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RECEIVED

JUL 13 2022

BY: *Juliet Hodge*
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July 11, 2022

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

Re: Subdivision Application of Mr. G. 1., LLC for Property Located at 79 Vinegar Hill Road, Ledyard, Connecticut

Dear Juliet:

I am writing with respect to the pending subdivision application before the Town of Ledyard Planning and Zoning Commission for 24 proposed residential building lots in the Eagles Landing Subdivision as depicted on a plan entitled "Plan Showing Eagles Landing an Open Space Subdivision Property of Mr G 1 LLC 79 Vinegar Hill Road Ledyard, Connecticut Scales As Shown June 2022 Sheets 1 of 15 to 15 of 15 Dieter & Gardner Land Surveyors-Planners P.O. Box 335 1641 Connecticut Route 12 Gales Ferry, Ct. 06335 (860) 464-7455 email: dieter.gardner@yahoo.com".

By way of history, the following facts are relevant with respect to the subdivision of this property:

1. On February 14, 2019, the Town of Ledyard Planning and Zoning Commission granted subdivision approval for a 25 lot open space subdivision with a new cul-de-sac road designated as "Marty's Way" in accordance with a plan entitled "Plan Showing Eagles Landing An Open Space Subdivision Property of Mr G 1 LLC 79 Vinegar Hill Road Ledyard, Connecticut Scales As Shown July 2018 Revised: December 3, 2018 Revised: December 28, 2018 Sheets 1 of 15 to 15 of 15 Dieter & Gardner Land Surveyors – Planners P.O. Box 335 1641 Connecticut Route 12 Gales Ferry, Ct. 06335 (860) 464-7455 Fax (860) 464-5028 email: dieter.gardner@snet.net" (the "Original Plan") (the subdivision depicted thereon is sometimes hereinafter referred to as the "Original Subdivision").

2. The Original Plan contemplated the construction of a municipal street extending first southeasterly and then southerly from Vinegar Hill Road designated as “Marty’s Way” on the Original Plan and terminating in a cul-de-sac.
3. As depicted on the Original Plan, Lots 13, 15, 25 and 27 are located easterly of lots fronting on Marty’s Way and/or extending southerly from Marty’s Way (Lots 26 and 24). A Connecticut Light and Power Company transmission line easement runs in a general southwesterly to northeasterly direction through and across the property which was the subject of the Original Subdivision and encumbers the most westerly portions of Lots 13, 15, 25 and 27 as shown on both the Original Plan and the plan evidencing the subdivision currently pending before the Town of Ledyard Planning and Zoning Commission.
4. The Original Plan contemplated that Lots 13 and 15 would obtain access by foot and by vehicle from Marty’s Way over and across a common driveway extending easterly from Marty’s Way and encumbering portions of Lots 11 and 17 as shown on the Original Plan and traversing, in a perpendicular direction, the Connecticut Light and Power Company transmission line easement. The Original Plan further contemplated that Lots 25 and 27 would obtain access by foot and by vehicle over and across a common driveway encumbering portions of Lots 23 and 29 as shown on the Original Plan and traversing the Connecticut Light and Power Company transmission line easement at an acute angle.
5. The Original Subdivision contemplated that stormwater within the Marty’s Way right of way would be collected in a closed drainage system with catch basins and discharged through a culvert located within the easement on Lots 11 and 17 to a stormwater quality/detention basin to be constructed on Lot 13 immediately to the west of a wetland system as depicted on Sheet 8 of 15 of the Original Plan.
6. The plans evidencing the Original Subdivision were endorsed by the Chairman of the Ledyard Planning and Zoning Commission and duly filed for record in the Ledyard, Connecticut Land Records.
7. Due to the fact that the Original Subdivision contemplated the construction of two common driveways and a stormwater quality/detention basin within the limits of a Connecticut Light and Power Company transmission line easement, and based upon extensive discussions with the then Town Planner for the Town of Ledyard, Elizabeth Burdick, and the Ledyard Land Use counsel, Carl Landolina, an

application was filed with the Connecticut Light and Power Company d/b/a Eversource Energy seeking permission to conduct activities within a transmission line right of way (the “Eversource Application”).

8. Notwithstanding repeated attempts to obtain feedback from the Connecticut Light and Power Company d/b/a Eversource Energy and/or approval of the Eversource Application, no response was received from the Connecticut Light and Power Company for a period in excess of 15 months from the date of filing of the Eversource Application. Ultimately, the Connecticut Light and Power Company d/b/a Eversource Energy denied the application to conduct all activities within the transmission line right of way (the “Denial”).
9. As a result of the Denial, the Applicant, Mr. G. 1., LLC instituted action against the Connecticut Light and Power Company d/b/a Eversource Energy in the Superior Court for the Judicial District of New London seeking a declaratory judgment as to its right to conduct the activities required to implement the Original Subdivision in the Superior Court for the Judicial District of New London.
10. On June 7, 2022, the litigation between Mr. G. 1., LLC and the Connecticut Light and Power Company d/b/a Eversource Energy was resolved and the parties entered into a “Modification of Easement” which modification of easement has been filed for record in Volume 623, Page 17 of the Ledyard Land Records. The modification of easement, inter alia, authorizes the activities required to enable the development of the Eagles Landing Subdivision within the limits of the transmission line easement as depicted on the plan currently pending before the Town of Ledyard Planning and Zoning Commission for approval. A copy of the Modification of Easement Agreement is appended hereto as **Exhibit A**.
11. Contemplating that it would require a significant period of time to resolve the litigation by and between Mr. G. 1., LLC and the Connecticut Light and Power Company d/b/a Eversource Energy, and giving due consideration to the fact that, as a result of the filing of the subdivision plan for the Original Subdivision in the Land Records of the Town of Ledyard, Connecticut, the Ledyard Assessor would be assessing each of the lots depicted thereon as building lots, the applicant made a decision to partially terminate the Original Subdivision (other than Lot 85 as depicted on the Original Plan) for the pendency of the litigation with the Connecticut Light and Power Company d/b/a Eversource Energy.
12. In conjunction with the approval of the Original Subdivision, and as required by the land use regulations of the Town of Ledyard, Connecticut, the applicant executed and delivered to the Town of Ledyard, contemporaneously with the filing

of the subdivision plan for the Original Subdivision (i) a deed to 102.25 acres of land constituting the required open space dedication for the Eagles Landing Subdivision (ii) a deed conveying to the Town of Ledyard, Connecticut a strip of land to accommodate the future widening of the southeasterly one-half section of Vinegar Hill Road (iii) a joint driveway easement and maintenance agreement for the contemplated common driveway to serve Lots 13 and 15 as depicted on the Original Plan (iv) a joint driveway easement and maintenance agreement to accommodate the proposed common driveway to serve Lots 25 and 27 as depicted on the Original Plan and (v) a joint driveway easement and maintenance agreement for the common driveway to serve Lots 24, 26 and 28 as depicted on the Original Plan. All of the referenced instruments were thereafter duly filed for record in the Ledyard Land Records.

13. In September, 2020, Mr. G. 1., LLC submitted a request to the Town of Ledyard Planning and Zoning Commission to approve the partial termination of the Eagles Landing Subdivision and to formally acknowledge the fact that, in conjunction with such partial termination, the Town of Ledyard Planning and Zoning Commission would consider the 102.25 acre parcel previously conveyed to the Town of Ledyard, as counting toward the open space dedication required for any future subdivision application filed with respect to the real property of Mr. G. 1., LLC which constitutes the property depicted on the Original Plan.
14. The application for subdivision approval currently pending before the Town of Ledyard Planning and Zoning Commission for the subdivision of the real property of Mr. G. 1., LLC located on the southeasterly side of Vinegar Hill Road in the Town of Ledyard, Connecticut is identical in all respects, to the subdivision depicted on the Original Plan except for the following:
 - (i) The instant application is an application for a 24 lot subdivision rather than a 25 lot subdivision due to the fact that, in conjunction with the partial termination of the Original Subdivision, Lot 85 as depicted on the Original Plan was not terminated.
 - (ii) The road widening strip for Vinegar Hill Road has previously been conveyed to the Town of Ledyard.
 - (iii) The open space dedication, as required by the Town of Ledyard land use regulations for an open space subdivision, has previously been conveyed to the Town of Ledyard in conjunction with the approval of the Original Subdivision.

- (iv) The stormwater quality detention basin, as depicted on the Original Plan, has been relocated on Lot 13 as depicted on the subdivision plan currently pending, to a location easterly of the wetland system which bisects Lot 13 in a northwesterly to southeasterly direction and the culvert piping to the stormwater quality/detention basin has been extended through the Connecticut Light and Power Company transmission line easement to the relocated stormwater quality/detention basin.

In all other respects, the Original Subdivision and the current proposal are identical.

In conjunction with the application currently pending before the Ledyard Planning and Zoning Commission, you have raised the following issues:

- A. Whether or not the open space previously conveyed by Mr. G. 1., LLC to the Town of Ledyard can constitute the open space dedication regulatorily required for the instant application.
- B. Whether or not the configuration of Lots 24 and 26 as depicted on the currently pending subdivision plan comply with the requirements of the Ledyard Subdivision Regulations and the Ledyard Zoning Regulations in that they appear to violate the “nesting” and “stacking” prohibitions contained in said regulations for interior building lots.

In response to these issues, the applicant’s position is as follows:

OPEN SPACE DEDICATION

The conveyance of the 102.25 acre parcel, as depicted on the Original Plan, to the Town of Ledyard for open space purposes, was required by the then Planning Director of the Town of Ledyard, as a condition precedent to the endorsement of the subdivision plans for the Eagles Landing Subdivision notwithstanding the fact that the applicant did not intend to commence the development of the Eagles Landing Subdivision until such time as the issues extant with The Connecticut Light and Power Company (as enumerated above) were resolved between the applicant and the Connecticut Light and Power Company d/b/a Eversource Energy. As an alternative to requesting a reconveyance of the open space area, upon the partial termination of the Eagles Landing Subdivision as depicted on the Original Plan from the Town of Ledyard, the Applicant sought the consent of the Ledyard Planning and Zoning Commission to the qualification of the open space previously dedicated and conveyed as the required open space dedication for any future open space subdivision application submitted with respect to the Vinegar Hill Road property of Mr. G. 1., LLC. The action of the Ledyard Planning and Zoning Commission is memorialized in the minutes of the October 8, 2020 meeting of the Ledyard Planning and Zoning

Commission, which minutes are attached hereto as **Exhibit B**. The approval was granted on the condition that a new map shall be filed on the land records of the Ledyard Town Clerk showing the lot line adjustments with a note memorializing the dedication of the aforementioned open space parcel to the Town of Ledyard for any future subdivision of the land. The condition was satisfied by the preparation and filing of a plan entitled "Plan Showing Property of Mr G 1 LLC Vinegar Hill Road Ledyard, Connecticut Scale: 1"=200' March 2021 Dieter & Gardner Land Surveyors-Planners P.O. Box 335 1641 Connecticut Route 12 Gales Ferry, Ct. 06335 (860) 464-7455 email: dieter.gardner@yahoo.com", a print of which is attached hereto as **Exhibit C**. I call your attention to Note 2 as depicted on that plan.

As set forth above, the Town of Ledyard Planning and Zoning Commission took definitive action in conjunction with the partial termination of the Original Subdivision. You have questioned whether or not that action is binding upon the current Commission in administering the submission of the currently pending application for the re-approval of the Eagles Landing Open Space Subdivision.

Connecticut Appellate Courts follow the impotent to reverse rule in evaluating certain actions of municipal agencies. The impotent to reverse rule has governed the conduct of municipal agencies in the State of Connecticut for more than ninety (90) years. See *St. Patrick's Church Corp. v. Daniels* 113 Conn. 132, 137 (1931). The rule states that a municipal land use agency should not ordinarily be permitted to review its own decisions and revoke action once duly taken. Otherwise, there would be no finality to the proceedings and the decision would be subject to change at the whim of the board or through influence exerted on its members. *Mitchell Land Co. v. Planning & Zoning Board of Appeals* 140 Conn. 527, 533 (1953).

The impotent to reverse rule embodies an important limitation on the ability of an administrative agency to reconsider its prior determinations, while at the same time affording a degree of flexibility in limited circumstances. The rule dictates that an administrative agency cannot reverse a prior decision unless there has been a change of circumstances or conditions or other considerations have intervened which materially affect the merits of the matter decided. *Malmstrom v. Zoning Board of Appeals* 152 Conn. 385, 390-391 (1965). A mere change in conditions or other factors is not enough; only proof of material change permits an agency to reconsider its prior determination. *Sipperly v. Board of Appeals of Zoning* 140 Conn. 164, 168 (1953), *Fioriloa v. Zoning Board of Appeals* 144 Conn. 275, 279 (1957). The impotent to reverse rule applies only when the subsequent application seeks substantially the same relief as that sought in the former.

In the instant situation, there has been no material change of circumstances. The lot yield and lot configuration as depicted on the application currently under consideration is identical to that which was originally approved in the Original Subdivision. The infrastructure design for the project, with the exception of the relocation of the stormwater quality/detention basin out of The

Connecticut Light and Power Company transmission line easement is also identical. The action taken by the Ledyard Planning and Zoning Commission at its October 8, 2020 meeting was taken in good faith in response to the unusual intervening circumstances which temporarily prevented the implementation of the Original Subdivision, as designed. The action taken perpetuates the goals to be accomplished by the use of the open space subdivision design techniques as contemplated by the subdivision and zoning regulations.

INTERIOR LOT/NESTING AND STACKING

I refer you to our email exchanges of June 13, 2022 concerning both the decision of the Superior Court for the Judicial District of New London in the matter of *Riffle v. Town of Ledyard Planning and Zoning Commission* and the issues that you have raised concerning certain changes to the Ledyard land use regulations since the *Riffle* decision. With respect to your arguments contained in that email exchange, I have two responses to those concerns.

First, the Superior Court reviewed the hierarchy of development flexibility contained under the Euclidian zoning regulations, the Conservation Subdivision Regulations and the Open Space Subdivision Regulations, as a whole and determined that the overall intent of the hierarchy of flexibility established was to provide greater flexibility in the development of open space subdivisions in consideration of the increased requirement for the dedication of open space required to comply with the open space subdivision regulations. The scope of permissible review is evidenced by the Court's statement that whether or not the Commission properly interpreted and applied its regulations depends upon whether it read the particular regulations *in the context of all of the regulations, their evident purpose and policy, and recognized principles of zoning in general*. The Court further stated that "when more than one construction of regulations is possible, courts adopt the one that renders the enactment effective and workable and reject any that might lead to unreasonable or bizarre results. Additionally, Courts always must construe a zoning regulation in light of its purpose. If there are two equally plausible interpretations of a regulation, the Court may give deference to the construction of the language by the agency which is charged with the enforcement of the regulation." In reaching its ultimate conclusion, the Court stated the following in response to the Plaintiff's argument that interior lot provisions of the Ledyard land use regulations apply to open space subdivisions: "This argument is ingenious at best, since it would mean that open space subdivisions are more restrictive than conservation subdivisions which belies the very language regarding the purpose of open space subdivisions: to provide additional flexibility in clustering of residential units... than is contemplated by conservation subdivisions".

Therefore, in reviewing the regulations as a whole, disregarding internal inconsistencies in the provisions of the zoning regulations and the subdivision regulations, the Court held that there are no interior lots within the ambit of the Ledyard land use regulations in an open space

subdivision¹.

Second, the inconsistencies that you note in our email exchange of June 13, 2022 were present in the regulations under which the Original Subdivision application for the Eagles Landing Subdivision was filed. Section 14.6 of the Zoning Regulations in effect at the time of the filing of the original application provided, in pertinent part, as follows:

“An interior lot is one which does not meet the frontage requirement at the road.

A. Residential Districts.

- (1) Interior lots may be permitted in Residential Districts R-40 and R-60, subject to the requirements set forth in the “area and bulk requirements” with the following conditions and/or exceptions: ...
 - (b) The accessway/driveway strip shall be owned as part of the interior lot. ...
 - (g) The minimum lot area for an interior lot will be a minimum of one and one-half (1.5) times the minimum lot area for the zone in which it is located. ...
 - (j) An interior lot shall never be “stacked” behind another interior lot.
 - (k) Open space and conservation exemptions:
 1. New interior lots in open space subdivisions shall be exempt from 14.6.A(1)(g).
 2. New interior lots in conservation and open space subdivisions can be exempted from 14.6.A(1)(b) provided a permanent easement is provided through which a common driveway as defined in 14.8.B is located. The easement shall be excluded from any minimum lot size or set back calculations.”

I have attached a copy of the applicable provisions of the Zoning and Subdivision Regulations that were in effect as of the date of application for the Original Subdivision as **Exhibit D**.

¹ It should be noted that internal inconsistencies existed in the Ledyard land use regulations at the time of approval of the Quakertown Meadows Subdivision in that the interior lot provisions of the Subdivision Regulations (Section 4.3.5) specifically prohibited the “stacking” or “nesting” of interior lots.

In addition, Section 4.3.1 of the Ledyard Subdivision Regulations in effect at the time of application for the Original Subdivision provided “All lots shall have frontage on either an existing approved street or upon a new street to be created as part of an approved subdivision plan except in the case of interior lots approved as part of a conservation subdivision.”

