



TOWN OF LEDYARD
CONNECTICUT
TOWN COUNCIL
HYBRID FORMAT

741 Colonel Ledyard Highway
Ledyard, CT 06339

860 464-3203
Roxanne Maher

Chairman Kevin J. Dombrowski

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

Monday, January 9, 2023

6:00 PM

Town Hall Annex Building

DRAFT

- I. CALL TO ORDER – The meeting was called to order by Councilor Paul at 6:00 p.m. at the Council Chambers, Town Hall Annex Building.

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

- II. ROLL CALL –

Attendee Name	Title	Status	Location	Arrived	Departed
Gary Paul	Committee Chairman	Present	In-Person	6:00 pm	6:34 pm
John Marshall	Town Councilor	Present	Remote	6:00 pm	6:34 pm
S. Naomi Rodriguez	Town Councilor	Present	In-Person	6:00 pm	6:34 pm
Kevin Dombrowski	Chairman	Present	In-Person	6:00 pm	6:34 pm
Fred Allyn, III	Mayor	Present	In-Person	6:00 pm	6:34 pm
Michael Marelli	Conservation Commission Chairman	Present	In-Person	6:00 pm	6:34 pm
Roxanne Maher	Administrative Assistant	Present	Remote	6:00 pm	6:34 pm

- III. CITIZENS' PETITIONS – None.

- IV. PRESENTATIONS/INFORMATIONAL ITEMS

1. Conservation Commission 2022 Open Space Acquisition Plan

Mr. Michael Marelli, 4 Lee Brook Drive, Ledyard, Conservation Commission Chairman, explained the 2022 *Open Space Acquisition Plan* was drafted as a guiding document for future planning purposes and to apply for and receive Grant Funding. He stated the Plan has targeted properties that would be good to acquire for open space connectivity, wildlife preservation, passive recreation, etc. He stated that he has also shared Ledyard’s Conservation Commission’s 2022 *Open Space Acquisition Plan* with the City of Groton Conservation Commission. He noted Groton’s Conservation Commission Chairman Richard Palmieri contacted him to discuss the two Commissions working together because much of Groton’s Plan and Ledyard’s Plan mesh together. He stated the two Conservation Commissions would plan a joint meeting in the future.

Councilor Rodriguez stated in reading the Conservation Commission 2022 *Open Space Acquisition Plan* that she was impressed with the detail, historical background and future goals it provided.

Chairman Dombrowski suggested the Conservation Commission forward the *2022 Open Space Acquisition Plan* to the Planning & Zoning Commission to be included in the next amendment of the Plan of Conservation and Development (POCD). He stated by including the *2022 Open Space Acquisition Plan* in the POCD that it would then become the “*Town’s Plan*”.

Mr. Marelli stated the Open Space Acquisition Plan should be incorporated into the POCD. He stated the Conservation Commission sent the Plan to all of the Town’s Land Use Commissions/Departments, which included the Agricultural Commission, Inland Wetlands and Watercourses Commission, Parks and Recreation Commission and the Planning & Zoning Commission, so that everyone would be aware of what the Conservation Commission was thinking about. He stated the Conservation Commission was hopeful that in making land use decisions that Ledyard’s other Land Use Commissions would take the Conservation Commission’s goals into consideration.

RESULT: DISCUSSED /COMPLETED

- 2. Mr. Love e-mail dated 1/5/2023 re: Baseball/Softball Complex

Councilor Rodriguez stated that she liked Mr. Love’s idea. However, she questioned how the proposed Baseball/Softball Complex would be paid for.

Chairman Dombrowski questioned where the proposed Baseball/Softball Complex would be located.

RESULT: DISCUSSED/COMPLETED

- 3. Mr. Fagin e-mail dated 1/9/2023 re: Support Bush Pond Lease between Grahams and Town

RESULT: RECEIVED

- 4. Agricultural Commission memo dated January 5, 2023 inviting Land Use Departments/ Commissions to their March 21, 2023 meeting to continue the Joint Discussion they began on October 18, 2022 regarding land use mutual goals.

Councilor Rodriguez suggested the Conservation Commission make their *2022 Open Space Acquisition Plan* available for discussion at the Agricultural Commission’s March 21, 2023 meeting. She noted that the Agricultural Commission has invited a number of the Town’s Land Use Commissions to their March 23, 2023 to continue their discussion regarding mutual goals and she suggested the Conservation Commission make their *2022 Open Space Acquisition Plan* available for discussion at that meeting, noting the purpose of these types of joint meetings was communicate things such as the Conservation Commission’s *2022 Open Space Acquisition Plan*.

V. REVIEW AND APPROVAL OF PRIOR MEETING MINUTES

MOTION to approve the Regular Meeting Minutes of December 5, 2022
Moved by Councilor Rodriguez, seconded by Councilor Marshall

VOTE: 3 - 0 Approved and so declared

VI. OLD BUSINESS

1. No Action on the Town-owned property; and update accordingly for the “*Assignment of Administrative Control of Town-Owned and Town-Leased Property*”.

Councilor Rodriguez stated Land Use Director Juliet Hodge was on vacation, but that she would contact her next week to check on the status of the completion of the Geographic Information System (GIS) Update.

RESULT: NO ACTION

Next Meeting: 02/06/2023 6:00 p.m.

2. Enforcement of regulations to address blight issues.

Councilor Paul stated the purpose of keeping the regulations to address blight issues on the Committee’s Agenda was to monitor how effective Ordinance #300-012 (rev 1) was; and to see if the Ordinance needed to be adjusted.

Mayor Allyn, III, stated he thought the provisions provided in Ordinance #300-012 (rev 1) were effective. He stated Zoning Enforcement Officer/Blight Officer John Herring retired on December 31, 2022 and that the town was actively working to fill the position. He stated prior to his resignation Mr. Herring issued a numberer of *Notice of Blight Violations*. He stated some of the violations were substantial and that a number of properties have come into compliance. However, he stated that there were still some properties that required a lot of work for them to come into compliance.

Councilor Rodriguez addressed the time to hire a new Zoning Enforcement Officer and she questioned during the interim whether Mr. Mike Cherry would be willing to once again step-in as the Interim Zoning Enforcement Officer.

Mayor Allyn explained that Zoning Enforcement Officer/Blight Officer John Herring retired a little earlier than he had initially planned too was because the State passed Legislation that required all Zoning Enforcement Officers to be Connecticut Association of Zoning Enforcement (CAZEO) Certified by January 1, 2023. He stated although Mr. Herring was not CAZEO Certified that he was very good and knew the job. He went on to explain CAZEO was a 100% Volunteer Organization and that CAZEO was inundated with people who needed to get their certification, after the Legislation was passed. He explained that the CAZEO Registration was limited to 40 people, with a first come, first serve enrollment. He stated because CAZEO could not accommodate all those who needed the education by January 1, 2023, that there were a lot of people who were working as Zoning Enforcement Officials that could not receive the Certification to meet the new Legislation. He went on to explain that Legislation has already been proposed to extend the January 1, 2023 CAZEO Certification deadline date to 2024 or 2025. Therefore, he stated Mr. Cherry would not be returning to serve as the Interim Zoning Enforcement Officer, noting that this piece of Legislation has put a wrinkle in terms of trying to fill these types of municipal land use positions.

RESULT: DISCUSSED

Next Meeting:02/06/2023 5:30 p.m.

3. Potential future uses for the 101.80-acre Clark Farm property located at 1025 Colonel Ledyard Highway.

Chairman Dombrowski stated there were no updates regarding the Clark Farm usage, noting that Mr. Majcher was continuing his farming activity on the leased area and that the Tri-Town Trail was using the property to pass to get back onto Route 117. He explained the Town renewed a Lease with Mr. Majcher in 2021. He noted the term of the Lease was *five years* and that the Tenant (Mr. Majcher) agreed to pay rent in the amount of *\$80 per acre for 20.29 acres* located on the parcel at *1025 Colonel Ledyard Highway*, for a total payment of *\$1,623.20 per year for designated area*. He explained the rent was being paid on an annual basis and that the Lease was expanded to include an additional 5.30 acres located on the west side of the Joe Clark Brook. He stated the reason Mr. Majcher requested increasing the term of his lease from one (1) year to five (5) years was because he was looking to grow hay instead of silage corn because the market for corn was declining and because of the time involved to cultivate hay.

Chairman Dombrowski continued by providing some background, stating that since the town acquired the Clark Farm in a land swap with the Mashantucket Pequot Tribal Nation for Indian Town Park (119 Indiantown Road) on September 4, 2007 that this item to review future uses of the Clark Farm Property has been on the LUPPW Committee's agenda. He stated at that time there was some discussions regarding Utopia purchasing the 70- acre former State Hospital Property located on Route 12; and so there were some discussions regarding the potential uses of the Clark Farm Property based on its proximity to the State Hospital property.

Chairman Dombrowski went on to explain that the Clark Farm property was under the Town Council's Administrative Control and was one of the larger open space properties owned by the Town. He stated should the town need a site to build a new High School, that the Clark Farm would most likely be a site for consideration. He stated there were no proposals to use the property at this time, other than the two uses he noted above. He stated the town was currently maintaining the Clark Farm as open space, using it for farming activity and for passive recreation activity. He suggested the LUPPW Committee remove the Clark Farm from their agenda, until a proposal comes forward.

