



TOWN OF LEDYARD
CONNECTICUT
TOWN COUNCIL
HYBRID FORMAT

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Chairman S. Naomi Rodriguez

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

Monday, December 2, 2024 6:00 PM Annex Meeting Room, Town Hall Annex

DRAFT

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

Councilor St. Vil welcomed all to the Hybrid Meeting. 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 –

Table with 6 columns: Attendee Name, Title, Status, Location, Arrived, Departed. Rows include Jessica Buhle, Kevin Dombrowski, Gary St. Vil, S. Naomi Rodriguez, Elizabeth Burdick, and Roxanne Maher.

III. CITIZENS' PETITIONS – None.

IV. PRESENTATIONS/INFORMATIONAL ITEMS - None.

V. REVIEW AND APPROVAL OF PRIOR MEETING MINUTES

MOTION to approve the Regular Meeting Minutes of November 4, 2024

Moved by Councilor Dombrowski, seconded by Councilor Buhle

VOTE: 3 - 0 Approved and so declared

IV. OLD BUSINESS

1. Progress regarding the enforcement of regulations to address blight issues.

Councilor St. Vil noted that Blight Enforcement Officer Hannah Gienau provided a Status Report regarding Blighted Properties for November, 2, 2024.

Land Use Director/Town Planner Elizabeth Burdick stated with the departure of Mr. Samalot, that Ms. Gienau has joined the town and she been doing a great job.

Ms. Burdick went on to note that she has been in contact with Mr. Treaster and has obtained the Flow Charts regarding the Blight Enforcement Processes he created and presented at the LUPPW Committee’s October 7, 2024 meeting. She stated in many cases that the Land Use Department has been able to resolve issues fairly quickly with voluntary compliance by making a telephone call to the resident. She noted in most cases when they speak with the property owner that they were not aware that they were in violation. She stated that Ms. Gienau has been diligent in following up with complaints and conducting a drive by inspection of the property and taking the proper actions. She stated in most cases that communicating and working with the property owner they were able to get the property cleaned up. However, she stated if they were not getting a good response from the property owner then they would not hesitate to implement the citation process.

Councilor Dombrowski stated when Ordinance #300-012 (rev 2) “*An Ordinance Concerning Blight and Nuisance*” was adopted the intent was to try to get voluntary compliance rather than issue citations.

Councilor St. Vil questioned the color codes in the spreadsheet. Ms. Burdick noted the following:

- **Green** – Closed
- **Purple** – Site Inspection
- **Yellow** – Follow-Up

Councilor St. Vil noted that Ms. Gienau provided a combined Zoning and Blight Report. He questioned in comparison to the previous Monthly Reports whether the blighted properties were cyclical in nature. Ms. Burdick explained that the Land Use Department worked on complaints and issues as they come upon them.

Councilor St. Vil stated that he agreed with Ms. Burdick’s strategy regarding compliance, noting that he liked to see the town work with it’s residents to resolve matters noting the following:

- Ask
- Tell
- Yell

Councilor Buhle, attending remotely, stated that there were a few Blighted Properties that have been on the List for a year or longer, noting that one of the properties was the Cartway property on Route 12. She questioned when they would see progress regarding the Cartway property. Ms. Burdick stated that former Blight Enforcement Officer Alex Samalot was working with an Attorney on the Cartway Property. However, she stated at this time that she did not know when they would see progress regarding the Cartway property, noting that a number of properties were on the Blight List prior to her and Ms. Gieanu joining the town. She stated that the Land Use Department would be diligent in working to address each of the properties.

Councilor Buhle stated that she had the opportunity to work with Ms. Gieanu in obtaining a zoning permit for her business, and she noted that Ms. Gieanu was punctual, responsive, and that it was a great experience. Ms. Burdick thanked Councilor Buhle for her feedback.

RESULT: DISCUSSED

Next Meeting:01/06/2025 6:00 p.m.

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

Councilor Dombrowski stated that he spoke with Historic District Commission Chairman Earl (Ty) Lamb today. He noted that Mr. Lamb told him that they were working on the Grant Application.

Land Use Director/Town Planner Elizabeth Burdick stated that she spoke with Surveyor Peter Gardner today and she mentioned to him that the Historic District Commission would be contacting him to request his services on a site plan for the Spicer Homestead Ruins. She noted that Mr. Gardner stated that no one has contacted him yet.

RESULT: CONTINUE

Next Meeting: 01/06/2025 6:00 p.m.

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

Councilor St. Vil asked Land Use Director/Town Planner Elizabeth Burdick whether she could provide an update regarding Ms. Johnston's concerns regarding the Prides Corner Farm.

