



TOWN OF LEDYARD CONNECTICUT

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Land Use/Planning/Public Works Committee

~ AGENDA ~

Chairman S. Naomi
Rodriguez

Regular Meeting

Monday, February 3, 2025

6:00 PM

Town Hall Annex - Hybrid Format

PLEASE NOTE LOCATION:

In -Person: Annex Meeting Room - Town Hall Annex Building

Remote Participation Information noted Below;

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

<https://us06web.zoom.us/j/84646190245?pwd=zojVR8AYVIwaedxvMyx0U5SU9TJQk.1>

Or by Audio Only: Telephone: +1 646 558 8656; Meeting ID: 846 4619 0245; Passcode: 531576

I CALL TO ORDER

II. ROLL CALL

III. RESIDENTS & PROPERTY OWNERS COMMENTS

IV. PRESENTATIONS / INFORMATIONAL ITEMS

V. APPROVAL OF MINUTES

MOTION to approve the Land Use/Planning/Public Works Committee Minutes of January 6, 2025.

Attachments: [LUPPW-MIN-2025-01-06](#)

VI. OLD BUSINESS

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

Attachments: [Blight Activity Report 2025-01-29](#)

[ORD-300-012-rev-1-Blight-Ordinance-and-Public-Nuisance-for-the-Town-of-Ledyard.pdf](#)

2. Spicer Homestead Ruins - Historical Research and Photos.

Attachments: [Spicer Homestead Ruins Timmeline- Parkson-2024-Parkinson](#)

[Spicer Homestead - 4.4 acres](#)

[Spicer Runis Screenshot \(2\)](#)

[Spicer Runis Screenshot \(1\)](#)

[Spicer Homestead Ruins- Next Steps for Historic](#)

[Designation-Dombrowski email-2024-06-03.pdf](#)

[Spicer Homestead Report -Hiistoric Research Sarah Holmes 2022.pdf](#)

[Spicerr Ruins- Photos.pdf](#)

[Historic District Commission Minutes-2023-12-18.docx](#)

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

Attachments: [Police Chief - Noise & Illegal Dumping email-2024-10-30](#)

[MAP-LINDON LANE](#)

[Noise Ordinance - Johnston email-2024-08-13-R](#)

[Noise Ordinance - Johnston email-2024-08-13](#)

[Noise Ordinance--Police Recommendation-2018-11-29](#)

[Department of Agriculture Sec 1-1q](#)

[Sec 22a-73 Noise Regulation](#)

[CGS 78-5 Operations of Construcitaon Equipment](#)

[CHAPTER 442-Section 22a-67 - 22a-73- Noise Pollution Control](#)

[CGS-Sec-53a & Sec 14-80a](#)

[Noise Ordinance-Draft 2018-07-05-Council-Admin-PC](#)

[Saybrook Noise Ordinance](#)

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

VII. NEW BUSINESS

1. MOTION to accept Marty's Way into the Town's Road Inventory in accordance with Ordinance #300-025 "An Ordinance Regulating the Addition of Any New Street or Highway to the Highway System of the Town of Ledyard"; including its infrastructure, that was approved as part of Application PZ#22-8SUB; Eagles Landing 24- Lot Open Space Subdivisions, 79 Vinegar Hill Road, Ledyard, Connecticut, on August 11, 2022, along with written recommendations of the Director of Public Work's dated December 19, 2024, and all supporting documentation, including warranty deeds with the following conditions:

- (1) The warranty deeds shall be reviewed and approved by the Director of Public Works and/or Town Attorney prior to acceptance; and
- (2) The Applicant shall submit P.E. and Utilities Certification per Section 3.A(2) &(3) prior to acceptance.

Attachments: [ORD-#300-025-Ordinance Regulating Addition of Any New Street or Highway-2019-09-25](#)
[MARTY'S WAY-ACCEPT -PLANNER LTR-2025-01-16](#)
[MARTY'S WAY-ACCEPT -PLANNER MEMO-2025-01-09](#)

2. MOTION to accept Village Drive Extension into the Town's Road Inventory in accordance with Ordinance #300-025 "An Ordinance Regulating the Addition of Any New Street or Highway to the Highway System of the Town of Ledyard"; including its infrastructure, that was approved as part of Application PZ#21-10RESUB, Fire Side Farm 4-Lot Resubdivision, 34 Villag Drive, Ledyard, Connecticut, on December 19, 2021, along with written recommendations of the Director of Public Work's dated December 19, 2024, and all supporting documentation, including warranty deeds with the following conditions:

- (1) The warranty deeds shall be reviewed and approved by the Director of Public Works and/or
Town Attorney prior to acceptance; and
- (2) The Applicant shall submit P.E. and Utilities Certification per Section 3.A(1) (2) &(3) prior
to acceptance.

Attachments: [ORD-#300-025-Ordinance Regulating Addition of Any New Street or Highway-2019-09-25](#)
[VILLAGE DRIVE-ACCEPT -PLANNER LTGR-2025-01-16](#)
[VILLAGE DRIVE-ACCEPT -PLANNER MEMO-2025-01-09](#)

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

IV ADJOURNMENT

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



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 25-1379

Agenda Date: 2/3/2025

Agenda #:

MINUTES

Minutes:

MOTION to approve the Land Use/Planning/Public Works Committee Minutes of January 6, 2025.



TOWN OF LEDYARD

CONNECTICUT
TOWN COUNCIL
HYBRID FORMAT

741 Colonel Ledyard Highway

Ledyard, CT 06339

Chairman S. Naomi Rodriguez

MINUTES

LAND USE/PLANNING/PUBLIC WORKS COMMITTEE – REGULAR MEETING

860 464-3203
Roxanne Maher

Administrative Assistant

Monday, January 6, 2025

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

II. ROLL CALL –

Attendee Name	Title	Status	Location	Arrived	Departed
Jessica Buhle	Town Councilor	Present	Remote	6:00 pm	6:50 pm
Kevin Dombrowski	Town Councilor	Present	In-Person	6:00 pm	6:50 pm
Gary St. Vil	Committee Chairman	Present	In-Person	6:00 pm	6:50 pm
Elizabeth Burdick	Land Use Director/Town planner	Present	In-Person	6:00 pm	6:50 pm
Eric Treaster	Resident	Present	Remote	6:00 pm	
Roxanne Maher	Administrative Assistant	Present	Remote	6:00 pm	6:50 pm

III. CITIZENS' PETITIONS –

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

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

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

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

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

Councilor Buhle noted that she agreed with Councilor Dombroski's comments. She went on to state to use the words of State Senator Cathy Osten "*Affordable to Who?*" explaining that *Affordability* in housing was measured by arbitrary numbers. She stated *affordable* to a new employee at Electric Boat (EB) was different than *affordable* to a teacher; or *affordable* to somebody who worked in retail, etc. Therefore, she commented that when they look at *affordability*, it was hard to write Legislation that regulated *Affordable Housing* for all town, noting that it was a blanket term that does not fit most people. She thanked Mr. Treaster for his comments, and she noted that it was her understanding that towns had the option to pause 8-30g Applications if there was other housing that was being developed on a larger scale. She suggested they wait until the Applications that were currently in-process to be completed before the town takes on other 8-30g Developments. Councilor Buhle concluded by stating the 8-30g Legislation was 35 years old, noting that it was not going to go away, because some towns would not institute *Affordable Housing* unless they were required to, and she commented for towns not to provide *Affordable Housing* would be unfair to the people who work and need to live in their communities.

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

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

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

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

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

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

- Inchcliffe Drive – Mr. Treaster stated the vertical three one-bedroom apartments on Inchcliffe Drive, noting that it was his opinion, that those homes should have never been built in that location. He stated that area was one of Ledyard's most luxurious locations and that the structure blocked the views of high-paying taxpayers. He explained if those high paying taxpayers appealed their assessments based upon loss of view, that it would be a challenge for the people serving on the Board of Assessment Appeals.

- Corner of Christy Hill and Kings Highway – Mr. Treaster stated the 10-unit Mobile Home Park on the corner of Christy Hill and Kings Highway would have been ideal for condominiums, which would have also offered ownership capability and would have qualified as *Affordable Housing*. He expressed concern regarding the Mobile Home Park stating that because there were so many mobile homes on that site that the roads can never be paved in order to protect the aquifer, explaining that this would only show up in covenants in the land use records. However, he stated nobody looks at the covenants in the Land Records; and that someday the roads would be paved and that it would be a problem.

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

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

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

Land Use Director/Town Planner Elizabeth Burdick suggested that it may be helpful for Julie Savin from *Eastern Connecticut Housing Opportunities* (ECHO), or Beth Sabila from *The Center for Housing Equity* to speak to the Town Council regarding *Affordable Housing*. She also suggested as part of the Community Relations Committee for Diversity, Equity, & Inclusion Governance Transparency Project that they host an *Affordable Housing* Presentation for the residents to be educated, not just about what the Planning & Zoning Department does, but also about what *Affordable Housing* was. She stated all Developers do not hit the town with a sledgehammer, noting that there were responsible Affordable

Housing Developers whose motto was “*Housing for All*”, stating that they look at all the different income levels in the community. She went on to explain that CGS 8-30g was a State Law and any changes to the law would apply to every town in Connecticut. She went on to state that she opposed some of Mr. Treaster’s comments this evening regarding the locations of the *Affordable Housing* in town, explaining that a piece of property could only support a certain number of houses. She stated *Affordable Housing* was not *Subsidized Housing or Highrise Apartments*, noting that just about every Town of Ledyard Employee would qualify for *Affordable Housing* noting that the sale price of the homes were based on 60% & 80% of the medium income in the region.

Councilor Dombrowski stated by State Statute that Zoning was outside the purview of the Town Council, and he noted that Mr. Treaster knew that. Mr. Treaster stated that was essentially correct; and that he agreed with Councilor Dombrowski’s statement. Councilor Dombrowski stated that it was not essential correct, noting that State Statute specifically stated that “*The Town Council can have no influence on Zoning Matters*”. Mr. Treaster stated that the members of the Town Council do not give up their Constitutional Rights. Councilor Dombrowski stated that Mr. Treaster was asking the Town Council to write a letter to their State Legislators about a State Statute pertaining to Zoning Matters. Mr. Treaster stated “*Yes*” he was asking the Town Council to write a letter to their State Legislators to improve CGA 8-30g.

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

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

IV. PRESENTATIONS/INFORMATIONAL ITEMS - None.

V. REVIEW AND APPROVAL OF PRIOR MEETING MINUTES

MOTION to approve the Regular Meeting Minutes of December 2, 2024
Moved by Councilor Buhle, seconded by Councilor Dombrowski

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 dated January 6, 2025.

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

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

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

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

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

RESULT: DISCUSSED

Next Meeting: 02/03/2025 6:00 p.m.

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

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

RESULT: CONTINUE

Next Meeting: 02/03/2025 6:00 p.m.

3. Consider provisions to address Illegal Dumping.

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

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

- The LUPPW Committee elevated the resident’s concerns regarding Illegal Dumping to the Police Chief.
- State Statute 22a-250 address Littering and Illegal Dumping.
- The Police Chief will take a personal interest to see that the illegal dumping was addressed, if the resident contacted the Police Chief directly.

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

RESULT: COMPLETED

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

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

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

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

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

Ms. Burdick noted the following actions:

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

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

- Prides Corner Farm's Hours of Operation
 - January, February, March -7:00 a.m. – 4:30 p.m.
 - April, May, June, 6:00 a.m. – 6:00 p.m. (could be longer in May)
 - July, August, September 6:00 a.m. – 4:00 p.m. (maybe a half hour more)
 - October, November 6:00 a.m. – 5:00 p.m.
 - December 6:30 a.m. – 3:30 p.m.
- Prides Corner Farm Noise Policy
 - Diesel water pumps start no earlier than 9:00 a.m. – 5:00 p.m.
 - Leaf Blowers, etc. start no earlier than 8:00 a.m.
 - Radios start after 8:00 a.m. and are to kept low throughout the day.
 - Security Light on the Farm's Office is on all night
 - Truck traffic throughout the day

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

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

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

Councilor Buhle addressed the following:

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

Conditions Survey would help to determine when the structures were added. She also explained although she did not know all of the tax assessment laws, that the Tax Assessor may be able to back tax the property; however, Ms. Burdick stated that she would leave that to the Tax Assessor.

Ms. Burdick noted the *Right to Farm Act*, explaining that farms were both a commercial operation and a farm. However, she stated that some farmers do not know that they had to obtain permits to add things like greenhouses. Therefore, she stated that farming was a challenge for Land Use Departments. She stated Prides Corner Farm was a different from raising cows, chickens, sheep, crops, etc., noting that Prides Corner Farm grows plants and they sell the plants.

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

Councilor St. Vil noted the following:

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

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

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

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

RESULT: CONTINUE	Next Meeting: 02/03/2025 6:00 p.m.
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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 6:50 p.m.

Respectfully submitted,

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



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 23-1953

Agenda Date: 2/3/2025

Agenda #: 1.

LAND USE

Subject/Application:

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

Background:

The purpose for the LUPPW Committee to review the status of Blight issues was to monitor how effective Ordinance #300-012 (rev 1) 300-012 "*An Ordinance Concerning Blight and Public Nuisance for the Town of Ledyard*" was and to see if the Ordinance needed to be adjusted.

Ledyard was one of the first towns in the area to adopt an Ordinance to address blighted properties. Since the Ordinance was initially adopted in 2013, it was revised in 2019 to include some language that Groton had in their Ordinance. Groton's Ordinance has been tested in court and held up.

The intent of Ordinance #300-012 (rev 1) "*An Ordinance Concerning Blight and Public Nuisance for the Town of Ledyard*" was to have property owners comply, and not necessarily impose punitive fines or take them to court. To-date they have had success with getting most properties owners to comply.

The Town Council only had authority to change the Ordinance, the enforcement authority lied with the Blight Officer.

Blight Activity Report: 1/1/2025-1/29/25

- **NEW: 5 Townfarm RD:** prior complaint of blighted overgrown fence on neighbor's property. A rat has now been found in the garage 1/5/25.
- **5 Long Pond Rd- Received** 1/28/25 Blighted property, unregistered motor vehicles, conex box, additional junk stored on the property 1/28/25.
- **43R Long Pond Rd- Received** 1/28/25 Junk and debris stored on the property, complainant stated they are storing additional junk and vehicles over time.
 - Records in the Land Use Department show a DCF investigation in 2022 for the open dry wall and exposed electrical work. No other violations are shown in the records. Will set up a site inspection 1/30/25.
- **Ongoing/ old cases**
 - **11 Allyn Lane**- Power of Attorney for the property was to be contacted by Beth Sabilia overseeing the property and properties associated with the owner that are also blight cases. A drive by inspection was conducted 12/3/24. Blighted driveway and yard had not been cleaned up. **Will follow up with point of contact and will continue to monitor.**
 - **1711 Route 12**- Owner was contacted for purchase of the property and to clean up the site. **Will continue to monitor.**
 - **11 Sunset Ave**- Overgrown vegetation. Will follow up and **continue to monitor.**
 - **1 Mull Berry**- Will draft RVC for review for abandoned or inoperable vehicles and equipment on property. **Will continue to monitor.**
 - **229 Avery Hill Rd- Previous** ZEO report showed good progress of what was cleaned up. Will need to conduct site inspection for update on the property. **Will continue to monitor.**
 - **143 Gallup Hill**: Overgrown vegetation will send RVC. **Continue to monitor.**

RECEIVED FOR RECORD

2019 OCT 28 AM 11:10

Ordinance #300-012 (rev-1)

Passed Oct 28, 2019
AN ORDINANCE
CONCERNING BLIGHT AND PUBLIC NUISANCE
LEDYARD TOWN COUNCIL
FOR THE TOWN OF LEDYARD

Section 1. Purpose/Declaration

It is hereby found and declared that there exist in the Town of Ledyard a number of blighted properties and that continued existence of blighted properties constitutes a continuing nuisance and contributes to the decline of our neighborhoods. Existence of blighted properties adversely affects the economic well-being of the Town of Ledyard.

Section 2. Authority

This Ordinance is enacted pursuant to the Connecticut General Statutes (C.G.S.), Section 7-148(c)(7) and Section 14-150a. This Ordinance is to be enforced as a blight ordinance, pursuant to Section 7-148(c)(7)(H)(xv), and as a nuisance ordinance, pursuant to C.G.S. Section 7-148(c)(7)(E).

Section 3. Scope of Provisions

Many of the blighted properties may be rehabilitated, reconstructed, demolished, cleaned up, groomed, maintained, returned to satisfactory condition or reused to provide decent, safe, sanitary housing or commercial facilities. Such rehabilitation, reconstruction, demolition, cleanup or reuse of the blighted and nuisance properties would eliminate, remedy and prevent adverse conditions.

This Ordinance shall apply to the maintenance of all properties now in existence or hereafter constructed, maintained, or modified but shall exclude: agricultural lands as defined in Section 22-3(b) of the Connecticut General Statutes, land preserved in its natural state through conservation easements, or areas designated as inland wetlands and watercourses.

Section 4. Definitions

For the purpose of this Ordinance, the following words, terms and phrases shall have the following meanings, unless the context indicates otherwise:

- A. Legal Occupancy - