦, effective July 1, 2011.

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Sec. 7-147r. Historic properties commission. (a) The first ordinance enacted by a municipality to designate any historic properties shall provide for the creation of an historic properties commission and for the termination of the historic properties study committee or committees. The historic properties commission shall administer the provisions of this part relative to all historic properties then or thereafter designated by the municipality and, relative to such historic properties, the commission shall have all of the powers and duties that historic district commissions have over historic districts pursuant to part I of this chapter except as is otherwise provided in this part. A municipality may designate an historic properties commission to administer historic districts in accordance with part I of this chapter in the event that no historic district commission exists when the historic properties commission is created. A municipality may designate an existing historic district commission to administer historic properties in accordance with this part.

(b) The historic properties commission may from time to time, in accordance with section [7-147q](#), initiate the designation of additional historic properties or the enlargement of the boundaries of an existing historic property.

(P.A. 84-286, S. 3.)

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Sec. 7-147s. Certificate of appropriateness. (a) No building or structure located within the boundaries of an historic property shall be erected or altered until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to the historic properties commission and approved by

such commission. No earthworks or site of recognized historic or archaeological importance within the boundaries of an historic property shall be altered until after an application for a certificate of appropriateness has been submitted to the historic properties commission and approved by said commission.

(b) No building permit for erection of a building or structure or for alteration of an exterior architectural feature within the boundaries of an historic property and no demolition permit for demolition or removal of a building or structure within the boundaries of an historic property shall be issued by a municipality or any department, agency or official thereof until a certificate of appropriateness has been issued. A certificate of appropriateness shall be required whether or not a building permit is required.

(c) The historic properties commission may request such plans, elevations, specifications, material and other information, including in the case of demolition or removal, a statement of the proposed condition and appearance of property after such demolition or removal, as may be reasonably deemed necessary by the commission to enable it to make a determination on the application. The style, material, size and location of outdoor advertising signs and bill posters within the boundaries of an historic property shall also be under the control of such commission. The provisions of this section shall not be construed to extend to the color of paint used on the exterior of any building or structure.

(d) No area within the boundaries of an historic property shall be used for industrial, commercial, business, home industry or occupational parking, whether or not such area is zoned for such use, until after an application for a certificate of appropriateness as to parking has been submitted to the commission and approved by said commission.

(P.A. 84-286, S. 4.)

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Sec. 7-147t. Procedure for application for certificate. In reviewing and acting upon applications for certificates of appropriateness, the historic properties commission shall follow the procedures set forth in section [7-147e](#) for use by historic district commissions in reviewing applications for certificates of appropriateness affecting historic districts.

(P.A. 84-286, S. 5.)

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Sec. 7-147u. Considerations in determining appropriateness. Except as otherwise provided in this part, in reviewing and acting upon applications for certificates of appropriateness, the historic properties commission shall apply the same standards and take into account the same considerations as set forth in section [7-147f](#) for use by historic district commissions in reviewing applications for certificates of appropriateness affecting historic districts. In passing upon the appropriateness of alterations to earthworks or sites of historic or archaeological importance, the commission shall consider, in addition to any other pertinent factors, their value and significance, size, design, arrangement, texture and materials. In its deliberations, the historic properties commission shall act only for the purpose of controlling the erection or alteration of buildings, structures, objects, sites or parking that are incongruous with the historic or architectural aspects of the historic property.

(P.A. 84-286, S. 6.)

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Sec. 7-147v. Variations, permissible when. Where, by reason of topographical conditions or location or because of other unusual circumstances, the strict application of any provision of this part would result in exceptional practical difficulty or undue hardship upon the owner of the historic property, the commission in passing upon applications shall have power to vary or modify strict adherence to the provisions of this part, provided such variance or modification shall remain in harmony with the general purpose and intent of this part so that the historic and architectural aspects of the historic property shall be conserved. In granting variances or modifications, the commission may impose such reasonable stipulations and conditions as will, in its judgment, better fulfill the purposes of this part. The commission shall, for each variance or modification granted, place upon its records and in the notice to the applicant the reasons for its determinations.

(P.A. 84-286, S. 7.)

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Sec. 7-147w. Action by commission to prevent illegal acts. If any provision of this part, or any action taken or ruling made by the historic properties commission pursuant to the provisions of this part or any regulation or ordinance adopted pursuant to this part, has been violated, the historic properties commission shall have, in addition to other remedies, those remedies available to historic district commissions as provided in section [7-147h](#).

(P.A. 84-286, S. 8.)

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Sec. 7-147x. Appeals. Any person or persons severally or jointly aggrieved by any decision of the historic properties commission or of any officer thereof may appeal such decision in the same manner and according to the same procedure as set forth in section [7-147i](#) for appeals from the decisions of the historic district commissions.

(P.A. 84-286, S. 9.)

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Sec. 7-147y. Exempted acts. Delay of demolition. (a) Nothing in this part shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature within the boundaries of an historic property which does not involve a change in the appearance or design thereof; nor to prevent the erection or alteration of any such feature which the building inspector or a similar agent certifies is required by the public safety because of a condition which is unsafe or

dangerous due to deterioration; nor to prevent the erection or alteration of any such feature under a permit issued by a building inspector or similar agent prior to designation of such historic property.

(b) If a building within the boundaries of an historic property is to be demolished, no demolition shall occur for ninety days from issuance of a demolition permit if during such time the historic properties commission or the Department of Economic and Community Development is attempting to find a purchaser who will retain or remove such building or who will present some other reasonable alternative to demolition. During such ninety-day period the municipality may abate all real property taxes. At the conclusion of such ninety-day period, the demolition permit shall become effective and the demolition may occur. Nothing in this section shall be construed to mandate that the owner of such property is under any obligation to sell such property or building.

(P.A. 84-286, S. 10; June 30 Sp. Sess. P.A. 03-6, S. 210(e); P.A. 04-20, S. 3; 04-205, S. 5; May Sp. Sess. P.A. 04-2, S. 30; P.A. 11-48, S. 147.)

History: June 30 Sp. Sess. P.A. 03-6 and P.A. 04-20 replaced the Connecticut Historical Commission with the Connecticut Commission on Arts, Tourism, Culture, History and Film, effective August 20, 2003; P.A. 04-205, effective June 3, 2004, and May Sp. Sess. P.A. 04-2, effective May 12, 2004, both replaced Connecticut Commission on Arts, Tourism, Culture, History and Film with Connecticut Commission on Culture and Tourism; P.A. 11-48 amended Subsec. (b) by replacing ♦Connecticut Commission on Culture and Tourism♦ with ♦Department of Economic and Community Development♦, effective July 1, 2011.

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TOWN OF LEDYARD CONNECTICUT

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Chairman Gary St. Vil

August 26, 2025

Mr. Early (Ty) Lamb, Chairman
Historic District Commission
95 Lambtown Road
Ledyard, Connecticut 06339

Dear Mr. Lamb:

During the Land Use/Planning/Public Works Committee's October 2, 2023 meeting you and Mrs. Karen Parkinson discussed an idea to preserve an area of the Spicer Homestead Ruins Site because of its proximity to the Tri-Town Trail where it passes through the Clark Farm property, located at 1025 Colonel Ledyard Highway, with the objective to obtain a Historic Designation. The idea presented at that time was to create small parks that were off shoots from the Tri-Town Trail where people could stop to take a rest and read plaques providing historical facts that would be placed along the Trail.

Over the past two-years members of the LUPPW Committee, along with Connecticut Preservation Archaeologist Stefon Danczuk, have participated in site walks of the property that were led by Mrs. Parkinson. The LUPPW Committee and Mr. Danczuk also outlined the process to seek a Historic Designation in accordance with CGS 97; Section 7-147(b) to provide guidance to the Historic District Commission.

In our many discussions with members of the Historic District Commission regarding their interest to preserve an area of the Spicer Homestead Ruins and the process to seek a Historic Designation the LUPPW Committee explained that in accordance with Ordinance #300-019 "*An Ordinance Establishing Historic District Boundaries And Establishing A Historic District Commission for the Town of Ledyard*" which cites CGS Section 7-147c "***The historic district commission may from time to time, by following the procedure for creation of an historic district provided for in section 7-14b, suggest that a historic district be enlarged or that additional districts be created***". Under this provision, the Historic District Commission is authorized to serve as a ***Historic District Study Committee*** and has the ability to take on tasks to investigate the feasibility of preserving historic properties such as the Spicer Homestead Ruins.

At our May 5, 2025 meeting Land Use Director Elizabeth Burdick offered to meet with Mrs. Parkinson and/or other Historic District Commission Members to: (1) Review the steps necessary to seek a Historic Designation; (2) Facilitate a meeting between Mayor Allyn and Mrs. Parkinson and/or other Historic District Commission Members to discuss the A2 Survey that was prepared by Dieter & Gardner Surveyors; and (3) Offered to attend a Historic District Commission meeting to review the step-by-step process required to move the initiative forward. As of our August 4, 2025 LUPPW Committee meeting Ms. Burdick had not been contacted by any members of your Commission.