Land Use Director/Town Planner Elizabeth Burdick provided the following findings:

- Prides Corner Farm was a Commercial Operation.
- Aerial photograph of Prides Corner Farm show that multiple greenhouses were constructed without obtaining the proper permits.
- In visiting the property the Building Official Seumas Quinn noted that the greenhouses do not meet the required setbacks.
- Commercial Delivery Trucks were being routed by GPS through Lindon Lane, which was the residential neighborhood.
- Zoning Applications included regulations that pertain to performance standards such as excessive noise. She stated that this could be used for Prides Corner Farm if it requires a Planning & Zoning Application.

Ms. Burdick stated that she and Building Official Seumas Quinn would be meeting with Prides Corner Farm this week. She stated that they would be working to try to get the noise under control through the town's zoning and building process.

Ms. Burdick stated the subject to draft a Noise Ordinance has been discussed a number of times over the years, noting that when she previously worked in Ledyard that a Noise Ordinance was discussed at that time as well.

Ms. Burdick stated to implement a Noise Ordinance that the town would need to:

- Purchase the proper noise metering equipment to measure the noise decibels;
- The noise meters would need to be regularly calibrated, and
- The person who was using the noise meter would need to be certified.

Ms. Burdick noted the last time the LUPPW Committee discussed drafting a Noise Ordinance that they decided that the best approach was for the town to use State Statute 53a-181a “*Creating a Public Disturbance and Infractions*” and 14-80a “*Maximum Noise Levels*”. She explained the State Statute allowed the Police Department to address the noise issues. Therefore, she stated that she did not think a Noise Ordinance was necessary to address this one case study (Prides Corner Farm). She stated that there were not many Noise Ordinance in the State of Connecticut; and that the Land Use Department does not receive many complaints about noise.

Councilor St. Vil provided a recap noting the following:

- Noise was not a systemic issue in town, that would require a Noise Ordinance.
- Land Use Director/Town Planner Elizabeth Burdick would not recommend the town draft a Noise Ordinance, based on her experience and her history.
- Talk with appropriate parties about the possibility to post a sign on Lindon Lane stating “*No Commercial Trucks Thru*” and to ask Prides Corner Farm to tell their commercial delivery trucks to access their Farm using Shewville Road.

Councilor Dombrowski stated when the LUPPW Committee discussed a Noise Ordinance in 2018 that Police Chief John Rich recommended that the town to use State Statute 53a-181a “*Creating a Public Disturbance and Infractions*” and 14-80a “*Maximum Noise Levels*” which addresses “Noise” and calls for the Police Department to address the noise issues and that it included provisions to impose infractions.

Councilor Dombrowski went on to state during the 14-years he has served on the Town Council that he has seen Committees consider implementing local laws (Ordinance) based on one problem. However, he stated if it was not a town-wide issue that it may not necessarily call for a town-wide answer.

Councilor Buhle stated that she agreed with Councilor Dombrowski’s comments, noting that the request for a Noise Ordinance stemmed from a specific issue that they may be able to address using zoning regulations, noting that the required setbacks may help alleviate the issue for Ms. Johnston. She went on to note that she did not think the LUPPW Committee should continue to pursue drafting a Noise Ordinance.

Councilor St. Vil noted at the November 4, 2024 LUPPW Committee that he and Councilor Dombrowski discussed drafting a letter to codify their decision regarding a Noise Ordinance. However, he stated he would like the LUPPW Committee to keep this item on the Agenda to allow the Land Use Department time to complete the actions noted above, before the LUPPW Committee drafted a letter to Ms. Johnston.

RESULT: CONTINUE

Next Meeting: 01/06/2025 6:00 p.m.

4. Consider provisions to address Illegal Dumping.

Land Use Director/Town Planner Elizabeth Burdick stated after the LUPPW Committee's October 7, 2024 meeting that she sent an email to Police Chief John Rich to ask whether the Police Department could address an issue regarding a neighbor dumping debris on another's property, if they had video/photographs showing the person dumping debris. She went on to note that Chief Rich responded to her question noting that State Statute 22a-250 addresses Illegal Dumping and includes provisions for the reporting of illegal dumping; and the ability of the Police Department to impose fines. She went on to note that Chief Rich also sent an email dated October 30, 2024 to the LUPPW Committee regarding Illegal Dumping.

Ms. Burdick went on to state that the Land Use Office does not receive a lot complaints regarding Illegal Dumping; and she noted during the LUPPW Committee's September 9, 2024 meeting, at which the residents were in attendance, that she suggested they call the Police Department to report the incident.

Chairman Rodriguez stated that the resident did report the issue to the Police Department. However, she stated that the Police Officer the resident spoke with stated that there was nothing he could do about the dumping because the Town did not have an Ordinance. She stated while Chief Rich may know the state statutes, that the Police Officer did not. She stated although she did not expect the Police Officers to know everything, that she planned to talk with Chief Rich about this matter.

Councilor Dombrowski stated that he agreed with Chairman Rodriguez's comment about the Police Officers not knowing all of the state statutes. He noted when the noise issue was brought up in 2018 that it was because the Police Officer did not know about the state statute, and so the Police Officer told the resident that there was nothing they could do because the town did not have an Ordinance.

Chairman Rodriguez stated the residents appreciated that the LUPPW Committee was discussing the matter; and that they were trying to help their residents. She stated that the dumping issue has been going on for years, and that the residents deserve their time.

Councilor St. Vil noted in Chief Rich's October 30, 2024 email he suggested the following actions for mitigation:

- 1) Determine the location of the property lines between the affected properties.
- 2) If littering or dumping occurs, contact the Ledyard Police Department. In this particular case, Chief Rich encouraged the complainant(s) to contact him directly by email at Chief.rich@ledyardct.org so he could assign and brief an Officer on the history of the situation.
- 3) Depending on the Officer's results in working with the parties, enforcement of the state statute was an option.
- 4) Chief Rich indicated that he did not believe there was sufficient cause for the town to enact an Ordinance for a situation with a remedy, when a remedy already existed in the state statutes.

Councilor St. Vil questioned whether the LUPPW Committee and Town Planner Elizabeth Burdick thought that the town should have an Illegal Dumping Ordinance.

Ms. Burdick stated based on the provisions in state statute that she did not think the town should adopt an Illegal Dumping Ordinance. She also stated if, per state statute, Illegal Dumping was against the law, that the Land Use Department should not be the enforcement authority.

Councilor Dombrowski stated the town did not need an Illegal Dumping Ordinance because State Statute 22a-250 addresses Illegal Dumping by providing provisions for the reporting of illegal dumping; and to impose fines, noting that Illegal Dumping on someone else's property was a criminal offence.

Councilor Buhle stated based on their discussion that she did not believe the town needed to draft an Illegal Dumping Ordinance.

Councilor St. Vil stated he agreed that based on State Statute 22a-250 "*Littering and Illegal Dumping*" that the town did not need an Illegal Dumping Ordinance. He suggested the LUPPW Committee follow-up with a letter to the residents stating the following:

- The LUPPW Committee has elevated the resident's concerns regarding Illegal Dumping to the Police Chief.
- State Statutes address Littering and Illegal Dumping.
- The Police Chief will take a personal interest to see that the illegal dumping was addressed, if the resident contacted the Police Chief directly.

Chairman Rodriguez questioned whether Ordinance #300-012 (rev 2) "*An Ordinance Concerning Blight and Nuisance*" could be updated to include a sentence regarding Illegal Dumping. Councilor Dombrowski explained that Illegal Dumping should not reside in the Blight Ordinance, because the person who would be subject to the Blight provision/enforcement/citation would be the property owner where the debris was dumped, not the violator who was dumping the debris. Ms. Burdick stated she would not recommend addressing Illegal Dumping in the Blight Ordinance, noting that Illegal Dumping was a civil matter that the Land Use Department should not be involved in.

Chairman Rodriguez stated the fine for Illegal Dumping in Connecticut was \$219 noting that she has seen signs in other states where the fine for Illegal Dumping was \$1,000. She stated that she cannot believe that Illegal Dumping was not happening in Ledyard. Ms. Burdick stated that she agreed with Chairman Rodriguez that there was probably some Illegal Dumping in Ledyard. However, she stated that Police Chief Rich has noted that State Statute provides the Police Department with the ability to: (1) arrest the offender;(2) The case would go to court; and (3) The court could fine the offender.

Councilor St. Vil noted the following:

- Report Log regarding complaints about the Illegal Dumping at 19 Marla Avenue and 25 Lake Street.
- State Statute 22a-250 “*Littering and Illegal Dumping*” gives the Police Department the ability to address Illegal Dumping.
- The Police Officer was not aware of State Statute 22a-250; and therefore, told the resident that the Police Department could not take action because the Town did not have an Ordinance. Councilor St. Vil noted that this was an education opportunity for Chief Rich.
- LUPPW Committee would draft a letter to the residents explaining the decision not to draft a Noise Ordinance.
- LUPPW Committee would keep the subject of Illegal Dumping on their Agenda for the January 6, 2025 meeting; and would plan to retire it once the letter has been sent to the residents.

Councilor Buhle stated that she agreed with the LUPPW Committee’s course of action.

RESULT: CONTINUE

Next Meeting: 01/06/2025 6:00 p.m.

5. Any other Old Business proper to come before the Committee. – None.

V. NEW BUSINESS

1. Any other New Business proper to come before the Committee. - None

IX. ADJOURNMENT-

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

VOTE: 3 - 0 Approved and so declared, the meeting was adjourned at 6:39 p.m.

Respectfully submitted,

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