Therefore, while the numbering and placement of provisions in the current zoning and subdivision regulations differs from those in effect at the time of filing of the Original Subdivision application, the inconsistencies that existed at the time of filing of the Original Subdivision application are materially the same as those under which the current application was filed. Zoning and subdivision regulations are local legislative enactments. *Reardon v. Zoning Board of Appeals* 311 Conn. 356, 364 (214). If there are two equally plausible interpretations of a regulation, the Court may give deference to the construction of the language by the agency which is charged with the enforcement of the regulation. *Wood v. Zoning Board of Appeals of the Town of Somers* 258 Conn. 691, 698 (2001), *Cockerham v. Zoning Board of Appeals of the Town of Montville* 146 Conn. App. 355, 365 (2013). Where more than one interpretation is permissible, restrictions upon the use of lands are not to be extended by implication, and doubtful language is construed against rather than in favor of the restrictions. *Smith Brothers Woodland Management, LLC v. Planning and Zoning Commission of the Town of Monroe* 88 Conn. App. 79, 86 (2005), *Balf Co. v. Planning and Zoning Commission of the Town of Manchester* 79 Conn. App. 626, 636 (2003). In ascertaining the intent of the regulations, both the language of the ordinance and its purpose are considered. *Hutchison v. Board of Zoning Appeals of Town of Stratford* 140 Conn. 381, 385 (1953). This is exactly what the *Rifle* Court did. In interpreting the questioned provisions of the zoning regulations and the subdivision regulations applicable to conservation subdivisions, open space subdivisions and interior lots, the Court relied upon the distinction between the “purpose” clause of conservation subdivisions versus the “purpose” clause enabling open space subdivisions.

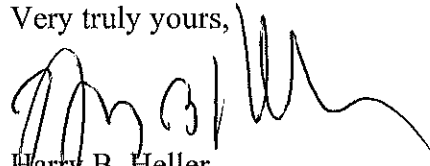
As with the first issue discussed above, the “impotent to reverse” rule applies to this issue. There has been no material change in either the design of the open space subdivision from the design of the Original Subdivision nor has there been any material change in the regulatory framework under which the instant application has been filed from that which was in effect at the time that the Original Subdivision application was filed.

Therefore, the Ledyard Planning and Zoning Commission, having approved the Original Subdivision application with Lots 24 and 26 in the identical location and configuration as that contained in the instant application, is prohibited from reversing its interpretation of the current regulations in order to prohibit the approval of Lots 24 and 26.

Town of Ledyard Planning and Zoning Commission
July 11, 2022
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As I have indicated in my more recent emails, I will be glad to meet with you to discuss further the issues raised in this correspondence.

Very truly yours,



Harry B. Heller

HBH/smr

EXHIBIT A
MODIFICATION OF EASEMENT

Return To:
Eversource Energy
T & D Rights-of-Way
107 Selden Street
Berlin, CT 06037

INSTR # 2022001739 VOL 623 PG 17
RECORDED 06/14/2022 02:48:23 PM
PATRICIA A. RILEY
TOWN CLERK LEDYARD CT

MODIFICATION OF EASEMENT

This Modification of Easement ("Modification") made as of this 7 day of June 2022, by and between MR. G. L., L.L.C. a Connecticut limited liability company with an office and principal place of business at 11 Oswegatchie Road in the Town of Waterford, County of New London and State of Connecticut (the "Owner") and THE CONNECTICUT LIGHT AND POWER COMPANY D/B/A EVERSOURCE ENERGY, a Connecticut company with a principal place of business located at 107 Selden Street, Berlin, County of Hartford and State of Connecticut (the "Easement Holder" or "Eversource").

WHEREAS, Owner is the owner of real property located at 79 Vinegar Hill Road in the Town of Ledyard, County of New London and State of Connecticut (the Property"); and

WHEREAS, the Property is subject to the Easement Holder's two utility easements that bisect the Property in a northeasterly to southwesterly direction running through and across the Property. By deed granted October 26, 1950 and recorded in the Ledyard Land Records in Volume 20, Page 513, the Easement Holder acquired a perpetual right of way for electric lines within a 125 feet wide corridor across the Property as described in said 1950 deed. By subsequent deed, granted June 4, 1965 and recorded in the Ledyard Land Records in Volume 36, Page 297, the Easement Holder acquired a perpetual right of way for the same purposes as those set forth in above-noted 1950 deed, over an additional 75 feet wide strip directly adjacent to and easterly of the 125 feet wide corridor across the Property as described in said 1965 deed. Based on the rights granted in the above-referenced 1950 deed and the above 1965 deed (said 1950 deed and said 1965 deed are referred to collectively as the "Electric Line Easement"), Eversource has a combined right of way comprising a 200 feet wide corridor across the property (the "ROW"). The ROW is depicted on a map or plan entitled "LOCATION OF RIGHT OF WAY OF THE CONNECTICUT LIGHT & POWER COMPANY ACROSS THE PROPERTY OF ELIZABETH M. CODERRE ET AL TOWN OF LEDYARD, COUNTY OF NEW LONDON, STATE OF CONNECTICUT SCALE 1" = 200' MAY 1965"; and

WHEREAS, Eversource holds the rights and easements set forth in the Electric Line Easement; and

WHEREAS, the Property is located both easterly and westerly of the ROW; and

WHEREAS, the Owner intends to develop the Property for single family residential purposes with a subdivision footprint that will accommodate a cul-de-sac road being developed extending first southeasterly and then southerly from Vinegar Hill Road with the developable portions of the lots created thereon lying westerly of the ROW; and

WHEREAS, the parties desire to modify the terms and provisions of the Electric Line Easement in order provide for reasonable access to that portion of the Property located easterly of the ROW for the purposes recited above.

NOW THEREFORE, in consideration of the following promises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by both parties, the parties hereby agree as follows:

1. Definitions. Unless otherwise defined herein, initially capitalized terms used in this Modification shall have the same meaning ascribed to each of them in the Electric Line Easement.
2. Modifications.
 - (a) The right to install a common driveway with a travel surface not greater than 18 feet in width located within the limits of a twenty-five feet (25') width area of the ROW in order to access two (2) proposed residential

CERTIFIED TO BE A TRUE COPY.
DATE 6/14/22 TIME 2:50 P.M.

ATTEST: Patricia A. Riley
TOWN CLERK OF LEDYARD, CT
Total 9 Pgs.

building lots in the Owner's contemplated residential subdivision, which area for the installation of a driveway and underground utilities located within the limits of said twenty-five feet (25') wide strip is delineated as "Driveway A" on the plan attached hereto as Exhibit A and hereby incorporated herein as if fully set forth herein.

(b) The right to install a common driveway with a travel surface not greater than eighteen feet (18') in width located within the limits of a twenty-five feet (25') width area of the ROW in order to access two (2) proposed residential building lots in the Owner's contemplated residential subdivision, which area for the installation of a driveway and underground utilities located within the limits of said twenty-five feet (25') wide strip is delineated as "Driveway B" on the plan attached hereto as Exhibit A and hereby incorporated herein as if fully set forth herein.

(c) The right to install subsurface pipes together with one (1) manhole with a manhole cover installed at grade appropriate for stormwater transmission for stormwater runoff from that portion of the Property located westerly of the ROW to a proposed detention basin located easterly of the ROW, which improvements shall be installed with no surface improvements other than a manhole cover installed as provided above. Said improvements shall be installed in accordance with a plan entitled "Plan Showing Eagles Landing an Open Space Subdivision Property of Mr. G. I, LLC, 79 Vinegar Hill Road, Ledyard, Connecticut", Sheet 7 of 15, dated July 3, 2018, revised December 3, 2018, December 12, 2018 and December 28, 2018, Sheet 8 of 15, dated June 17, 2021, Scale 1" = 40', stamped by Peter C. Gardner, Connecticut Registration No. 14208, Dieter & Gardner Land Surveyors and Planners, 1641 Route 12, Gales Ferry, CT 06335 and "Plan Showing Construction Details Eagles Landing an Open Space Subdivision of Mr. G. I, LLC" Sheet 14 of 15, dated July, 2018 and revised December 3, 2018; all as modified by Exhibit A attached hereto and hereby made a part hereof.

(d) The Owner, its successors and/or assigns that either owns the improvements authorized pursuant to the provisions of Paragraph 2 (a), (b) and (c) hereof (hereinafter, the "Authorized Improvements") or is exercising reserved rights pursuant to this Modification hereby agrees to hold the Easement Holder harmless from and to indemnify the Easement Holder, its affiliated companies and each of their respective trustees, directors, officers, employees, successors and assigns against any losses, damages, suits, claims, costs, judgments and expenses, including reasonable attorney's fees (collectively, "Indemnified Claims") that any of them may directly or indirectly suffer, sustain, be liable for, or subject to that arise out of or are related to any of the following: (i) the construction, modification, operation or repair of the Authorized Improvements; (ii) use of the Authorized Improvements by the Owner, its successors or assigns, or their affiliated entities, or any of their respective principals, directors, officers, contractors, employees, agents or representatives; (iii) damage to the Authorized Improvements that results from the Easement Holder, its contractors or affiliated companies or any of their respective employees, agents or representatives exercise of the Easement Holder's easement rights pursuant to the terms of the Electric Line Easement, including the right of access to and along the ROW; provided, however that the hold harmless and indemnification provisions contained herein will not apply to any Indemnified Claim that arises from or relates to an accident, injury or damage involving a motor vehicle or equipment operated by the Easement Holder, any affiliated company or contractor of the Easement Holder, and/or any of their respective officers, employees, representatives or agents due to their negligence or willful misconduct. For purposes of clarity, the Easement Holder will not be responsible for any damage to the Authorized Improvements caused by (i) its vehicular access in and along the ROW or (ii) the exercise of any of the Easement Holder's rights and easements

pursuant to the terms of the Electric Line Easement except in the event that such damage arises from or relates to the willful misconduct of the Easement Holder.

(e) The Owner shall not implement any changes or revisions to the Authorized Improvements, that are not in compliance with the terms and provisions of this Modification, unless the Easement Holder and the Owner enter into a further modification of this Easement Modification. Any such request shall be evaluated by the Easement Holder based upon the Easement Holder's engineering evaluation of such request and the conformance thereof with its applicable standards; and, if satisfied, approval for such further modifications of the Authorized Improvements shall not be unreasonably withheld, conditioned or delayed.

(f) Within the limits of the ROW, any clearing of vegetation by the Owner, its successors and/or assigns and/or their contractors, subcontractors, and/or agents that is within twenty feet (20') of, or has the potential to fall within twenty feet (20') of, any overhead electric line or structure shall be performed by qualified personnel trained in accordance with OSHA Standard 29 CFR Part 1910.269, as the same may be amended from time to time.

(g) No structures, buildings, modifications or improvements of any type, constructed and/or installed by the Owner, its successors and/or assigns and/or their contractors, subcontractors and/or agents, shall be allowed within the limits of the Easement Holder's ROW, except for the Authorized Improvements.

(h) All underground components of the Authorized Improvements shall meet or exceed AASHTO HS-20 loading specifications. All utilities installed within the limits of the ROW shall be underground installations.

(i) Owner, its successors and/or assigns shall require that all of their employees, contractors, subcontractors and agents working within the ROW, including, but not limited to, those performing maintenance activities, are aware of and comply with the requirements of the latest version of Eversource Document OTRM 222 - "Operation of Equipment on Eversource Rights-Of-Way", as it may be amended from time to time by Eversource. A copy of Eversource Document OTRM 222 is attached hereto as Exhibit B and is hereby incorporated herein as if fully set forth herein.

(j) In conjunction with the installation, use, maintenance, repair and/or replacement of the Authorized Improvements, no such Authorized Improvements shall be located within sixty feet (60') of any of the Easement Holder's electric structures, which include transmission line support structures which, by way of example, but not by way of limitation, include monopole structures, H-frame structures, three-pole structures and towers as well as any associated guy wires and anchors and guy stub structures that support the transmission line conductors, and further including underground foundations for the transmission line support structures, but specifically excluding overhead conductors (wires) that are attached to the support structures.

(k) For purposes of clarity, the use of the Authorized Improvements within the limits of the ROW does not include any right of the Owner, its successors and/or assigns, to park motor vehicles within the limits of the ROW, except for the temporary parking of construction equipment and then only during periods of time that active construction of the Authorized Improvements is being conducted within the limits of the ROW.

(l) Fill, cover guys, concrete or steel foundations or survey monuments shall not be stored anywhere within the limits of the ROW.

(m) In the event that any buried counterpoise (grounding) wires are encountered in conjunction with the installation of the Authorized Improvements within the limits of the ROW, the Owner, its successors and/or assigns and their employees, contractors, subcontractors or agents shall notify the Manager, Transmission Line Maintenance and Construction, Mr. Joseph Nesdale at (860) 828-3026 or the then-current Manager, Transmission Line Maintenance and Construction, prior to the resumption of any excavation or related work required for the installation of the Authorized Improvements.

(n) For purposes of clarification, nothing herein contained shall be construed to limit or impede the Easement Holder's unimpeded rights of access through and within the ROW to provide access along and across any portion of the Property that is located within the limits of the ROW. In furtherance thereof, each of the authorized common driveways within the limits of the ROW will contain side slopes constructed at such grade as will allow maintenance vehicles of the Easement Holder to cross over the common driveway while conducting authorized activities within the ROW.

(o) This Modification when fully executed by both the Owner and the Easement Holder, shall be filed for record in the Ledyard, Connecticut Land Records, together with Exhibit A and Exhibit B attached hereto, and shall be deemed a covenant running with the land and is binding on the parties and their respective heirs, administrators, executors, successors and assigns.

3. Effect of this Modification. Except as otherwise amended hereby, the terms of the Electric Line Easement and the rights, privileges, duties and obligations of the parties, and their respective heirs, administrators, executors, successors and/or assigns (as applicable) under the Electric Line Easement remain unchanged and in full force and effect.
4. Binding Effect. This Modification shall be binding upon and inure to the benefit of the parties and their respective heirs, administrators, executors, successors and assigns.

[signature pages follows]

IN WITNESS WHEREOF, the parties hereto, being the successor in title to the original grantors and the grantee of the Electric Line Easement have executed this Modification of Easement.

Signed, sealed and delivered
in the presence of:

OWNER:
MR. G. 1, LLC, a Connecticut limited
liability company

Sign: [Signature]
Print: Sharon L. Walsh

By: [Signature]
Amy Gottesdiener, its Member

Sign: [Signature]
Print: Rachel M. Belardo

STATE OF CONNECTICUT

SS: Montville

COUNTY OF NEW LONDON

On this the 27th day of May, 2022, before me, the undersigned officer, personally appeared Amy Gottesdiener, who has/~~has~~ proven to me with proper identification and/or through personal knowledge to be the person(s) whose name(s) is(are) subscribed on the preceding or attached document, and acknowledged that ~~he~~she signed it voluntarily and of ~~his~~her free will and deed and the free will and deed of MR. G. 1., LLC for its stated purpose.

In witness, whereof, I hereunto set my hand and official seal.

[Signature]

Notary Public -- My Commission Expires: May 31, 2025
~~Commissioner of the Superior Court~~
Rachel M. Belardo



Signed, sealed and delivered
in the presence of:

EASEMENT HOLDER:
THE CONNECTICUT LIGHT AND
POWER COMPANY DBA
EVERSOURCE ENERGY

Sign: [Signature]
Print: Christina Antolino

By: [Signature]

Sign: [Signature]
Print: Rocco G. Compitello

Its: MANAGER, RIGHT OF WAY
Duly Authorized

STATE OF CONNECTICUT

ss: BEDFORD

COUNTY OF HARTFORD

On this the 7 day of JUNE, 2022, before me, the undersigned officer, personally appeared Shawn Southworth Manager who has/have proven to me with proper identification and/or through personal knowledge to be the person(s) whose name(s) is(are) subscribed on the preceding or attached document, and acknowledged that he/she signed it voluntarily and of his/her free will and deed and the free will and deed of The Connecticut Light and Power Company d/b/a Eversource Energy for its stated purpose.

In witness, whereof, I hereunto set my hand and official seal.

[Signature]
Notary Public -- My Commission Expires: ROCCO G. COMPITELLO
Commissioner of the Superior Court

Notary Public
State of Connecticut
My Commission Expires 10/31/24

[illegible][illegible][illegible]

CONCEAL APPROPRIATIONS SHOWN ARE
FROM TABLES (LANDS RECONSTRUCTION PLAN)

PLAN SHOWING
PROPERTY OF
MR G I MCC
76 VINEGAR HILL ROAD
LEDYARD, CONNECTICUT
SCALE: 1"=40'
APRIL 1982

7-11-68

TO: SAC, NEW YORK
FROM: SAC, ALBANY
SUBJECT: [REDACTED]

[REDACTED]

LWB:bap: [REDACTED]
JTB: [REDACTED]

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-11-2011 BY 60322 UCBAW

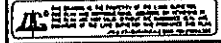
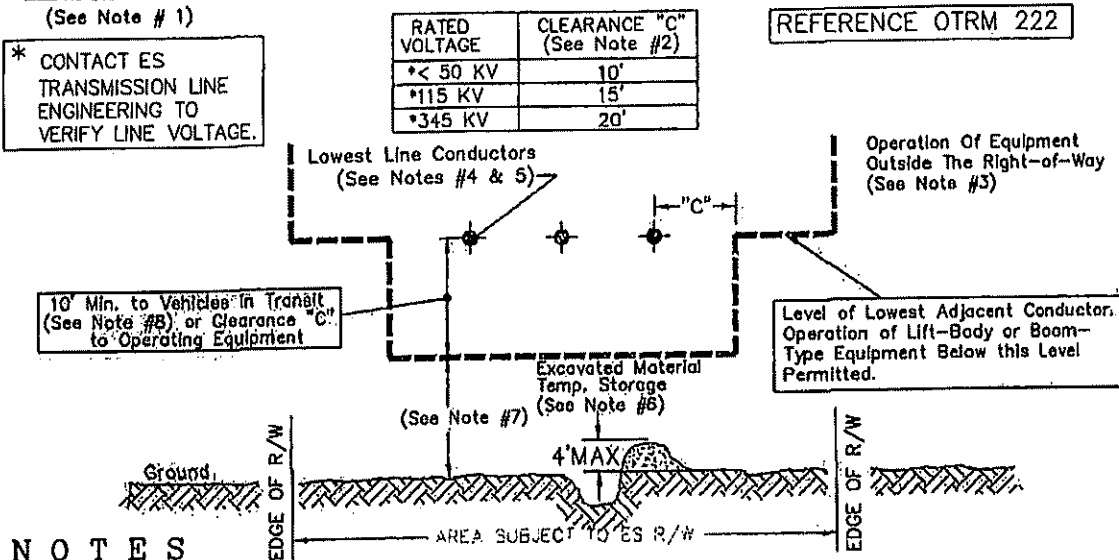


EXHIBIT B

ES VER: 05/2015

OPERATION OF EQUIPMENT UNDER AND ADJACENT TO EVERSOURCE LINES ON RIGHTS-OF-WAY



NOTES

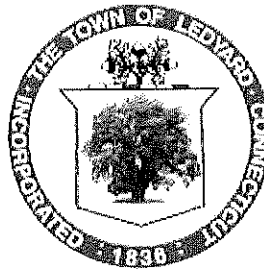
1. PRIOR WRITTEN APPROVAL FROM ES IS REQUIRED FOR ANY DEVELOPMENT ACTIVITY WITHIN RIGHT-OF-WAY.
2. REFER TO OSHA 1926 SUBPART CC 1926.1407-1411 FOR DETAILED EXPLANATION PERTAINING TO THE REQUIREMENTS STIPULATED WITHIN THIS DOCUMENT.
3. OPERATION OF LIFT BODY, BOOM-TYPE OR OTHER AERIAL EQUIPMENT OUTSIDE THE RIGHT-OF-WAY SHALL RECOGNIZE THE EXISTENCE OF ANY ENERGIZED CONDUCTORS. OPERATION SHALL BE SUCH THAT CLEARANCE "C" IS MAINTAINED AT ALL TIMES INCLUDING CONSIDERATION FOR UNEXPECTED OR ACCIDENTAL CONDITIONS (E.G. EMERGENCY LINE LOAD OR CRANE OVERTURN).
4. THE NORMALLY OBSERVED CONDUCTOR HEIGHT ABOVE GROUND CAN RAPIDLY AND SIGNIFICANTLY DECREASE (TO AS LITTLE AS 19' @ 115KV, 24' @ 345KV, UNLESS OTHERWISE DETERMINED BY ES ENGINEERING STUDY) AT ANY TIME DUE TO AN UNAPPARENT EMERGENCY LINE LOAD. OSHA EQUIPMENT CLEARANCES MUST BE MAINTAINED FROM THE LOWEST POTENTIAL POSITION OF THE CONDUCTOR.
5. A SPOTTER IN COMMUNICATION WITH THE EQUIPMENT OPERATOR MUST USE A REMOTE MEASURING DEVICE (E.G. SONIC OR LASER) TO MONITOR CONDUCTOR HEIGHTS DURING WORK WITHIN THE RIGHT-OF-WAY.
6. ONLY AFTER WRITTEN APPROVAL FROM ES TRANSMISSION LINE ENGINEERING: EXCAVATED MATERIAL MAY BE STORED TEMPORARILY AT A HEIGHT NOT TO EXCEED 4 FEET ABOVE ORIGINAL GRADE. NO EQUIPMENT OR VEHICLE OF ANY KIND IS ALLOWED ON EXCAVATED MATERIAL ABOVE ORIGINAL GRADE.
7. 13'-6" MAXIMUM LEGAL OVER-THE-ROAD VEHICLES MAY RESULT IN A VIOLATION OF OSHA REGULATIONS IN OFF-ROAD AREAS.
8. CLEARANCES MAY EXIST TO SATISFY OSHA EQUIPMENT IN-TRANSIT RULE BUT NOT OPERATION RULE.

3/11/2016 12:57 PM - gleasmi - S:\09000\09000-99001.dwg - As Built

7		3/16	REVISED TO REFLECT EVERSOURCE TITLEBLOCK NO. 09000-99001	MLG	OPS
EVERSOURCE ENERGY					
OPERATION OF EQUIPMENT ON EVERSOURCE RIGHTS-OF-WAY					
BY	R. MINNICH	DATE	03/16	APP	OPS
DATE	03/16	DATE	03/16	DATE	03/16
H-SCALE	N.T.S.	SIZE	A	FIELD BOOK & PAGES	
V-SCALE	N.T.S.	V.S.		R.E. DWG	
R.E. PROJ. NUMBER				09000-99001	

EXHIBIT B

**MINUTES OF OCTOBER 8, 2020 MEETING OF THE LEDYARD PLANNING AND
ZONING COMMISSION**



MINUTES

Planning & Zoning Commission

Thursday, October 8, 2020 @ 7:00 PM

REMOTE WEBEX MEETING

I. CALL TO ORDER

The meeting was called to order at 7:02 PM.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL & APPOINTMENT OF ALTERNATES

Commissioner Scanlon was seated for Commissioner Baudro.

IV. APPROVAL OF ADDITIONS TO AND/OR CHANGES TO THE ORDER OF THE AGENDA

A. NEW APPLICATION

Application PZ#20-03SP - 813 Shewville Road, Ledyard (M43, B2210, L813)-
Applicant/Owner Roger Walworth for a barn for storage of vehicles and farming implements.

Application accepted. Public Hearing scheduled for November 12, 2020.

PZ#2-03SP - 813 Shewville Rd. - Application

PZ#2-03SP - 813 Shewville Rd. - Site Plan

V. CITIZENS PETITIONS (LIMITED TO NON-AGENDA ITEMS)

None.

VI. PUBLIC HEARINGS/APPLICATIONS:

- A. Public Hearing - APPLICATION #PZ20-02RESUB - 1003 Long Cove Rd., Gales Ferry, CT (M121, B1340, L1003) – Agent, Peter C. Gardner – Property Owner, Timothy P. Dander for 1-Lot Re-Subdivision. (Date of Receipt, 10-08-20, PH 10-08-20 – PH must close by 11/12/20).**

The Public Hearing was opened at 7:05PM.

Chairman Woody read the exhibits into the record.

Mr. Peter Gardner, agent for the applicant, stated this application was approved by the Commission last year. Client chose not to record the Mylars. The plan and application were resubmitted with the only revisions being made is to the building setback line which changed since the approval of last year.

Commissioner Cherry stated that the plan showed the wetland crossing was going to be accomplished during a dry time. Has any work been done on the crossing yet? Mr. Gardner stated no work has been done.

Commissioner Kulo asked why the setback lines were changed. Chairman Woody stated that the Zoning Regulations were updated and adjustments were made to the plan in order to meet the modified regulations.

Public Hearing closed at 7:14 PM.

PZC Exhibits List Form

PZ#20-02RESUB - Application

PZ#20-02RESUB - Map

PZ#20-02RESUB - Drawing 1 of 2

PZ#20-02RESUB - Drawing 2 of 2

PZ#20-02RESUB - PH Legal Notice - THE DAY

PH Notice to Applicant - App#PZ20-02RESUB 1003LongCoveRd

PZ#20-02RESUB - PW Memo

PZ#20-02 LLHD Report 02042019

PZ#20-02 IWWCRePZC 03112019

App#PZ20-02RESUB 1003Long Cove Rd Gardner&Dander PlannerCmmnts 100820

B. Discussion and Decision - APPLICATION #PZ20-02RESUB - 1003 Long Cove Rd., Gales Ferry, CT (M121, B1340, L1003) – Agent, Peter C. Gardner – Property Owner, Timothy P. Dander for 1-Lot Re-Subdivision. (DRD – 35 Days from the Close of PH).

Chairman Woody made a motion to APPROVE Application PZ#20-02 for a one-lot resubdivision for 1003 Long Cove Road, Gales Ferry, CT, its supporting documents and a plan entitled “Plan showing Dander Resubdivision, Property of Timothy P. Dander, 1003 Long Cove Road, Ledyard, CT, Prepared by Dieter & Gardner, Dated September 2020”, with the following conditions:

1. Digital final map submission shall be submitted to the Town Planner per SR Sec. 3.15.
2. Monumentation shall be set and shown on final mylar prior to filing.
3. A fee in lieu of open space in the amount of \$2,000 shall be submitted to the Town Treasurer prior to the filing of the final mylar plans on the Land Records in the office of the Town Clerk.
4. A legal document evidencing legal access from Long Cove Road to the subject property over the existing shared pentway as shown on the approved plan, i.e., deeds, letter from an attorney or other document prior to endorsement of the final plan shall be provided.

Ag Regs FAQ

Agricultural Regs Proposed Draft 07092020

Ag Reg Comments Compiled 8-11-20 thru 9-11-20

Public Input: Suggested Farm & Agritourism Regulations 9.24.20 - E. Treaster

VIII. NEW BUSINESS

A. Acknowledge Receipt of New Applications:

1. SEE Section VI. A & B Above.

Application PZ#20-03SP - 813 Shewville Road, Ledyard (M43, B2210, L813)-
Applicant/Owner Roger Walworth for a barn for storage of vehicles and farming implements. The proposed structure exceeds 80% of the floor area of the residence which triggers a special permit requirement.

The Special Permit, Public Hearing for this application is set for November 12, 2020.

B. Discussion of Partial Termination of and Open Space from the Approved & Filed Eagle's Landing Subdivision, 79 Vinegar Hill Rd, Mr. G1, LLC.

Attorney Harry Heller representing the property owner Mr. G1, LLC. PZC stated that Eagle's Landing Subdivision was approved approximately 1.5 years ago. Since that approval an application was submitted to CL&P for permission to conduct activities within a transmission line right of way. Both for the sighting of the detention basin as it was proposed on the approved subdivision plan, as well as 2 perpendicular driveway crossings under the transmission line easement to access 2 rear lots as approved on the subdivision plan. It took about 15 months before a first response was received from CL&P. Discussions with them have not been productive and anticipate possibly going into litigation with them at some point. Due to the tax burden of the subdivision with lots that cannot be developed at this time, a partial termination was filed of the subdivision in the Ledyard land records incorporating all of the lots except lot #85 Vinegar Hill Rd., which is a standalone lot. Because this was an open space subdivision as approved by the Commission, 102 acres of land was conveyed to the Town of Ledyard as permanent open space. Requesting at this time from the Planning & Zoning Commission that in the event a subdivision application is submitted sometime in the future, that the land that has been conveyed to the Town of Ledyard be deemed the open space contribution in conjunction with a future subdivision of this property. Not asking for a reconveyance of the open space and recognize the fact that this open space is strategically positioned particularly with respect to the adjoining open space that was owned by the Town of Ledyard and the recently acquired abutting parcel of open space acquired by Avalonia Land Conservancy.

Planner Burdick recommended a new map be filed on the land records with a note, "Memorializing the dedication of the open space for any future subdivision of the land shall be counted towards it."

Chairman Woody made a motion to acknowledge that 102.25 acres of Open Space has been deeded to the Town of Ledyard for the Eagles Landing Open Space Subdivision that was approved by the PZC on 02/14/19 and that the applicant in said application

has, on September 28, 2020, partially terminated the Subdivision by combining all of the approved lots with the exception of Lot 85 and that a new map shall be filed on the Land Records of the Ledyard Town Clerk showing the Lot Lines Adjustments with a note memorializing the dedication of the aforementioned Open Space parcel to the Town of Ledyard for any future subdivision of the land.

Commissioner Baudro seconded the motion.

After discussion, all voted in favor.

Commissioner Kulo - yes

Commissioner Baudro – yes

Commissioner Wood – yes

Commissioner Cherry - yes

Chairman Woody - yes

79VinegarHillRd EaglesLandingOSSub PartialTermSubLtrDeeds 092920

79VinegarHillRd EaglesLandingLtr10-1-20

C. C.G.S. 8-24 Referral

Commissioner Cherry made the MOTION to recommend the Town of Ledyard transfer town-owned land located at 332 Colonel Ledyard Highway, Ledyard approximately 96.52 +/- acres (Founders Preserve) to the Avalonia Land Conservancy to remain open to the public for passive recreation and to be protected in perpetuity under the Conservancy's care with the following conditions:

- 1) The existing 1,800 square foot house and associated land to be conservation split from the land, at Avalonia Land Conservancy's expense.
- 2) Avalonia Land Conservancy would allow for the continuation of bow hunting on the Founders Preserve Property in accordance with Ordinance #100-018 "An Ordinance Providing for Archery Hunting on Certain Town-Owned Lands.
- 3) Avalonia Land Conservancy will pay for all conveyances and fees regarding the transfer of the property.

Commissioner Wood seconded the motion. All voted in favor, 5-0.

Commissioner Kulo – yes

Commissioner Baudro – yes

Commissioner Wood – yes

Commissioner Cherry – yes

Chairman Woody - yes

Agenda Action Item - - Pdf

Founders Preserve Maps-2020-10-05

IX. APPROVAL OF MINUTES

A. PZC Regular Meeting Minutes, September 10, 2020

Commissioner Cherry moved to approve the Regular Meeting minutes of September 10, 2020; Commissioner Wood seconded. All voted in favor 5-0.

Commissioner Kulo – yes

EXHIBIT C

**COPY OF "PLAN SHOWING PROPERTY OF MR G 1 LLC VINEGAR HILL ROAD
LEDYARD, CONNECTICUT SCALE: 1"=200' MARCH 2021 DIETER & GARDNER
LAND SURVEYORS-PLANNERS P.O. BOX 335 1641 CONNECTICUT ROUTE 12
GALES FERRY, CT. 06335 (860) 464-7455 EMAIL:
DIETER.GARDNER@YAHOO.COM"**

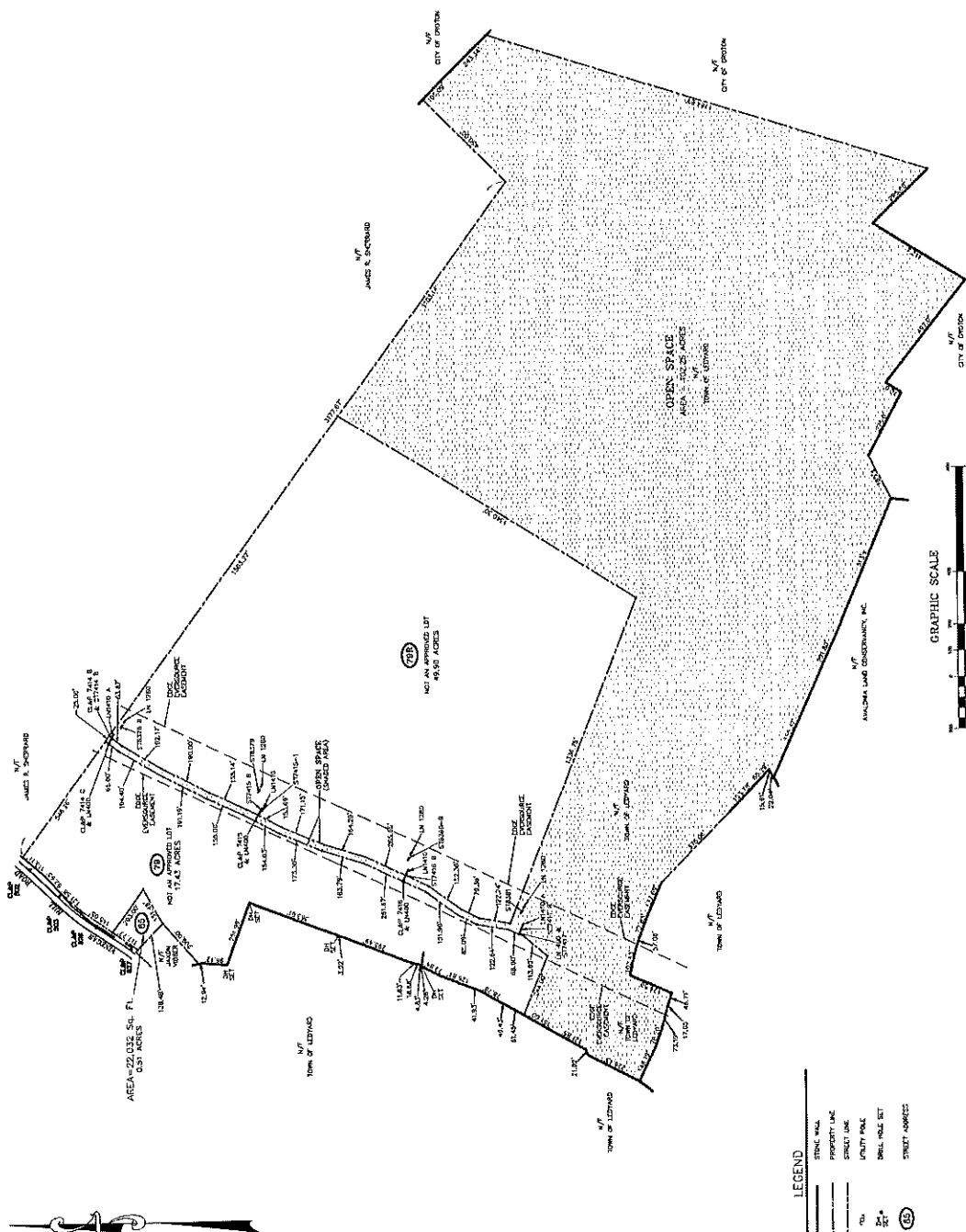
[illegible]

PLAN SHOWING
PROPERTY OF
MR G 1 LLC
VINEGAR HILL ROAD
LEDYARD, CONNECTICUT
SCALE: 1"=200'
MARCH 2021

LIBERTY THAT THE SURVEY AND MAP HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 30-30B-1, 30B-2, 30B-3, 30B-4, 30B-5, 30B-6, 30B-7, 30B-8, 30B-9, 30B-10, 30B-11, 30B-12, 30B-13, 30B-14, 30B-15, 30B-16, 30B-17, 30B-18, 30B-19, 30B-20, 30B-21, 30B-22, 30B-23, 30B-24, 30B-25, 30B-26, 30B-27, 30B-28, 30B-29, 30B-30, 30B-31, 30B-32, 30B-33, 30B-34, 30B-35, 30B-36, 30B-37, 30B-38, 30B-39, 30B-40, 30B-41, 30B-42, 30B-43, 30B-44, 30B-45, 30B-46, 30B-47, 30B-48, 30B-49, 30B-50, 30B-51, 30B-52, 30B-53, 30B-54, 30B-55, 30B-56, 30B-57, 30B-58, 30B-59, 30B-60, 30B-61, 30B-62, 30B-63, 30B-64, 30B-65, 30B-66, 30B-67, 30B-68, 30B-69, 30B-70, 30B-71, 30B-72, 30B-73, 30B-74, 30B-75, 30B-76, 30B-77, 30B-78, 30B-79, 30B-80, 30B-81, 30B-82, 30B-83, 30B-84, 30B-85, 30B-86, 30B-87, 30B-88, 30B-89, 30B-90, 30B-91, 30B-92, 30B-93, 30B-94, 30B-95, 30B-96, 30B-97, 30B-98, 30B-99, 30B-100, 30B-101, 30B-102, 30B-103, 30B-104, 30B-105, 30B-106, 30B-107, 30B-108, 30B-109, 30B-110, 30B-111, 30B-112, 30B-113, 30B-114, 30B-115, 30B-116, 30B-117, 30B-118, 30B-119, 30B-120, 30B-121, 30B-122, 30B-123, 30B-124, 30B-125, 30B-126, 30B-127, 30B-128, 30B-129, 30B-130, 30B-131, 30B-132, 30B-133, 30B-134, 30B-135, 30B-136, 30B-137, 30B-138, 30B-139, 30B-140, 30B-141, 30B-142, 30B-143, 30B-144, 30B-145, 30B-146, 30B-147, 30B-148, 30B-149, 30B-150, 30B-151, 30B-152, 30B-153, 30B-154, 30B-155, 30B-156, 30B-157, 30B-158, 30B-159, 30B-160, 30B-161, 30B-162, 30B-163, 30B-164, 30B-165, 30B-166, 30B-167, 30B-168, 30B-169, 30B-170, 30B-171, 30B-172, 30B-173, 30B-174, 30B-175, 30B-176, 30B-177, 30B-178, 30B-179, 30B-180, 30B-181, 30B-182, 30B-183, 30B-184, 30B-185, 30B-186, 30B-187, 30B-188, 30B-189, 30B-190, 30B-191, 30B-192, 30B-193, 30B-194, 30B-195, 30B-196, 30B-197, 30B-198, 30B-199, 30B-200, 30B-201, 30B-202, 30B-203, 30B-204, 30B-205, 30B-206, 30B-207, 30B-208, 30B-209, 30B-210, 30B-211, 30B-212, 30B-213, 30B-214, 30B-215, 30B-216, 30B-217, 30B-218, 30B-219, 30B-220, 30B-221, 30B-222, 30B-223, 30B-224, 30B-225, 30B-226, 30B-227, 30B-228, 30B-229, 30B-230, 30B-231, 30B-232, 30B-233, 30B-234, 30B-235, 30B-236, 30B-237, 30B-238, 30B-239, 30B-240, 30B-241, 30B-242, 30B-243, 30B-244, 30B-245, 30B-246, 30B-247, 30B-248, 30B-249, 30B-250, 30B-251, 30B-252, 30B-253, 30B-254, 30B-255, 30B-256, 30B-257, 30B-258, 30B-259, 30B-260, 30B-261, 30B-262, 30B-263, 30B-264, 30B-265, 30B-266, 30B-267, 30B-268, 30B-269, 30B-270, 30B-271, 30B-272, 30B-273, 30B-274, 30B-275, 30B-276, 30B-277, 30B-278, 30B-279, 30B-280, 30B-281, 30B-282, 30B-283, 30B-284, 30B-285, 30B-286, 30B-287, 30B-288, 30B-289, 30B-290, 30B-291, 30B-292, 30B-293, 30B-294, 30B-295, 30B-296, 30B-297, 30B-298, 30B-299, 30B-300, 30B-301, 30B-302, 30B-303, 30B-304, 30B-305, 30B-306, 30B-307, 30B-308, 30B-309, 30B-310, 30B-311, 30B-312, 30B-313, 30B-314, 30B-315, 30B-316, 30B-317, 30B-318, 30B-319, 30B-320, 30B-321, 30B-322, 30B-323, 30B-324, 30B-325, 30B-326, 30B-327, 30B-328, 30B-329, 30B-330, 30B-331, 30B-332, 30B-333, 30B-334, 30B-335, 30B-336, 30B-337, 30B-338, 30B-339, 30B-340, 30B-341, 30B-342, 30B-343, 30B-344, 30B-345, 30B-346, 30B-347, 30B-348, 30B-349, 30B-350, 30B-351, 30B-352, 30B-353, 30B-354, 30B-355, 30B-356, 30B-357, 30B-358, 30B-359, 30B-360, 30B-361, 30B-362, 30B-363, 30B-364, 30B-365, 30B-366, 30B-367, 30B-368, 30B-369, 30B-370, 30B-371, 30B-372, 30B-373, 30B-374, 30B-375, 30B-376, 30B-377, 30B-378, 30B-379, 30B-380, 30B-381, 30B-382, 30B-383, 30B-384, 30B-385, 30B-386, 30B-387, 30B-388, 30B-389, 30B-390, 30B-391, 30B-392, 30B-393, 30B-394, 30B-395, 30B-396, 30B-397, 30B-398, 30B-399, 30B-400, 30B-401, 30B-402, 30B-403, 30B-404, 30B-405, 30B-406, 30B-407, 30B-408, 30B-409, 30B-410, 30B-411, 30B-412, 30B-413, 30B-414, 30B-415, 30B-416, 30B-417, 30B-418, 30B-419, 30B-420, 30B-421, 30B-422, 30B-423, 30B-424, 30B-425, 30B-426, 30B-427, 30B-428, 30B-429, 30B-430, 30B-431, 30B-432, 30B-433, 30B-434, 30B-435, 30B-436, 30B-437, 30B-438, 30B-439, 30B-440, 30B-441, 30B-442, 30B-443, 30B-444, 30B-445, 30B-446, 30B-447, 30B-448, 30B-449, 30B-450, 30B-451, 30B-452, 30B-453, 30B-454, 30B-455, 30B-456, 30B-457, 30B-458, 30B-459, 30B-460, 30B-461, 30B-462, 30B-463, 30B-464,

DATE: MARCH 2, 2027

TITLE: LAND SURVEYS OF MS. 142248



NOTE: BOUNDARY LINES OF ADJOINING PROPERTIES ARE SHOWN FOR GENERAL INFORMATION PURPOSES ONLY AND ARE NOT TO BE CONSIDERED AS BEING ACCURATELY LOCATED OR DEPICTED.

THE WORD "CERTIFY" IS UNDERSTOOD TO BE AN DENOTATION OF THE PROFESSIONAL OPINION BY THE LAGO SURVEYOR WHICH IS BASED ON HIS OR HER BEST KNOWLEDGE, INFORMATION AND BELIEF.

DIETER & GARDNER
LAND SURVEYORS • PLANNERS
P.O. BOX 335
1841 CONQUEST ROUTE 12
CALC PERRY, CT. 06333
(810) 464-7455
Email: DIETER.GARDNER@VERIZON.COM

EXHIBIT D

**APPLICABLE PROVISIONS OF THE ZONING AND SUBDIVISION REGULATIONS
IN EFFECT AT THE TIME OF ORIGINAL SUBDIVISION APPLICATION**

14.6 Interior Lots

An interior lot is one which does not meet frontage requirement at the road.

A. Residential Districts.

- (1) Interior Lots may be permitted in Residential Districts R-40 and R-60, subject to the requirements set forth in the "Area and Bulk Requirements", with the following conditions and/or exceptions:
 - (a) The frontage requirement for the access way/driveway strip shall be a minimum of twenty (20) feet wide and accessible to a town or state road.
 - (b) The access way/driveway strip shall be owned as part of the interior lot.
 - (c) The driveway strip shall allow construction of a driveway that can comply with 14.10.
 - (d) The driveway strip shall be a minimum of twenty (20) feet throughout.
 - (e) The driveway access area shall be free of all structures.
 - (f) Wherever possible, a common driveway compliant with 14.10B shall be used to serve the interior lot. The applicant should provide sufficient justification for using separate driveways.
 - (g) The minimum lot area for an interior lot will be a minimum of one and one half (1.5) times the minimum lot area for the zone in which it is located.
 - (h) The area of the driveway strip shall not be included as part of the minimum lot area requirement.
 - (i) The minimum building setback line for interior lots shall be fifty (50) feet from the front lot line, excluding the driveway strip.
 - (j) An interior lot shall never be "stacked" behind another interior lot.
 - (k) Open Space and Conservation Exemptions:
 - 1) New interior lots in Open Space Subdivisions shall be exempt from 14.6.A(1)(g).
 - 2) New interior lots in Conservation and Open Space subdivisions can be exempted from 14.6.A(1)(b) provided a permanent easement is provided through which a common driveway as defined in 14.8.B is located. The easement shall be excluded from any minimum lot size or setback calculations.
- (2) Interior Lots that are created as part of a subdivision or re-subdivision as approved by the Planning & Zoning Commission shall meet the criteria set forth in the Subdivision Regulations of the Town of Ledyard.
- (3) Interior lots may be created as part of a division of a tract or parcel of land which is not a subdivision or re-subdivision within the meaning of §8-18 of the Connecticut General Statutes. The Director of Public Works shall review and approve access locations on Town roads and the State Department of Transportation shall review and approve access locations on State highways.

B. Non-residential Districts

- (1) Interior lots may be permitted in the non-residential districts subject to the requirements set forth in the "Area and Bulk Schedule", with the following conditions and/or exceptions
 - a. The frontage requirement along a Town or State road shall be a minimum of thirty (30) feet.
 - b. The access strip shall be a minimum of thirty (30) feet throughout.
 - c. The area of the thirty (30) foot access strip shall not be included as part of the minimum lot area requirement.
 - d. The minimum building setback line for interior lots shall be twenty (20) feet from the front lot line.

14.7 Junk and Hobby Motor Vehicles

- A. Junk, as defined by these regulations, where not covered or screened, shall not be placed, stored, co-located, or maintained outside on any lot in any District.
- B. A maximum of one (1) hobby motor vehicle, as defined by these regulations, may be located in a side yard or rear yard provided it is screened from view from adjacent properties and access roads. Such screening may be achieved by use of a fence or vegetation. There is no limitation on the number of hobby motor vehicles that are stored or parked in a building, provided the building is maintained in a structurally sound and safe condition.
- C. No more than one (1) vehicle that has an expired registration, but which can be re-registered in its current physical condition, may be parked or stored outside on any lot in any district.
- D. It is the intent of these regulations that the term "Junk" not apply to:
 - (1) Materials or items being temporarily stored in rodent-proof containers that are placed on the curb on a regular schedule for refuse pickup,
 - (2) Farm equipment ordinarily and regularly used with an active farming operation on the same premises,
 - (3) Sawmill inventory,
 - (4) Cordwood,
 - (5) "Hobby Motor Vehicles" that are in compliance with these regulations, and
 - (6) Construction materials and associated debris that are directly associated with a construction project on the same premises with a valid and active building permit provided that the construction materials and associated debris are removed from the premises within fifteen (15) days after the construction project is materially completed.

14.8 - Driveways**A. Access Drives**

1. No driveway or access to or from any property shall be so located at its juncture with a street as to create a danger or menace to the community or to the convenience or proper use of the adjacent property.
2. No driveway shall provide access to a lot located in another Zoning District, if said lot is used for any use, principal or accessory, not permitted in the district in which such driveway is located

4.2.11 If any section of these regulations conflicts with the Road Ordinance in effect on the date of formal subdivision application, the provisions of the Road Ordinance shall govern.

4.3 Lots:

4.3.1 All lots shall have frontage on either an existing approved street or upon a new street to be created as part of an approved subdivision plan.

4.3.2 Irregular lot shapes and uneven boundaries shall be avoided wherever possible. Side lot lines should be at right angles to the street on which the lot faces, radial to curves of the street, or radial to the cul-de-sac turn-around on which the lot faces, unless lot lines are angled specifically for the purpose of encouraging proper orientation of buildings for active and passive solar energy techniques, or to protect solar access within the subdivision.

4.3.3 Driveways:

In order to minimize pedestrian and traffic hazards, the commission requires that proposed subdivisions minimize, to the greatest possible extent, the number of driveway cuts intersecting designated arterial and collector streets. All driveways entering State highways and town roads shall be designed with an unobstructed stopping sight distance as specified in the Town Road Ordinance.

4.3.4 Reverse Frontage:

Wherever practicable, lots adjacent to a state highway or the following arterial or collector streets shall have their frontage reversed and shall front on a street one lot depth removed from the state highway or major town road, or shall front on an intersecting side street. Reverse frontage lots which back on a state highway or major town street shall have a buffer zone at least ten feet wide along the property line abutting the road right-of-way. Buffer zones shall contain a fence, wall, stream, hedge, or other suitable deterrent to access.

Avery Hill Road	Lantern Hill Road	Shewville Road
Christy Hill Road	Long Cove Road	Spicer Hill Road
Church Hill Road	Mathewson Mill	Town Farm Road
Colonel Ledyard	Road	Whalehead Road
Highway	Military Highway	Vinegar Hill Road
Gallup Hill Road	Pumpkin Hill Road	
Lambtown Road	Sandy Hollow Road	

4.3.5 Interior Lots:

The Commission may approve creation of new interior lots as an integrated part of an overall subdivision design, where such interior lots can provide suitable building sites without interference with conventional subdivision layout. Interior lots may be appropriate at the end of a proposed cul-de-sac street in order to

reduce the overall length of the cul-de-sac, thereby avoiding unnecessary future road maintenance and reducing stormwater runoff. Interior lots may also be appropriate when the character of a tract of land is such that a suitable building site can be established at least one lot depth from the road without detriment to conventional lots located on the road. In no case shall interior lots be "stacked" or "nested" one behind another. If necessary to meet 4.8.9 (five lots on a common driveway) no more than one interior lot may be stacked behind another interior lot.

All interior lots shall meet the following criteria:

- a) All interior lots must meet the minimum criteria set forth in the Zoning Regulations of the Town of Ledyard for interior lots;
- b) If interior lots are "flag-shaped", no more than two driveway strips may be located adjacent to one another. Each driveway strip shall serve no more than one lot;
- c) The Commission may require that interior lots proposed at the end of a cul-de-sac have side lot lines radial to the cul-de-sac turn-around;
- d) The Commission shall determine that the character of the property to be subdivided is such that the soils, topography and configuration of the property is suitable for interior lots;
- e) Interior lots shall not be approved if the Commission determines that the use of interior lots creates hazards to public health or safety, or does not contribute to a more efficient and less environmentally detrimental subdivision layout than would result without the use of interior lots;
- f) No interior lot driveway access strip shall be located so as to impede future development or use of land through which it passes;
- g) All shared driveways created to serve interior lots shall meet the requirements of Section 5.5 of these regulations;
- h) Permanent property markers shall be installed on both sides of a driveway access strip at intervals of no greater than 100 feet;
- i) The Commission may impose other such conditions as it finds necessary to protect the public health, safety, and welfare, including but not limited to the establishment of a minimum site line at the driveway access point, requiring combining of individual driveway entrances, maximum total length of driveway access strip, and increased frontage where necessary to assure adequate separation between individual driveway entrances.