As not to continue to keep unfinished business items on our agenda indefinitely, the LUPPW Commission is interested in the Historic District Commission's progress on this initiative and requests the following:

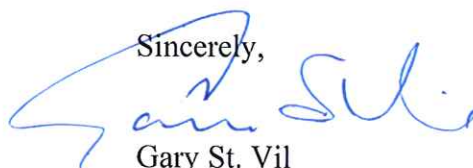
- What Steps the Historic District Commission has completed to date.
- What is your next Step.
- What is your timeline.

Your acknowledgement of the receipt of our request by October 3, 2025 would be appreciated. Should the LUPPW Committee not receive a response, this standing item will be removed from our agenda.

The LUPPW Committee admires and appreciates the Historic District Commission's passion, dedication, and work to preserve for our future generations the legacy of the families such as the Spicers who helped to settle our community, and we would like to see you be successful with this effort.

Should you have any questions regarding this request, please do not hesitate to contact me at (860) 980-0656; or email: gsvil@ledyardct.org.

Sincerely,



Gary St. Vil
Chairman

cc: Karen Parkinson, Historic District Commission Member
Councilor Barnes, Liaison Historic District Commission
Land Use Director Elizabeth Burdick

Attachments (highlighted with clarifying notes in blue font)

- (1) Councilor Dombrowski email dated June 3, 2024
- (2) Ordinance #300-019 *“An Ordinance Establishing Historic District Boundaries And Establishing A Historic District Commission for the Town of Ledyard”*
- (3) *Connecticut General State Statues* Section 7-147

From: Kevin J. Dombrowski <KJDom@ledyardct.org>
Sent: Monday, June 3, 2024 8:26 AM
To: Gary St. Vil <GSVil@ledyardct.org>; Roxanne Maher <council@ledyardct.org>
Subject: Spicer Ruins/next steps

Gary, looking at the statutes, I believe these would be the next steps to move forward.

Next Steps:

IAW CGS Chapter 97, Sec. 7-147b

1. The legislative body shall appoint or authorize the chief elected official of the municipality to appoint an historic district study committee for the purpose of making an investigation of a proposed historic district or districts. *(Per Ordinance #300-019 citing CGS Section 7-147 C(b) “The historic district commission may from time to time, by following the procedure for creation of an historic district provided for in section 7-14b, suggest that a historic district be enlarged or that additional districts be created”).*
2. The historic district study committee shall:
 - a. Perform an analysis of the historic significance and architectural merit of the buildings, structures, places or surroundings to be included in the proposed historic district or districts and the significance of the district as a whole.
 - b. Provide a general description of the area to be included within the district or districts, including the total number of buildings in each such district or districts listed according to their known or estimated ages.
 - c. Create a map showing the exact boundaries of the area to be included within the district or districts.
 - d. Develop a proposed ordinance or proposed ordinances designed to create and provide for the operation of an historic district or districts.
 - e. Determine such other matters as the committee may deem necessary or advisable.
3. The historic district study committee shall transmit copies of its report to the Department of Economic and Community Development, the planning commission and zoning commission, or the combined planning and zoning commission, of the municipality, if any, and, in the absence of such a planning commission, zoning commission or combined planning and zoning commission, to the chief elected official of the municipality for their comments and recommendations.
 - a. Each such commission, board or individual shall deliver comments and recommendations to the committee within sixty-five days of the date of transmission of such report.
4. The historic district study committee shall hold a public hearing on the establishment of a proposed historic district or districts not less than sixty-five nor more than one hundred thirty days after the transmission of the report to each party listed above.
 - a. except that, if all such parties have delivered their comments and recommendations to the committee, such hearing may be held less than sixty-five days after the transmittal of the report.

- b. The comments and recommendations received pursuant from the above listed, shall be read in full at the public hearing.
5. The historic district study committee shall submit its report with any changes made following the public hearing, along with any comments or recommendations received, and such other materials as the committee may deem necessary or advisable to the legislative body and the clerk of the municipality within sixty-five days after the public hearing.
 6. The clerk or his designee shall, not later than sixty-five days from receipt of such report, mail ballots to each owner (for the Spicer Homestead Ruins the Town is the Owner) of record of real property to be included in the proposed district or districts on the question of creation of an historic district or districts, as provided for in CGS sections 7-147a to 7-147k, inclusive.
 7. The form of the ballot to be mailed to each owner shall be consistent with the model ballot prepared by the Historic Preservation Council of the Department of Economic and Community Development established pursuant to CGS section 10-409. The ballot shall be a secret ballot and shall set the date by which such ballots shall be received by the clerk of the municipality. The ballots shall be mailed by first class mail to each owner eligible to vote in such balloting at least fifteen days in advance of the day on which ballots must be returned.
 8. If two-thirds of all property owners (for the Spicer Homestead Ruins the Town is the Owner) voting cast votes in the affirmative, the legislative body of the municipality shall by majority vote take one of the following steps:
 - a. Accept the report of the committee and enact an ordinance or ordinances, (Ordinance #300-019 would need to be amended to include the Spicer Homestead Ruins, if established) to create and provide for the operation of an historic district or districts in accordance with the provisions of this part;
 - b. Reject the report of the committee, stating its reasons for such rejection;
 - c. Return the report to the historic district study committee (Historic District Commission) with such amendments and revisions thereto as it may deem advisable, for consideration by the committee. The committee shall submit an amended report to the legislative body within sixty-five days of such return.
 9. Any ordinance, (Ordinance #300-019 will need to be amended to include the Spicer Homestead Ruins, if established) or amendment thereof, enacted pursuant to this part, which creates or alters district boundaries, shall contain a legal description of the area to be included within the historic district. The legislative body, when it passes such an ordinance, or amendment thereof, shall transmit to the municipal clerk a copy of the ordinance or amendment thereof. Such ordinance, or amendment thereof, shall be recorded in the land records of the municipality in which such real property is located and indexed by the municipal clerk in the grantor index under the names of the owners of record of such property.

Thanks
Kevin

AN ORDINANCE ESTABLISHING
HISTORIC DISTRICT BOUNDARIES AND
ESTABLISHING A HISTORIC DISTRICT COMMISSION
FOR THE TOWN OF LEDYARD

Be it Ordained by the Town Council of the Town of Ledyard:

Section 1. Establishment

Pursuant to the following General Statutes of the State of Connecticut there is hereby established Defined Boundaries of the Ledyard Historic Districts and a Historic District Commission for the Town of Ledyard.

A. Defined Boundaries of the Ledyard Historic Districts and Regulating Hours

Pursuant to Section 7-147a, et seq., of the General Statutes of the State of Connecticut, there are established within the Town of Ledyard, historic districts as defined herein.

(1) Districts, Boundaries and Administrative Control of Assigned Properties

The boundaries for the historic districts are as follows:

Nathan Lester House Historic District

Said district consists of 134.76 acres more or less situated on the easterly side of the intersection of Long Cove Road and Vinegar Hill Road in Ledyard. The exact boundaries of this property are described in three deeds recorded in the Ledyard Land Records. The first recorded in Volume 67, page 345, upon which is situated the Nathan Lester House, consisting of approximately 98.85 acres; the second, which includes the Ledyard Oak Tract, consists of 10.8 acres and is described in deed recorded in Volume 55, page 434 - This property is shown on the town assessor's map as 153 Vinegar Hill Road; the third is 800 Long Cove Road, Gales Ferry which consists of 25.11 acres/Open Space described in the deed recorded in Volume 540 page 679.

Up-Down Sawmill Park Historic District

Said district consists of a tract of land comprising approximately 11.6 acres upon which there is a pond of approximately 2.24 acres. The Sawmill stands at the east end of the pond. Further east and close by is the old blacksmith shop. The tract is located 2 miles east of Ledyard Center. It is bounded by Connecticut State Highway 214, the Peckham cemetery and lands formerly of Harry Main, Ira and Ruth Marquardt and Frank and Aurilla Hewes. Descriptions of these boundaries may be found in Ledyard Land Records Volume 63, page 244, deeded from Harry C.W. Main to the Town of Ledyard. This property is shown on the town assessor's map as 172 Iron Street.

(2) Regulating Hours in Historic District

Except as hereinafter provided, those areas owned by the Town of Ledyard and designated as Historic Districts pursuant to the provisions of Sections 7-147a, et seq., of the General Statutes of the State of Connecticut, shall be open to the public only during such hours as may be established by regulations of the Historic District Commission.

Such areas shall be closed to the public during the hours after sunset and before sunrise and entry into, or presence in such areas during the hours after sunset and before sunrise, except with the express consent of the Historic District Commission, is prohibited.

Any person who shall enter into, or remain present in, any area owned by *the* Town of Ledyard and designated as a Historic District during the hours after sunset and before sunrise, without the express consent of the Historic District Commission, shall be fined not more than One-Hundred (\$100.00) dollars.

(3) Administrative Control of Historic District Properties and Assigned Town Properties

Upon the establishment of the *Commission for Ledyard Historic Districts* in accordance herewith, the said Commission shall exercise administrative control of Town owned properties within the Historic Districts within the Town as established at this time, or in the future, or other properties as assigned by the Town Council, including the One Room School House in Ledyard Center.

Included in such administrative duties shall be the planning of historic districts, applications for grants in aid relating thereto, including local, state and federal grants, and the administration of the expenditure of any such grants which may be received.

B Historic District Commission

Pursuant to Section 7-147c, et seq., of the General Statutes of the State of Connecticut there is hereby established a Historic District Commission, **which shall perform all the functions relative to the establishing of new districts** and otherwise administering the provisions of the Sections 7-147a to 7-147K of said statutes and as the same may be amended from time to time

Section 2. Membership

The *Ledyard Historic District Commission* shall consist of five regular members and three alternate members.

All members shall be electors of the town holding no salaried municipal office and who shall be appointed by the Town Council.

All members and alternates shall serve without compensation.

Section 3. Terms of appointment

Members shall be appointed by the Town Council for a term of five (5) years. Members shall commence to serve their terms immediately upon appointment and shall serve until their successor has qualified or they have been reappointed or removed by the Town Council.

Appointment and removal of any member of the Parks and Recreation Commission shall be as provided for in Chapter IV, Section 9, of the Town Charter.

Any vacancy in the Ledyard Historic District Commission, other than by expiration of term, shall be filled for the unexpired portion of the term by the Town Council.

Any member of the Commission who is absent from three (3) consecutive regular meetings and any intervening duly called special meetings shall be considered to have resigned from the Commission. The vacancy shall be filled as herein before provided. Additionally, the commission may vote to waive the requirements of this section in each case where illness or other extenuating circumstances make it impossible for a member to meet the attendance requirements of this action.

It shall be the responsibility of the Chairman of the Ledyard Historic District Commission to notify the Town Council when a member has not properly performed his duties.

Section 4. Implementation

With the adoption of this Ordinance all current members and current alternate members of the Historic District Commission for the Town of Ledyard shall continue to serve in accordance with the term of their appointment.

The Commission shall elect annually a chairman, vice chairman and a clerk from its own number.

The Commission shall adopt Rules of Procedure not inconsistent with the provisions of Sections 147a to 7-147 inclusive, and 19A 308 of the Connecticut General Statutes, and may, subject to budgetary appropriations by the town, employ clerical and technical assistance of consultants and may accept money, gifts and expend the same for such purpose.

Section 5. Purpose

The purpose of the *Ledyard Historic District Commission* is to promote the education, cultural, economic and general welfare of the Town of Ledyard through the preservation and protection of the buildings, historic places, and districts of historic interest within the Town by maintenance of such landmarks in the history of architecture of the Town, of the State, or of the Nation and though the development and appropriate settings for such buildings, historic places and districts.

The Historic District Commission may recommend and oversee improvements for buildings and structures in the Designated Historic District.

No building or structure shall be erected, altered, restored, moved for demolished within a historic district until after an Application for a Certificate of Appropriateness as to the exterior architectural features (as defined in the statues) has been submitted to the Commission and approved by said Commission.

Consideration of such applications, public hearing and approval shall be in accordance with General Statutes.

Section 6. Severability.

If any provision of this Ordinance shall be held invalid by a court having competent jurisdiction, such invalidity shall not affect any of the other provisions of this Ordinance that can be given effect without the invalid provision and for this purpose the provisions of this Ordinance are hereby declared severable.

Section 7. Effective Date

In accordance with the Town Charter this ordinance shall become effective on the twenty-first (21st) day after such publication following its final passage.

Amended, Adopted and Renumbered by the Ledyard Town Council on: September 25, 2019

Approve / Disapprove: _____
Linda C. Davis, Chairman

Fred B. Allyn, III, Mayor

Published on: _____
Patricia A. Riley, Town Clerk

Effective Date:

Revisions: Ordinance #18. "*Ordinance Establishing a Historic District for the Town of Ledyard*" adopted December 14, 1970; Amended and Adopted: September 13, 1972; Ordinance #51 "*An Ordinance Amending an Ordinance Establishing a Historic District Commission for the Town of Ledyard*"; Adopted on July 10, 1991; Effective: August 10, 1991; Ordinance #52 "*An Ordinance Defining the Boundaries of Ledyard Historic Districts*"; Adopted July 10, 1991; Effective August 10, 1991; Ordinance #53 "*An Ordinance Amending An Ordinance Regulating the Hours of Historic Districts in the Town of Ledyard*"; Adopted November 10, 1993; Effective: November 8, 1993.

History:

The Twenty-fourth Town Council (2017-2019) Ordinance Update Initiative: Combined Ordinance #18, #52, #53; renumbered Ordinance(s) to Ordinance #300-019.

2019: Section 1 "*Establishment*" paragraph A. (1) Added "*800 Long Cove Road*" assigned at the Town Council Meeting December 14, 2016; Section 1 "*Establishment*" paragraph A (3) added "*One Room School House in Ledyard Center*"; Section 3 "*Terms of Appointment*" clarified language regarding member attendance and removal; Section 5 "*Purpose - Application for a Certificate of Appropriateness*" removed language to submit Application to Zoning Enforcement Official. Section 7 "*Cancellation*" was removed, based on Attorney's recommendation, the "*Revision*" and "*History*" paragraphs indicate that the previous Ordinance(s) has been updated, and was therefore, being replaced/cancelled. Added new Section 7 "*Effective Date*" to be consistent with Town Ordinance format.

CHAPTER 97a*
HISTORIC DISTRICTS AND HISTORIC PROPERTIES
PART I*
HISTORIC DISTRICTS

Sec. 7-147c. Historic district commission. (a) Once an historic district has been established (Ordinance #300-019 Established a Historic District), the historic district study committee shall cease to exist and thereafter *an historic district commission shall perform all the functions of the committee relative to the new district and to administering the provisions of this part.*

(b) **The historic district commission** may from time to time, by following the procedure for creation of an historic district provided for in section [7-147b](#), suggest that an historic district be enlarged or that additional districts be created. Where additional property is to be included within an existing district, the owners of such additional property shall vote pursuant to subsection (g) of section [7-147b](#).

Roxanne Maher

From: Elizabeth Burdick
Sent: Monday, August 4, 2025 4:55 PM
To: Roxanne Maher
Cc: Gary St. Vil; Fred Allyn, III
Subject: RE: LUPPW Cmt Agenda - Monday August 4, 2024 @ 6:00 p.m.

8/4/25 Good afternoon, Roxanne, I'm not feeling great, so I won't be attending this evening's LUPPW Committee meeting.

With respect to the agenda, I would like to provide the following updates:

1. Hannah has provided her blight report for the Committee members to review. She can be reached by phone or email with any questions, as can I.
2. I have been only minimally involved with the Spicer Homestead project, so I have no update as to the status of the proposed preservation project.
3. The Land Use Dept. is still working with Pride's Corner regarding the final permitting of the greenhouses, but we have received no complaints regarding noise and I can say that all the greenhouses as shown on an As-Built plan submitted to this office meet the minimum setbacks required for the zoning district in which they are located and may be approved for zoning compliance.

The Committee is welcome to contact me by phone or email should it have any questions relative to the above. Thank you.

Liz Burdick, Director of Land Use & Planning Town of Ledyard
741 Colonel Ledyard Highway, Ledyard, CT 06339
Telephone: (860) 464-3215
Email: planner@ledyardct.org

-----Original Message-----

From: Roxanne Maher <council@ledyardct.org>
Sent: Thursday, July 31, 2025 4:14 PM
To: April Brunelle <ABru@ledyardct.org>; Carmen Garcia Irizarry <CGIri@ledyardct.org>; Gary St. Vil <GSvil@ledyardct.org>; Jessica Buhle <Jbuh@ledyardct.org>; Kevin J. Dombrowski <KJDom@ledyardct.org>; Roxanne Maher <council@ledyardct.org>; Timothy Ryan <tryan@ledyardct.org>; Tony Saccone <tsac@ledyardct.org>; William Barnes <wbar@ledyardct.org>; Fred Allyn, III <mayor@ledyardct.org>; Hannah Gienau <zoning.official@ledyardct.org>; Elizabeth Burdick <planner@ledyardct.org>
Subject: LUPPW Cmt Agenda - Monday August 4, 2024 @ 6:00 p.m.

LUPPW Cmt Agenda - Monday, August 4, 2025 @ 6:00 p.m.

TIMELINE OF SPICER RUINS “DISCOVERY” AND PURSUIT OF PRESERVATION, 4.4 ACRES WITHIN BOUNDARY OF 1025 COL. LEDYARD HWY, (CLARK FARM) UPPER SECTION, FORESTED.

Tri Town Trail conceptualized by David Holdridge prior to 2008

2008 Tri Town Trail Master Plan developed with SCCOG \$ 5,000 grant from Millstone

2016 first DEEP grant to Town of Ledyard

2019 permission given by Town of Ledyard to begin trail-blazing/trail building for Phase I, on Town owned property 1087 Col Ledyard Hwy (open space) and two easements

2020 permission given to trail blaze across town owned Clark Farm (by Mayor Allyn, adm control) The “Clark Farm” is 101 acres farmed by the Clark family for over 100 years. Became Town-owned property via exchange of property with Mashantucket Tribal Nation (2007)

2020 while blazing trail, “discovery” of remains of well and foundation (oldsters said may be Spicer)

2021 extensive research done by Karen Parkinson on Spicer family. Community Foundation grant written and granted for building bridges and archeology research of land records to verify ruins. Ruins are significantly “undisturbed” and stone walls/foundations undisturbed. Spicer Homestead dates to approximately 1670. Peter and Mary Spicer, first settlers, are the ancestors of many Mystic whaling captains (Spicer Marina), founders of Spicer oil, “Parke” Spicer (Preston’s long -serving selectman) and many Town of Ledyard and Preston early leaders. The Homestead was occupied for five generations and became over 200 acres. John and Cyrus each inherited half the farm in 1769; Cyrus sold east half to Isaac Geer in 1788; John and successors farmed west half for another hundred years. The original dwelling is referenced as “the mansion” in 1769 will of John (4). Its demise is not known and would need to be researched in land records.

2022 Completion of contracted archeology research by Sara Holmes, PhD. Verifying that site is Spicer Homestead settled circa 1670. Study was funded by Community Foundation grant to Tri Town Trail Association. Report shared with Town officials and copies donated to Bill Library and Preston Library. Ledyard Rotary granted TTT \$ 1,000 for signage and fencing of Homestead.

2022 study shared with State of CT Archeology. “site number” obtained.

2023-present. Continued working relationship with Town officials to develop plan for preservation, suggesting the Historic District Commission be assigned administrative control. Two site walks conducted with Land Use Commission (2023, 2024), Historic District Commission agreed to accept administrative control of site

Map of proposed “Spicer Homestead Ruins” constructed with the assistance of Chad Frost. There are no existing buildings. There is evidence of a dug well, twin cellar pits, corner foundations of dwelling, extensive stone wall system, foundation of small barn, and large erratic boulder, known as “Spicer Rock” referenced in Spicer genealogy books. The proposed 4.4 acres is outlined by existing stone walls, the unnamed brook, and the Eversource easement boundary. There is a wooden crossing (no foundations) of the brook built by Tri Town Trail volunteers. The crossing is referenced as “Spicer Bridge” and the unnamed brook is referenced as “Mary Spicer Brook.”

Submitted to Land Use Committee, Sept 9, 2024 by Karen Parkinson, Historic District Comm.

TRI TOWN TRAIL PHASE 2

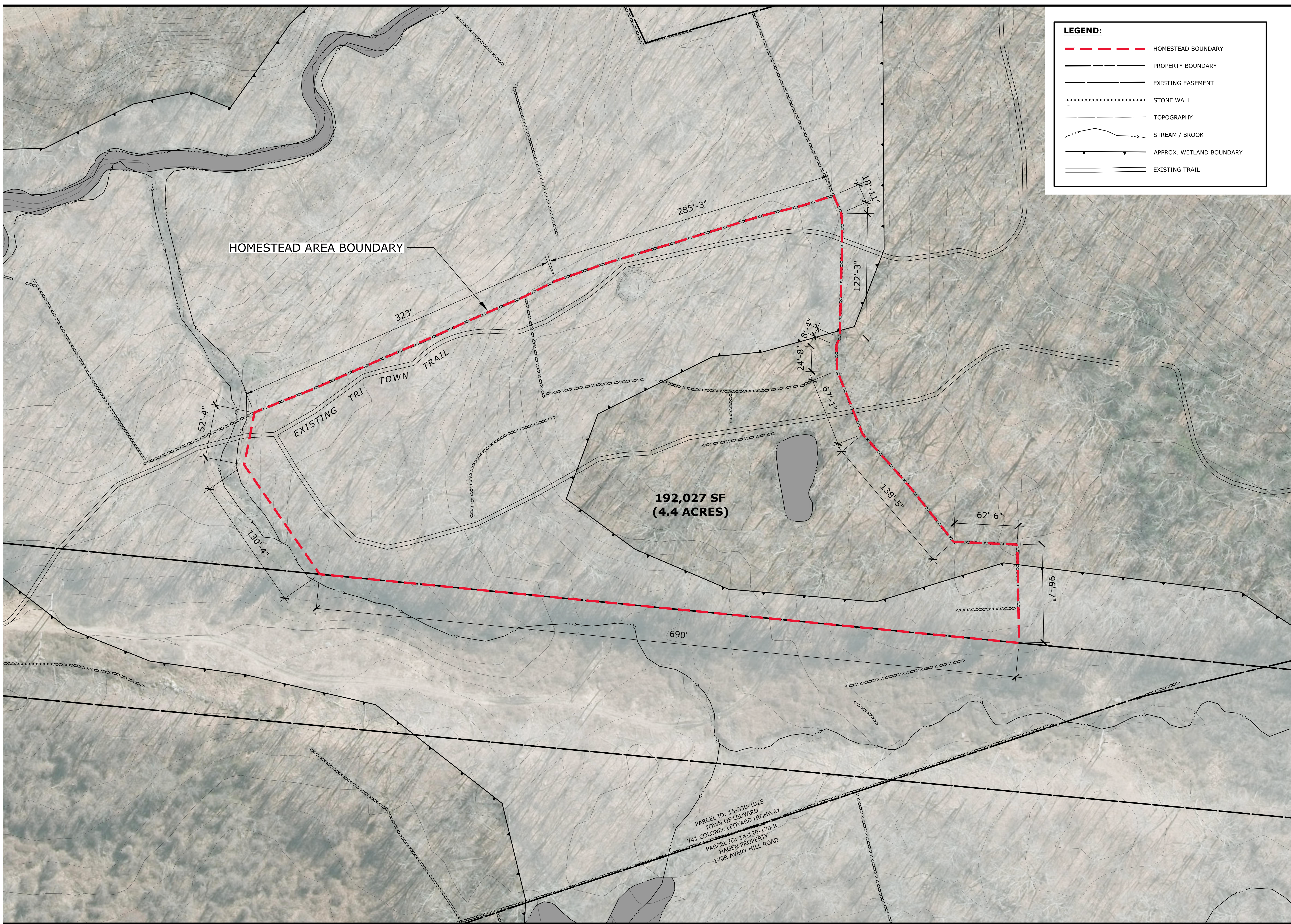
Ledyard, CT

**LANDSCAPE
KENT+FROST
ARCHITECTURE**

1 HIGH STREET
MYSTIC, CT 06355
860.572.0784
kentfrost.com

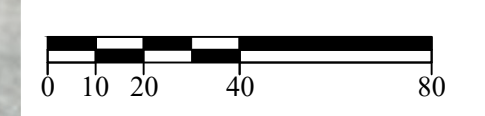
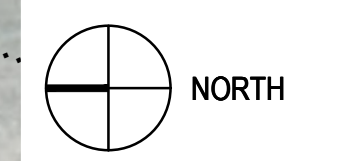
LEGEND:

- HOMESTEAD BOUNDARY
- PROPERTY BOUNDARY
- EXISTING EASEMENT
- STONE WALL
- TOPOGRAPHY
- STREAM / BROOK
- APPROX. WETLAND BOUNDARY
- EXISTING TRAIL



**PRELIMINARY
REVIEW**

Revisions	Date

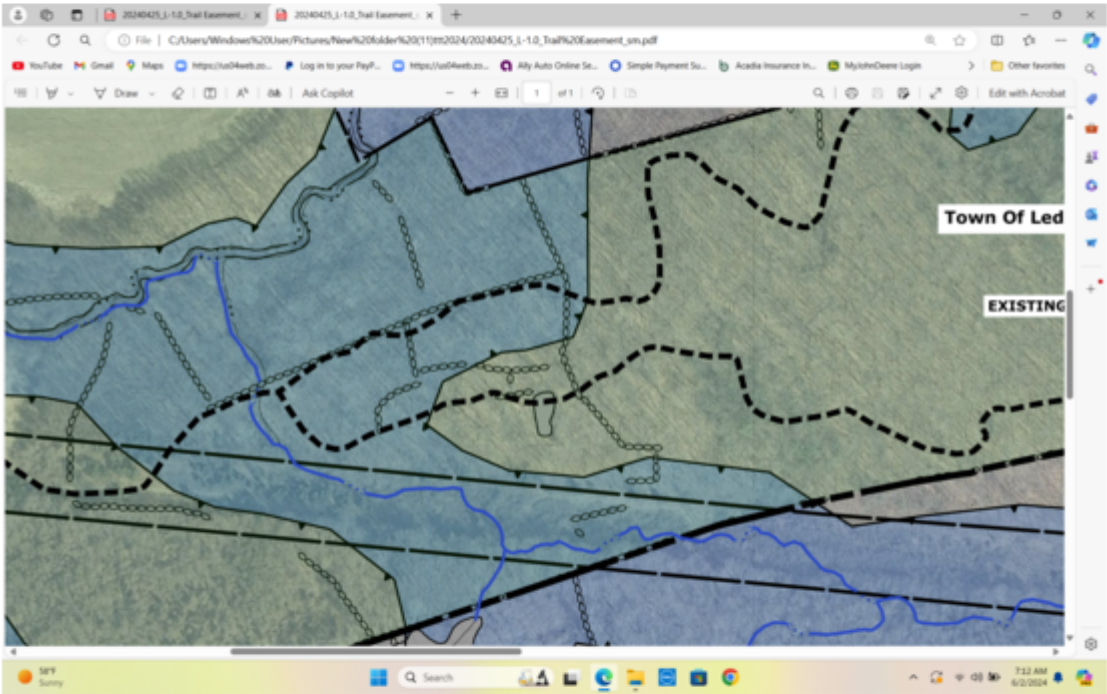


**HISTORIC
HOMESTEAD AREA**

Scale	1" = 40'
Date	June 17, 2024
K-F Project No.	2023001
Drawing No.	

L-1.0

PARCEL ID: 15-530-1025
TOWN OF LEDYARD
741 COLONEL LEDYARD HIGHWAY
PARCEL ID: 14-120-170-R
HAGEN PROPERTY
170R AVERY HILL ROAD



Pequot Trail - Hellgate Hiking | x

trailforks.com/trails/pequot-trail-hellgate/

United States > Connecticut > New London County > Preston

Pequot Trail - Hellgate BlueBlazes

 / hike trail

Overview Photos (0) Videos (0) Reports (0) Comments (0) Ride Logs Leaderboard Stats 3D Tour

3.6 miles 258 ft -343 ft 281 ft
Distance Climb Descent High Point

Status no votes yet completed check-in save

Details

Activities	Hike Trail Running
Riding Area	Eastern Connecticut
Blaze Number	BlueBlazes
Difficulty Rating	Blue easy
Hiking SAC Scale	T1 Hiking
Trail Type	Singletrack
Direction	Both Directions

Little-used blue trail. The northern section follows power lines and a helpful neighbor mows a section of the that otherwise would be choked with briars. The high point of the trail is on part of the parcel deeded to the Mohegan Sachem Uncas. The old road that passes through a rocky slot has been known as Hellgate since Colonial times. Please respect areas that are posted by staying on the trail.

Directions to pequot-trail-hellgate trailhead (41.536400, -72.030390)

Pequot Trail -... Trail Reports

no reports have been added for Pequot Trail - Hellgate yet. [add a trail report](#)

Roxanne Maher

From: Kevin J. Dombrowski
Sent: Monday, June 03, 2024 8:26 AM
To: Gary St. Vil; Roxanne Maher
Subject: Spicer Ruins/next steps

Gary, looking at the statutes, I believe these would be the next steps to move forward.

Next Steps

IAW CGS Chapter 97, Sec. 7-147b

1. The legislative body shall appoint or authorize the chief elected official of the municipality to appoint an historic district study committee for the purpose of making an investigation of a proposed historic district or districts.
2. The historic district study committee shall:
 - a. Perform an analysis of the historic significance and architectural merit of the buildings, structures, places or surroundings to be included in the proposed historic district or districts and the significance of the district as a whole
 - b. Provide a general description of the area to be included within the district or districts, including the total number of buildings in each such district or districts listed according to their known or estimated ages
 - c. Create a map showing the exact boundaries of the area to be included within the district or districts
 - d. Develop a proposed ordinance or proposed ordinances designed to create and provide for the operation of an historic district or districts
 - e. Determine such other matters as the committee may deem necessary or advisable
3. The historic district study committee shall transmit copies of its report to the Department of Economic and Community Development, the planning commission and zoning commission, or the combined planning and zoning commission, of the municipality, if any, and, in the absence of such a planning commission, zoning commission or combined planning and zoning commission, to the chief elected official of the municipality for their comments and recommendations.
 - a. Each such commission, board or individual shall deliver comments and recommendations to the committee within sixty-five days of the date of transmission of such report.
4. The historic district study committee shall hold a public hearing on the establishment of a proposed historic district or districts not less than sixty-five nor more than one hundred thirty days after the transmission of the report to each party listed above
 - a. except that, if all such parties have delivered their comments and recommendations to the committee, such hearing may be held less than sixty-five days after the transmittal of the report.
 - b. The comments and recommendations received pursuant from the above listed, shall be read in full at the public hearing
5. The historic district study committee shall submit its report with any changes made following the public hearing, along with any comments or recommendations received, and such other materials as the committee may deem necessary or advisable to the legislative body and the clerk of the municipality within sixty-five days after the public hearing.
6. The clerk or his designee shall, not later than sixty-five days from receipt of such report, mail ballots to each owner of record of real property to be included in the proposed district or districts on the question of creation of an historic district or districts, as provided for in CGS sections 7-147a to 7-147k, inclusive.

7. The form of the ballot to be mailed to each owner shall be consistent with the model ballot prepared by the Historic Preservation Council of the Department of Economic and Community Development established pursuant to CGS section 10-409. The ballot shall be a secret ballot and shall set the date by which such ballots shall be received by the clerk of the municipality. The ballots shall be mailed by first class mail to each owner eligible to vote in such balloting at least fifteen days in advance of the day on which ballots must be returned.
8. If two-thirds of all property owners voting cast votes in the affirmative, the legislative body of the municipality shall by majority vote take one of the following steps:
 - a. Accept the report of the committee and enact an ordinance or ordinances to create and provide for the operation of an historic district or districts in accordance with the provisions of this part;
 - b. reject the report of the committee, stating its reasons for such rejection;
 - c. return the report to the historic district study committee with such amendments and revisions thereto as it may deem advisable, for consideration by the committee. The committee shall submit an amended report to the legislative body within sixty-five days of such return.
9. Any ordinance, or amendment thereof, enacted pursuant to this part, which creates or alters district boundaries, shall contain a legal description of the area to be included within the historic district. The legislative body, when it passes such an ordinance, or amendment thereof, shall transmit to the municipal clerk a copy of the ordinance or amendment thereof. Such ordinance, or amendment thereof, shall be recorded in the land records of the municipality in which such real property is located and indexed by the municipal clerk in the grantor index under the names of the owners of record of such property.

Thanks
Kevin

Sarah Holmes, PhD
Archaeology Consultant
860 501-1446 slh@att.net

Tri Town Trail Association
Karen Parkinson, President
860 464-1559
karen@thepaddockinc.com

November 21, 2022

Annotated Report on Land Deed Research for the Spicer Homestead in Ledyard, CT.

The earliest 17th century land deeds granted to Peter Spicer from New London only provide a vague description of the actual metes and bounds and in many instances are incomplete.

Initially, Peter Spicer's lands were bounded with a swamp on the west and south. Other early land records identify a brook on the northern bound. Although it was not definitively proven through title search where Peter Spicer's first dwelling was located, the landscape in the vicinity of the "Spicer Rock" contains extensive field systems enclosed within stonewalls, along with a well and cellar holes that suggest great time depth.

Peter Spicer's descendants, Edward (2) and John (3) Spicer lived in separate residences in 1723

John Spicer's (4) farm included the land recently purchased by John Spicer (4) from Daniel Whipple of approximately 16 acres 11 rods.

The Whipple purchase became the north line of the Spicer farm measuring 115 rods in width (east to west) and provided the location of the northeast corner bound at the brook and highway (located near to the newly installed footbridge on the northwestern side of the large field at 1025 Colonel Ledyard Highway).

John Spicer's (4) last will and testament, dated May 6, 1769, stated he left his two sons, John Spicer (5) and Cyrus Spicer (5), his farm. The estate was equally divided, although John (4) left Cyrus the house.

The division of John Spicer's (4) in 1772 describes a 146 acre farm.

John Spicer (5) also receives one half of the orchard lying east of the dwelling house on the eastern side of the 146 acres.

Survey of division agreement/line:

- to begin the division line at a heap of stones in the north line of said farm 55 (52?)¹ rods westerly from northeast corner
- running south from said heap of stones 11 degrees east 150 rods to a **heap of stones south of the barn**
- south 7 degrees east 95 ½ (15 ½?) rods to an heap of stones
- south 5 degrees west 22 rods to an heap of stones
- south 7 degrees east 14-1/2 rods to heap of stones on **north line of Capt. Robert Geer land**

Survey of John's orchard:

- **one half of orchard lying east of dwelling house**
- beginning at southwest corner of George Geer land
- running south 13 degrees east across said orchard to heap of stones by a wall
- east 22 degrees north 11 ½ rods to George Geer's land
- with said George Geer's land to the first mentioned bound
- containing 1 acre 20 rods

The title search indicated the abutters on the Spicer property remain constant over time in regard to Cyrus Spicer's inheritance from his father John Spicer (4) in 1769. Benjamin Geer and George Geer's property abutted the Spicer land on the east, often with a brook as a boundary.

To review, the clearest survey regarding the location of any appurtenances including the Spicer dwelling is from the last will and testament of John Spicer's (4) in 1769 and the division of his estate totaling 146 acres inherited by his sons Cyrus and John Spicer in 1772.

Suggestions:

If the Town is interested, a request for an archaeological site number and an archaeological site form could be filed with the Office of State Archaeology. The site form would describe, at a minimum, the immediate area to the south of the bridge near "Spicer Rock", the possible cellar holes and the stone-well. The archaeological site description could also include the field system in this area.

¹ The ink is faded on this page and difficult to decipher, the dimension could be 52 rods, although 55 rods is the more likely candidate

Maps related to Spicer landholdings.

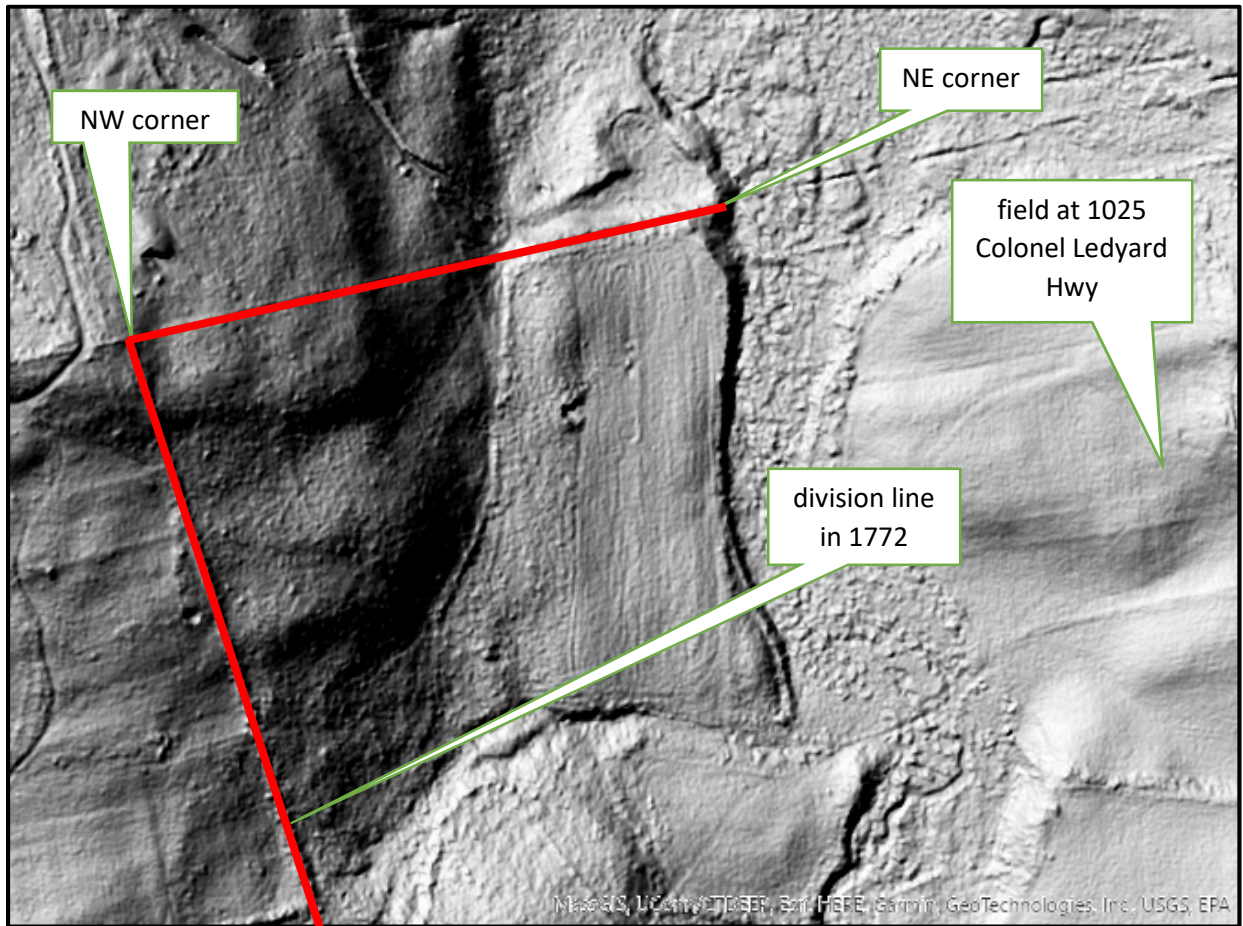


Fig 1. LIDAR of northern bound established for Cyrus Spicer's division of his father Hon. M. John Spicer's estate in 1772 measuring 55 rods in length beginning at the northeast corner at the brook just above or at the newly installed TTT bridge. Also note two anomalies or depressions visible in the middle of the field. (<https://cteco.maps.arcgis.com/>)

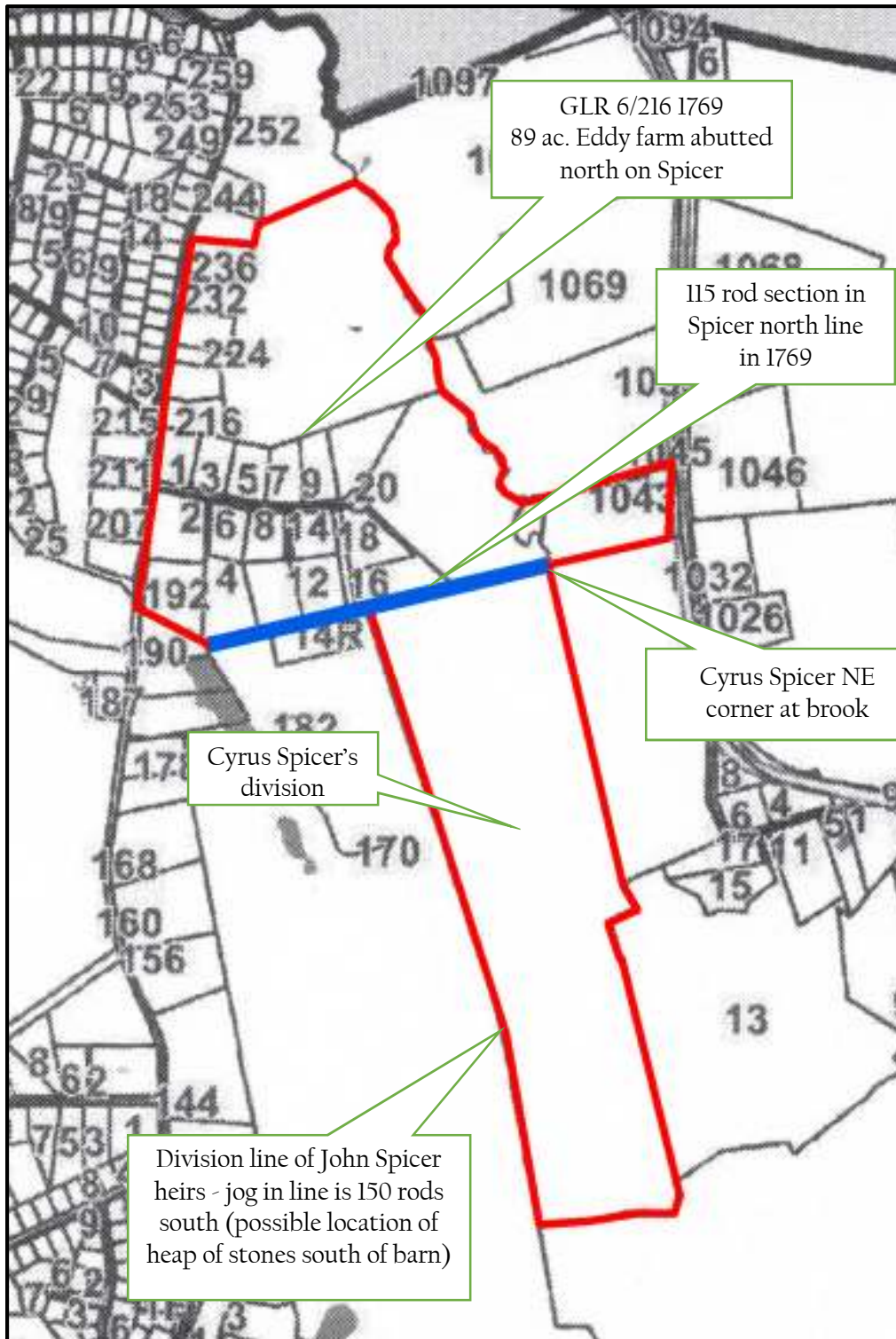


Fig. 2 Mark-up of Ledyard GIS property map. (<https://www.mapsonline.net/ledyardct/>)

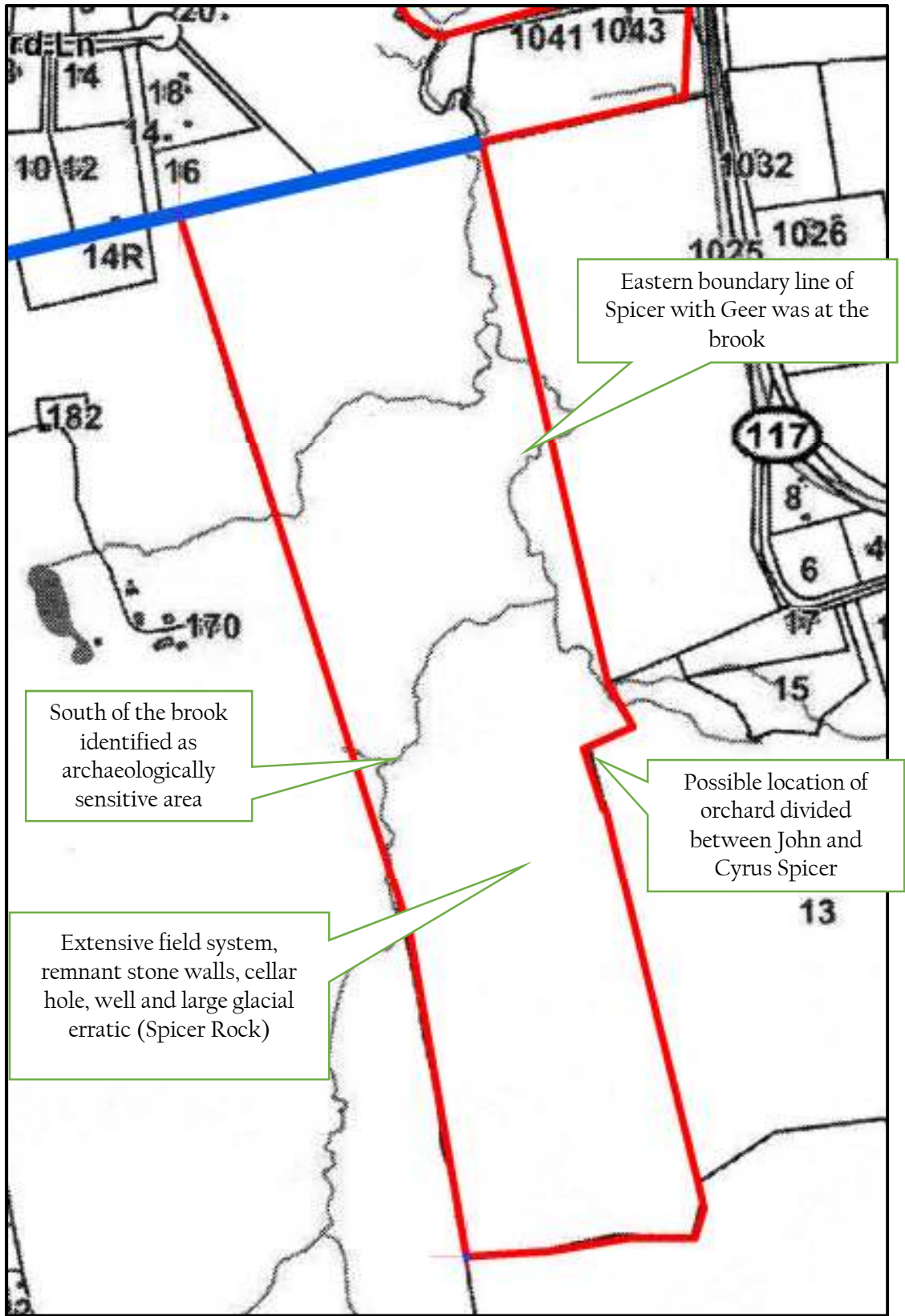


Fig. 3 Mark-up of Ledyard GIS map (<https://www.mapsonline.net/ledyardct/>)



Fig. 4 TTT map marks location of “Spicer Rock”. Note wall east of the rock that zigs and zags with approximately a 10 rod sections of wall, possibly the location of John Spicer’s orchard.

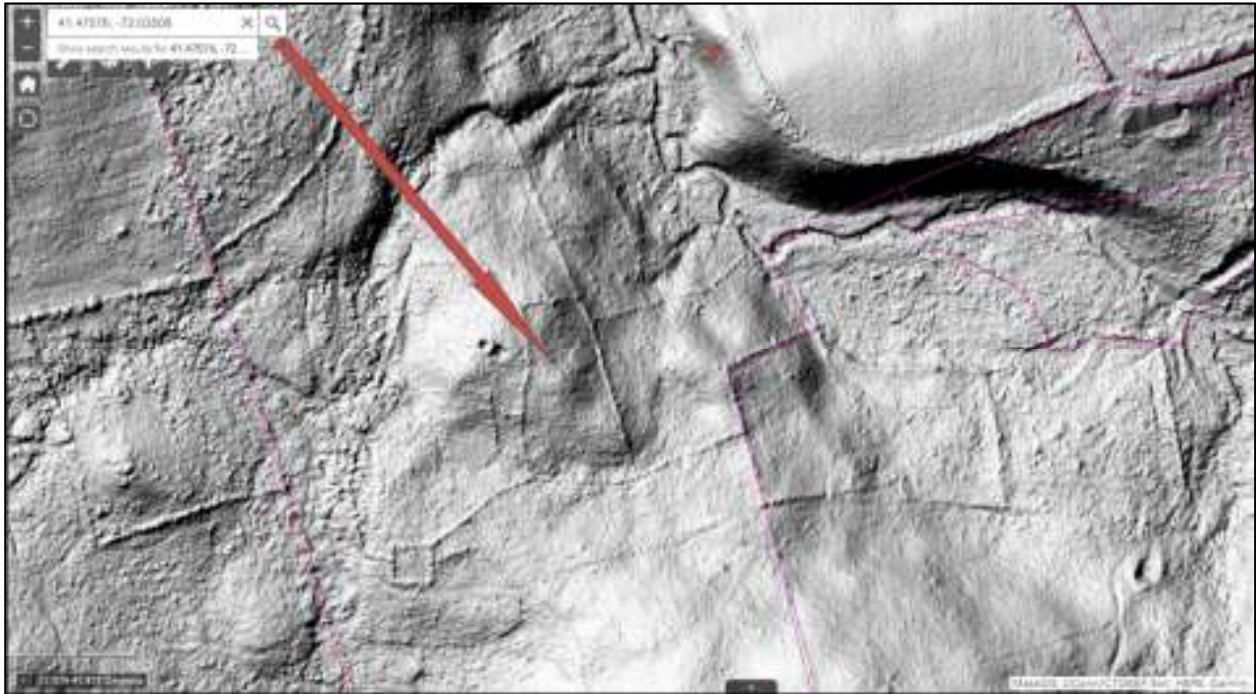


Fig. 5 TTT LIDAR image mark-up of location of “Spicer Rock”, with visible section of zig zagging wall to the east and identifies extensive walled in field system.

"SPICER BRIDGE" 2021

built by volunteers, funded by
THE COMMUNITY FOUNDATION OF EASTERN CONNECTICUT



Spicer Ruins
Site Access Bridge
Actual Photos of:
Existing Foundations

Rock Wall Pens

Old Orchard



Spicer Ruins

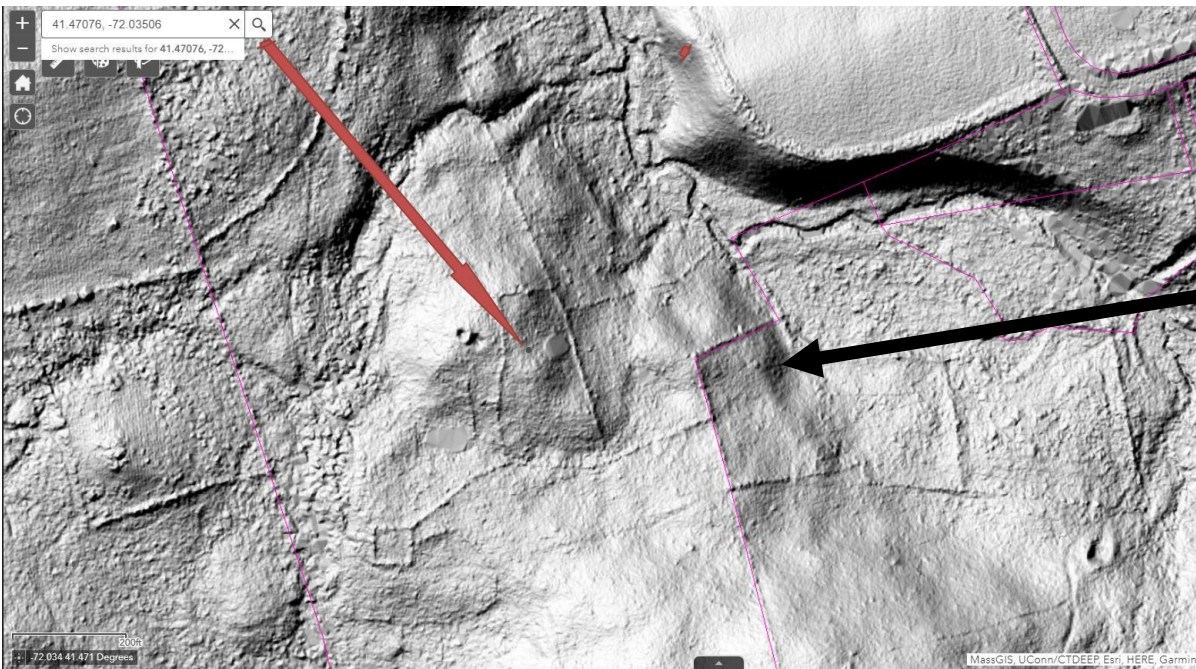
Lidar showing Rock Wall Pens, Foundations and well

Actual Photos of:

Existing walls

Spicer Rock

Spicer Well





TOWN OF LEDYARD

Historic District Commission

Meeting Minutes

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Chairman
Vincent Godino

Regular Meeting

Monday, December 18, 2023

7:00 PM

Town Hall Annex -Hybrid Format

I. CALL TO ORDER

The meeting was called to order at 7:05 p.m. by Chairman Godino.

II. ROLL CALL

Present Commissioner William Barnes
Chairman Vincent Godino
Commissioner Earl Lamb
Alternate Member Kelly Lamb
Excused Commissioner Douglas Kelley
Alternate Member Kenneth Geer

Also in attendance was Tim Ryan, Town Council Liaison.

III. APPOINTMENT OF ALTERNATES

Kelly Lamb was appointed as a voting member.

IV. APPROVAL OF MINUTES

1. Motion to APPROVE the Regular Meeting Minutes from November 20, 2023, as written.

RESULT: APPROVED AND SO DECLARED

MOVER: William Barnes

SECONDER: Earl Lamb

AYE 4 Barnes Godino Lamb Lamb

EXCUSED 2 Kelley Geer

V. FISCAL REPORTS

1. Financial Reports.

Sawmill: \$1,180 spent, \$447 remaining.

Nathan Lester House: \$2,740 spent, \$6960 remaining.

Capital Account: \$36,036.

ARPA Funds: \$125,800 includes recent contract/cut PO.

Donations:

Sawmill: \$7,424.

Nathan Lester House: \$11,337.

Misc Center School/Preservation & Research: \$1,500.

There are time limits on ARPA funds. The funds must be contracted by the end of 2024 and spent by the end of 2026.

Chairman Godino sent out a Status of Historic ARPA funds estimates to Matt Bonin, Finance Director on December 18, 2023.

Sawmill projects-

Mr. Barnes and Chairman Godino: Lining the Penstock is a priority, looking for 3-5 qualified quotes. There is a need for expert advisors to help write and evaluate the bids. There is a possibility of a company (Stantec) who has written similar RFP's. Mr. Barnes referred to the Town's ordinance purchasing guidelines.

Tim Ryan, Town Council suggested reaching out to Matt Bonin, Finance manager or Steve Masalin, Public Works Director.

Continuing to discuss the projects for the Sawmill that are difficult to quote out: The concrete box conduit and the round steel pipe may need two approaches to repair. Estimate of 40-50K.

The Sawmill is basically three parts for repair work: Mechanical, Water Flow and Intake pipes. The structure of the material needs to be watertight and last. Pipes go from Concrete to Steel. There is leakage at the connections between the two. They do not want to dig up the concrete. In addition, there is a need to be mindful of continuing to be Historically accurate.

Old Sturbridge Village has a similar mill and a member from the Village visits on occasion to discuss the mills.

Discussion to send the ARPA estimates to Mr. Bonin tomorrow.

RESULT: DISCUSSED

VI. CORRESPONDENCE

VII. COMMITTEE REPORTS

1. Sawmill Committee - Mr. Barnes.

Supplemental Assessments being done. Utilizing the CT website of Vendors.

Mr. Gonang was watching the water levels with all the recent heavy rain; he was happy to report that water levels did not affect the Sawmill.

The Sawmill has shut down for the season.

There was a brief discussion on the Black Smith house and Chris Cobb, who is a volunteer.

RESULT: DISCUSSED

2. Nathan Lester House - Mr. Kelley.

Chairman Godino presented tonight as Mr. Kelley was absent and Ms. Dyson's position has expired.

Renovation on the East Side's RFP will be ready for submission in January. Trying to find a contractor who is knowledgeable and dependable. The scope of this renovation is siding and trim replacement due to rot. The windows also need attention. All repairs are mindful of being historically accurate.

There was a brief discussion of the movie release. As of now there is no update.

RESULT: DISCUSSED

3. Research/Preservation - Mr. Lamb.

Mr. Lamb presented a need to vote on the authorization of the Research and Preservation Group to pursue the development of a roadmap in conjunction with Land Use to establish the Spicer Sites as Historic sites and gain administrative control of this new site. This will be discussed under Any Other New Business.

Land use: Mr. Lamb has been working with Tri-Town and Land Use on site walks and goals on mapping out areas to be included with the Spicer location.

Signs: Working on three more signs presently- Latham House, 9-mile Spicer, and Watson House.

Park & Pollination Garden: Due to illness the meeting with GOSHA to get authorization was missed. Continued work is being done with the help of Ms. Ericson (walk through, developing a mapping of the area and sign).

Donation Account specific to Preservation & Research: This was brought up by people interested in donating. Chairman Godino will talk to Mr. Bonin about opening a separate account.

Gales Ferry Sign: Chairman Godino reported that completion of the replacement will be approximately \$750.

RESULT: DISCUSSED

4. Center School - Mr. Geer.

Mr. Geer was absent, no report.

RESULT: DISCUSSED

5. Social Media.

Ms. Lamb has taken over the Social Media Committee. Ms. Dyson is working with Ms. Lamb on the Facebook and Instagram pages.

RESULT: DISCUSSED

VIII. OLD BUSINESS

1. Any Other Old Business to come before the Commission.

None.

IX. NEW BUSINESS

1. Review and Discussion of the Commission Rules of Procedure.

The Commission's Rules of Procedure were emailed to all the Commissioners on November 27, 2023, for review. Chairman Godino said if there are any changes, the Commission will need a month before a vote. In the past the Financial position was eliminated but now the Commission may want to re-establish that position.

Next month is the election of Officers. Chairman Godino said he will not be seeking the Chair position again. He would like to possibly stay on as an alternate and help the new Chairperson settle into the position.

RESULT: DISCUSSED

2. Destruction of Mount Decatur discussion.

Mr. Kelly sent a letter to the Director of Land Use and Planning & Zoning regarding the proposed destruction of Mt. Decatur. Discussion of its significance: there are five Revolutionary War Veterans within the Allyn's point Cemetery, which is about 750-1000 feet from the proposed blast area.

RESULT: DISCUSSED

3. Any Other New Business to come before the Commission.

Motion to Authorize the research and Preservation group to pursue the development of a "Roadmap" in conjunction with the Land Use Committee of the Town, to establish the "Spicer Historic District" and to place under administrative control of the Historic District Commission.

RESULT: APPROVED AND SO DECLARED

MOVER: Earl Lamb

SECONDER: William Barnes

AYE 4 Barnes Godino Lamb Lamb

EXCUSED 2 Kelley Geer

X. ADJOURNMENT

Motion to ADJOURN the Regular Meeting at 8:00 p.m.

RESULT: APPROVED AND SO DECLARED

MOVER: Vincent Godino

SECONDER: Earl Lamb

AYE 4 Barnes Godino Lamb Lamb

EXCUSED 2 Kelley Geer

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



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 26-0136

Agenda Date: 7/6/2026

Agenda #: 2.

AGENDA REQUEST
GENERAL DISCUSSION ITEM

Subject:

Discussion regarding the establishment of a Long-Term Capital Plan for all of the town-owned facilities.

Background:

(type text here)

Department Comment/Recommendation:

(type text here)