By consensus the LUPPW Committee agreed to remove the Clark Farm Property update discussion from their future Agendas, noting that should any ideas/proposals come forward that they could put it back on their agenda.

RESULT: REMOVE FROM AGENDA

4. Security and safety concerns regarding the Park on East Street (Christy Hill Park).

Councilor Paul stated he visited the Park on East Drive and he noted the positive progress that has been made with the new lights, etc. He stated in speaking to Chief Rich regarding activity at the Park that the last call was in response to some rambunctious kids at the park in October, 2022. He stated Parks and Recreation and the Police Department have been doing a great job.

Councilor Rodriguez stated that she spoke with Mr. Jamison on January 8, 2023 noting that had the following comments:

- Parks and Recreation was doing a great job with locking the gate every night.
- The new lights were great.
- According to Mr. Jamison, the Police Departments response to the Park was 20-minutes. Mr. Jamison stated that:
 - Ledyard needed to hire more police to reduce response times; or
 - Request mutual aid from surrounding town's if the Ledyard's Police could not respond in a more-timely fashion.

Chairman Dombrowski noted with the winter weather and getting darker earlier that there has been less activity at the Park.

Councilor Marshall noted Mr. Jamison's comments that Councilor Rodriguez relayed regarding the Police Department's response time. He stated that Mr. Jamison's comments were unrealistic and not reasonable.

Councilor Paul stated the purpose of keeping the Park on East Drive on their agenda was to monitor the progress the Park improvements, noting that the discussion was regarding East Drive Park (Christy Hill Park).

RESULT: CONTINUED

Next Meeting: 02/06/2023 6:00 p.m.

5. Discussion regarding the appropriate mechanism to provide information to residents pertaining to the structure and operation of land use processes in the Town of Ledyard.

Councilor Paul stated at the LUPPW Committee's October 3, 2022 meeting they heard comments from a resident regarding the Land Use process and the approval process. He went on to state that they also discussed the importance for residents to understand the complexities of Land Use noting that it involved Regulatory, State Statutes, the Plan of Conservation & Development (POCD), etc. He stated in response to the citizen's comments the LUPPW Committee began to discuss the appropriate mechanisms/platform to get this type of information out to residents.

Councilor Paul went on to state the Community Relations Committee planned to work with Land Use Director Juliet Hodge after the holidays to coordinate and schedule an Informational Presentation sometime around April/May, 2023. He stated at their December 21, 2022 meeting the Community Relations Committee planned to develop a list of questions and topics to keep the Presentation on point/topic.

RESULT: DISCUSSED

Next Meeting: 02/06/2023 6:00 p.m.

VII. NEW BUSINESS

1. MOTION to recommend the Town Council approve a proposed "*Lease Agreement between Robert and Mary Graham and the Town of Ledyard*" for the lease of approximately 0.08 +/- acre parcel on Bush Pond (*Lantern Hill Valley Park*).
Moved by Councilor Rodriguez, seconded by Councilor Marshall

Discussion: Mayor Allyn, III, provided some background stating that Mr. and Mrs. Graham purchased a piece of land on the twenty-three-acre Bush Pond which was parallel to Long Pond. He stated Mr. and Mrs. Graham removed a number of the dilapidated cottages and cleaned up the property taking on a lot of the expense to open up the property making it more accessible. He stated at the Town Council's July 27, 2022 they authorized funding to conduct a land survey, draft a legal description of the three-quarter acre parcel, and to perform a title search. He also noted that the Town Attorney and the Graham's Attorney have worked together to draft the proposed lease presented this evening.

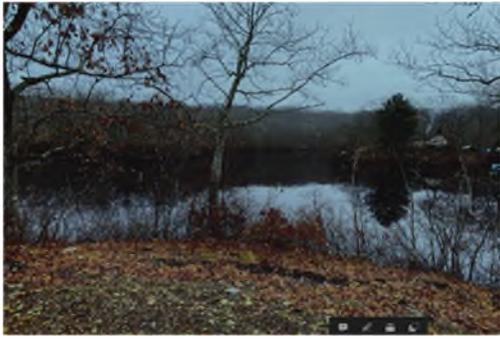
Mayor Allyn went on to note the terms of the proposed 99-year lease would allow the town to use the 0.8 +/- acres of the privately owned property as a waterfront park for passive (non-motorized) recreation such as canoeing, kayaking, fishing, etc., for a leased amount of \$10.00 per year. He explained that the Town could not construct a building on the parcel but that they could put in a gazebo for picnicking, and that the Graham's would allow the town to put a port-a-john on the property seasonally. He noted that the parcel would be under the Administrative Control of the Parks & Recreation Department. He stated that he worked with Parks & Recreation Director Scott Johnson, Jr., to provide some cost estimates at the Finance Committee's January 4, 2023 meeting noting initial cost for things such as the picnic pavilion, concrete floor, picnic tables, boat launch, etc. totaled approximately \$28,148 and that the annual maintenance for seasonal trash collection, porta-john, grounds maintenance such as grass mowing, etc. was estimated to cost about \$1,648.

Councilor Rodriguez noted in response to Councilor Saums' November 30, 2022 e-mail regarding the town's cost to maintain the Busch Pond – Lantern Hill Valley Park that Mayor Allyn and Parks and Recreation Director Scott Johnson, Jr. presented cost estimates.

	Quantity	Unit Price	Total	Recurring	Notes
Rectangular picnic table	1	\$1,300	\$1,300	N	8' Vinyl coated HD rectangular picnic table
ADA picnic table	1	\$1,500	\$1,500	N	8' Vinyl coated HD ADA rect. picnic table
Seasonal Port-a-John	1	\$62	\$558	Y	Contract price for P&R- Full Year cost
Picnic Pavilion	1	\$18,400	\$18,400	N	14x20 hip roof, Carefree Small Bldgs.
Concrete floor	1	\$5,300	\$5,300	N	16x22 poured floor
Protective bollards Mow/maintain	2	\$295.00	\$590.00	N	Protect front pavilion posts, plus install/ concrete
trash removal	1	\$41.67	\$500	Y	Annual cost
TOTAL Up-Start (Estimated)			\$28,148		
TOTAL ANNUAL MAINTENANCE (Estimated)			\$1,648		

Mayor Allyn presented photographs showing the work that the Grahams have done to clean up the property that has provided some public access to Bush Pond, pointing out areas for a gravel parking lot, picnic pavilion, boat launch for kayaks or canoes.





Councilor Paul questioned the amount of space for parking. Mayor Allyn stated the parking would be limited noting there would be space for about eight vehicles, the picnic pavilion would be about 14'X20" and would have two weatherproof picnic tables, noting that one picnic table would be ADA accessible, and two concrete steel bollards to prevent vehicles from backing into the pond, as well as signage.

Mayor Allyn, thanked Mr. and Mrs. Graham for their generous offer, noting that it was an incredible gift to the town.

The LUPPW Committee noted the site was beautiful and that they appreciated Mr. and Mrs. Graham's generous offer to the town.

VOTE:

3 – 0 Approved and so declared.

RESULT: 3 – 0 APPROVED AND SO DECLARED

MOVER: S. Naomi Rodriguez, Town Councilor

SECONDER: Gary Paul, Town Councilor

AYES: Gary Paul, John Marshall, Naomi Rodriguez

2. MOTION to recommend the Town Council set a Hybrid Public Hearing date for January 25, 2023; at 6:30 p.m. to be held in the Council Chambers, 741 Colonel Ledyard Highway, in accordance with CGS 07-163e, to receive comments and recommendations regarding the following:

“A proposed Lease Agreement between Robert and Mary Graham and the Town of Ledyard to enter into a 99-year lease for approximately 0.08 +/- acre parcel on Bush Pond (Lantern Hill Valley Park).”

Moved by Councilor Paul, seconded by Councilor Rodriguez
Discussion: Councilor Paul stated this action was to schedule a Public Hearing to obtain public comments regarding the proposed lease.

VOTE: 3 – 0 Approved and so declared.

RESULT: 3 – 0 APPROVED AND SO DECLARED

MOVER: Gary Paul, Town Councilor

SECONDER: S. Naomi Rodriguez, Town Councilor

AYES: Gary Paul, John Marshall, Naomi Rodriguez

3. MOTION to recommend the Town Council adopt the proposed amendments to Ordinance #300-027 (rev 2) “*An Ordinance Regulating Parking And Other Activities In Town Roads And Rights-Of-Way And Providing Penalties For The Violation Thereof*” as contained in the draft dated December 14, 2022, to include editorial clarifications received at the December 14, 2022 Public Hearing.

DRAFT: ~~10/13/2022~~ 12/14/2022

Ordinance: #300-027 (rev. 2)

AN ORDINANCE
REGULATING PARKING AND OTHER ACTIVITIES IN TOWN ROADS AND
RIGHTS-OF-WAY AND PROVIDING PENALTIES
FOR THE VIOLATION THEREOF

Be it ordained by the Town Council of the Town of Ledyard

Section 1. Purpose

It is hereby declared to be in the best interests of the public safety, convenience and welfare of the Town to regulate and place restrictions on the parking of vehicles and other activities in Town rights-of-way within the control and limits of said Town, in general and during periods of snow emergencies, so as to preserve proper material condition of roads and rights-of-way and to not impede the transportation and movement of food, fuel, medical care, fire, health, police protection and other vital facilities of the Town.

Section 2. Definitions

For the purpose of this Ordinance, the following definitions shall apply:

- a. The words "vehicle" shall be defined as in Connecticut Statutes Section 14-1(102).
- b. The words "parked vehicle" shall be defined as in Connecticut General Statutes Section 14-1(66).
- c. The word "street" shall mean any public highway, road or street in the Town of Ledyard.

- d. The words "snow emergency" is hereby defined to be a period of time as forecast by a contracted weather service or the United States Weather Bureau, during which period vehicular and/or pedestrian traffic is expected to be hazardous or congested due to the elements, and during which period the parking of vehicles could hinder, delay or obstruct the safe flow of such traffic and/or the proper cleaning, clearing and making safe of the public highways of the Town.
- e. *For the purpose of this Ordinance "commercial or industrial vehicle" means any vehicle the principal use of which is the transport of commodities, merchandise, produce, freight, and any vehicle used primarily in construction, industry, including but not limited to, bulldozers, backhoes, tractors, tow trucks, dump trucks, tractor trailers (cab and/or trailer), or trucks fitted with cranes, air compressors, welders, tanks or similar equipment. "Commercial or industrial vehicle" also includes nonmotorized dumpsters, storage units, open or utility trailers greater than six (6) feet in length ~~and~~ **or in** height, and tool lockers; taxicabs, limousines, and/or any passenger vehicle that is greater than eight (8) feet in height marked with a sign, letters, or emblem advertising a commercial enterprise.*

Section 3. General Restrictions

- a. No person, firm or corporation shall place any fixed obstruction, or object or drain any water or other substance, within, under, upon or over any Town road or right of way without the written permission of the Director of Public Works.
- b. In the case of clearing and handling leaves from and in proximity to private properties, no person, firm or corporation shall place or leave any leaves in the roadway or permanently place leaves on Town property. Residents who contract out leaf removal services at their property shall be liable also for violations of this provision of the party they hire.
- c. In the case of removing snow from private driveways and properties, no person, firm or corporation shall move snow across or leave any snow in the roadway. Residents who contract out snow removal at their property shall be liable also for violations of this provision of the party they hire.
- d. The Director of Public Works may remove or alter any such obstruction or drain, and the expense incurred by the Director in such removal or alteration shall be paid by the person, firm or corporation placing such obstruction or drain; provided, however, at the discretion of the Director of Public Works, any fixed obstruction or drain made or placed without a permit, or in violation of provisions of a permit shall be removed or altered by the person, firm or corporation making or placing the same within thirty (30) days from the date when said Director sends by registered or certified mail, postage prepaid, a notice to such person firm or corporation ordering such removal or alteration.

Section 4. Construction Regulations

- a. No person shall construct a new driveway or relocate an existing driveway leading from private property to a town street or conduct work (excepting lawn or grounds maintenance) in a town right-of-way (ROW) area, until a permit has been obtained from the Director of Public Works or his agent. Plans fully depicting the proposed driveway location and or work in town ROW area shall be submitted for review and approval prior to commencing work.

- b. In determining whether to issue a permit, the Director of Public Works shall give due consideration to the effect of the proposed approach upon public safety, sightline and drainage needs.
- c. For driveways, all paving, drainage pipes, culverts, headwalls, catch basins, or ditches deemed necessary by the Director of Public Works or his agent must be installed at the owner's expense. The construction shall meet the requirements of the Road Ordinance, unless varied with the written permission of the Director of Public Works. For other work in town ROW areas, construction shall be conducted in accordance with the approved plans. As applicable, work shall meet the specifications of the Road Ordinance.
- d. The work shall be completed before a Certificate of Occupancy (CO) and a Certificate of Use and Compliance (CC), when applicable, are issued. If extenuating circumstances prevail, as deemed by the Director of Public Works, that prevent completion of work by the time all other CO and/or CC conditions are met, and unless waived by the Director of Public Works, the applicant shall deposit with the Town Treasurer security in the form of cash, in such amount as may be required by the Director of Public Works sufficient to cover the satisfactory completion of all work, including work required to repair the town street or ROW area. The security shall not be less than \$1,000.
- e. For work not involving a CO or CC, the applicant shall deposit with the Town Treasurer security in the form of cash, in such amount as may be required by the Director of Public Works sufficient to cover the satisfactory completion of all work, including work required to repair the town street or ROW area.
- f. If work governed by this ordinance is not completed within twelve (12) months of approval, the Town may utilize all or any necessary portion of the posted security to effect satisfactory completion.
- g. The holder of this permit shall be responsible for any damage done to the town street or ROW area in the completion of said work.

Section 5. Declaration of "Snow Emergency"

A "snow emergency" shall be declared by the Mayor or his/her designee, either before, during or after a fall of snow, sleet or freezing rain, when in his/her sound judgement and discretion the circumstances warrant determination of such an emergency in the interest of safety upon the public roads of the Town.

The Mayor's Office shall cause public announcements of such determination of snow emergency prior to the time of becoming effective, after which time a snow emergency shall be in effect. The Mayor or his/her designee shall determine when such emergency no longer exists and shall make public announcement of the same.

Section 6. Parking Restrictions

- a. No vehicle shall be permitted to remain parked on any street within the Town between the hours of 1:00 a.m. through 6:00 a.m. daily, during the period of December 1st through March 31st of each winter.

- b. It shall be unlawful at any time during the period of any snow emergency under provisions of this Ordinance for the owner of a vehicle or person in whose name it is registered, to allow, permit or suffer said vehicle to remain parked on any street in the Town of Ledyard.
- c. No vehicle shall be permitted to be parked on any street for a period of more than ten (10) consecutive days **in any 365 day period**. After such period, such vehicle will be considered a fixed obstruction according to Section 3 Paragraph (a).
- d. *No person shall park or store any commercial or industrial vehicle on any public street or roadway within any residential district or in front of any property currently used residentially unless for the purpose of actively loading or unloading materials, or while actively engaged in providing commercial service at the premises; nor shall such vehicles be parked in a residential district or in front of an existing residence outside normal business hours unless on site for an emergency service call.*

Section 7. Owner

In any prosecution or proceeding hereunder, the registration plate displayed on the vehicle shall constitute prima facie evidence that the owner of such vehicle was the person who parked such vehicle at the place where such violation occurred.

Section 8. Towing

~~Whenever any motor vehicle shall be found parked on any Town road during a period when parking is prohibited as herein set forth, such vehicle may be removed or conveyed under the direction of the Town Police Department by means of towing the same~~ *is found to be parked in violation of Section 6 of this ordinance, the motor vehicle may be removed (towed) at the owner's expense and/or a State of Connecticut Complaint Ticket (a parking ticket) shall be issued by the Ledyard Police Department. Each day that a violation continues shall be deemed a separate offense.*

Such removal shall be at the risk of the owner, and such owner is subject to the terms of the towing company in retrieving the vehicle.

Section 9. Penalties

- a. Any person, firm or corporation violation any provisions of Sections 3 or 4 of this ordinance shall be fined not more than Two Hundred (\$200.00).
- b. Any person found in violation of the provisions of Section 6 of this ordinance will be subject to the issuance of an infractions summons and be subject to a fine in accordance with a schedule, which *may be amended from time to time with the approval of the Town Council. The fine schedule is hereby incorporated in this Ordinance as fully set forth herein. (Appendix A).* ~~in accordance with the State of Connecticut Superior Court schedule.~~
- c. *Payment of the fine(s) associated with the issue of any Ticket shall be in accordance with current Connecticut State Statutes.*

Section 10. Severability.

If any section, or part of a section, of this Ordinance shall be held by a court of competent jurisdiction to be invalid, such holding shall not be deemed to invalidate the remaining provisions hereof.

Section 11. Effective Date

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

Amended and Adopted by the Ledyard Town Council on: _____

Kevin J. Dombrowski, Chairman

Fred B. Allyn, III, Mayor

Published on:

Effective date:

Patricia A. Riley, Town Clerk

Revisions: Ordinance #38 “*Ordinance Prohibiting Parking on Town Roads During Winter Storms and Providing Penalties for the Violation Thereof*” adopted July 27, 1987; Ordinance #75 “*An Ordinance Amending An Ordinance Prohibiting The Placing of Obstructions or the Drainage of Water on Town Roads*” Adopted: June 9, 1999; Ordinance #100 “*An Ordinance Regulating Construction of Driveways to or Other Work Right-of-Way Areas of Any Street or Highway of the Town of Ledyard*” Adopted: February 8, 2006 .Ordinance #152 “*An Ordinance Regulating parking and Other Activities in town Roads and Rights-of-Way and Providing Penalties for the Violation Thereof*” Adopted August 8, 2018; Effective: September 4, 2018. Renumbered #300-027 on September 25, 2019. Amended on February 26, 2022 #300-027 (rev1); Effective: March 24, 2020.

History:

The Twenty-fourth Town Council (2017- 2019) Ordinance Update Initiative: Renumbered Ordinance #152 “*An Ordinance Regulating Parking and Other Activities in town Roads and Rights-of-Way and Providing Penalties for the Violation Thereof*” to Ordinance #300-027.

1999: Ordinance #38 “*An Ordinance Prohibiting the Placing of obstructions or the Drainage of Water on Town Roads*”. Section 1 added “*including portable or permanent basketball hoops*”

2018: Combined Ordinances #38, #75 & #100 because the subject matter of the three Ordinances dealt with the similar issue of the town right-of-way. Most of the language of the three ordinances did not change. Section 6 “*Parking Restrictions*; added paragraph (c) *No vehicle shall*

be permitted to be parked on any street for a period of more than ten (10) consecutive days. After such period, such vehicle will be considered a fixed obstruction according to Section 3 Paragraph (a). Updated State Statute numbers throughout the document. Section 3 “General Restrictions” paragraph (a) removed the following language “including portable or permanent basketball hoops”.

2019: Removed Section 11 “Cancellation of Previous Ordinances” - Per Town Attorney a “Cancellation Section” was not needed. The “Revisions” and “History” paragraphs indicate that the previous ordinance has been updated and replaced. Added new Section 11 “Effective Date” to be consistent with Town Ordinance format. No substantive changes were made to the ordinance.

2020 (rev.1): Section 3. General Restrictions: Inserted a new paragraph (b) as follows: *“In the case of clearing and handling leaves from and in proximity to private properties, no person, firm or corporation shall place or leave any leaves in the roadway or permanently place leaves on Town property. Residents who contract out leaf removal services at their property shall be liable also for violations of this provision of the party they hire”* and re-lettered the remaining paragraphs accordingly.

2023 (rev. 2): *Updated in various places to incorporate prohibitions related to parking commercial and industrial vehicles in residential districts as follows:*

Section 2 “Definitions” added subparagraph (e).

Section 6 “Parking Restrictions” added subparagraph (d).

Section 8 “Towing” Reworded paragraph as follows: ~~Whenever any motor vehicle shall be found parked on any Town road during a period when parking is prohibited as herein set forth, such vehicle may be removed or conveyed under the direction of the Town Police Department by means of towing the same~~ *is found to be parked in violation of Section 6 of this ordinance, the motor vehicle may be removed (towed) at the owner's expense and/or a State of Connecticut Complaint Ticket (a parking ticket) shall be issued by the Ledyard Police Department. Each day that a violation continues shall be deemed a separate offense.*

Section 9 “Penalties”

Subparagraph (b) added the following language: may be amended from time to time with the approval of the Town Council. The fine schedule is hereby incorporated in this Ordinance as fully set forth herein. (Appendix A). Removed the following language. And removed the following language: “in accordance with the State of Connecticut Superior Court schedule”.

Added subparagraph (c)

Added Appendix – Fee Schedule

The 2023 changes noted above are further subject to the following background.

Sec. 7-148. Scope of Municipal Powers

Fine up to \$90 is considered an infraction. Fine above \$90.00 to \$250.00 is considered a “violation”. Both are enforceable on a state infraction ticket.

Sec. 51-164p. Violations of municipal ordinances, regulations and bylaws. (a) Notwithstanding any provision of any special act, local law or the general statutes to the contrary, any violation of any ordinance, regulation or bylaw of any town, city or borough, except violations of building codes and the health code, for which the penalty does not exceed ninety dollars shall be an infraction as provided for in sections 51-164m and 51-164n.

(b) Notwithstanding any provision of any special act, local law or the general statutes, any violation of any ordinance, regulation or bylaw of any town, city or borough, except violations of building codes and the health code, for which the penalty exceeds ninety dollars but does not exceed two hundred fifty dollars shall be a violation as provided for in sections 51-164m and 51-164n.

(P.A. 75-577, S. 9, 126; P.A. 80-483, S. 133, 186; P.A. 06-185, S. 9.)

P.A. 80-483 specified that violations with penalties not exceeding \$90, rather than \$100, are infractions; P.A. 06-185 designated existing provisions as Subsec. (a) and added Subsec. (b) re violation of municipal ordinance, regulation or bylaw with penalty between \$90 and \$250. Cited. 9 CA 686.

Sec. 14-251. Parking vehicles. No vehicle shall be permitted to remain stationary within ten feet of any fire hydrant, or upon the traveled portion of any highway except upon the right-hand side of such highway in the direction in which such vehicle is headed; and, if such highway is curbed, such vehicle shall be so placed that its right-hand wheels, when stationary, shall, when safety will permit, be within a distance of twelve inches from the curb, except if a bikeway, as defined in section 13a-153f, or such bikeway's buffer area, as described in the federal Manual on Uniform Traffic Control Devices, is in place between the parking lane and the curb, such vehicle shall be so placed that its right-hand wheels, when stationary, shall, when safety will permit, be within a distance of twelve inches from the edge of such bikeway or buffer area.

No vehicle shall be permitted to remain parked within twenty-five feet of an intersection or a marked crosswalk at such intersection, except within ten feet of such intersection if such intersection has a curb extension treatment with a width equal to or greater than the width of the parking lane and such intersection is located in and comprised entirely of highways under the jurisdiction of the city of New Haven, or within twenty-five feet of a stop sign caused to be erected by the traffic authority in accordance with the provisions of section 14-301, except where permitted by the traffic authority of the city of New Haven at the intersection of one-way streets located in and comprised entirely of highways under the jurisdiction of the city of New Haven.

No vehicle shall be permitted to remain stationary upon the traveled portion of any highway at any curve or turn or at the top of any grade where a clear view of such vehicle may not be had from a distance of at least one hundred fifty feet in either direction. The Commissioner of Transportation may post signs upon any highway at any place where the keeping of a vehicle

stationary is dangerous to traffic, and the keeping of any vehicle stationary contrary to the directions of such signs shall be a violation of this section. No vehicle shall be permitted to remain stationary upon the traveled portion of any highway within fifty feet of the point where another vehicle, which had previously stopped, continues to remain stationary on the opposite side of the traveled portion of the same highway.

No vehicle shall be permitted to remain stationary within the limits of a public highway in such a manner as to constitute a traffic hazard or obstruct the free movement of traffic thereon, provided a vehicle which has become disabled to such an extent that it is impossible or impracticable to remove it may be permitted to so remain for a reasonable time for the purpose of making repairs thereto or of obtaining sufficient assistance to remove it. Nothing in this section shall be construed to apply to emergency vehicles and to maintenance vehicles displaying flashing lights or to prohibit a vehicle from stopping, or being held stationary by any officer, in an emergency to avoid accident or to give a right-of-way to any vehicle or pedestrian as provided in this chapter, or from stopping on any highway within the limits of an incorporated city, town or borough where the parking of vehicles is regulated by local ordinances. Violation of any provision of this section shall be an infraction.

Sec. 14-252. Parking so as to obstruct driveway. No person shall park or leave stationary on a public highway any vehicle in front of or so as to obstruct or interfere with the ingress to or egress from any private driveway or alleyway, except with the permission of the owner of such private driveway or alleyway. Such parking or stationary position of any vehicle with such permission shall be subject to existing parking regulations. Violation of any provision of this section shall be an infraction.

(1949 Rev., S. 2510; February, 1965, P.A. 448, S. 29; P.A. 75-577, S. 101, 126.)

History: 1965 act added provision requiring compliance with parking regulations when blocking drive or alley; P.A. 75-577 replaced provision for \$25 maximum fine with statement that violation of provisions is an infraction.

See Sec. 14-107 re liability of owner, operator or lessee of vehicle.

Moved by Councilor Paul, seconded by Councilor Rodriguez

Discussion: Councilor Marshall stated the Town Council received some good comments at the December 14, 2022 Public Hearing and that he supported putting the proposed Ordinance amendments forward as presented this evening.

Chairman Dombrowski stated he referred the proposed amendments to Ordinance # 300-027 “ *An Ordinance Regulating Parking Of Commercial Vehicles On Public Streets In Residential Zones And /Or In Front Of Residentially Used Properties*” back to the LUPPW Committee to review the Public Hearing comments received. He noted the non-substantive suggestions have been included in the draft dated December 14, 2022 for the LUPPW Committee to consider and were noted by the **highlighted green font** in the Ordinance above as follows:

- Section 2 – Subparagraph (e) “.....*Commercial or industrial vehicle*” also includes *nonmotorized dumpsters, storage units, open or utility trailers greater than six (6) feet in length ~~and~~ or in height,....*”

- Section 6 – Subparagraph (c) “ No vehicle shall be permitted to be parked on any street for a period of more than ten (10) consecutive days **in any 365-day period**. After such period, such vehicle will be considered a fixed obstruction according to Section 3 Paragraph (a).

Chairman Dombrowski stated the public comment that was not included was regarding a grace period.

Councilor Rodriguez stated that she was pleased that the residents’ concerns were heard, noting that they had some valid concerns.

The LUPPW Committee agreed with the non-substantive editorials presented in the draft dated December 14, 2022.

VOTE: 3 – 0 Approved and so declared.

<p>RESULT: 3 – 0 APPROVED AND SO DECLARED MOVER: Gary Paul, Town Councilor SECONDER: S. Naomi Rodriguez, Town Councilor AYES: Gary Paul, John Marshall, Naomi Rodriguez</p>

IX. ADJOURNMENT-

Councilor Rodriguez moved the meeting be adjourned, seconded by Councilor Paul
VOTE: 3 - 0 Approved and so declared, the meeting was adjourned at 6:34 p.m.

Respectfully submitted,

Gary Paul
Committee Chairman
Land Use/Planning/Public Works Committee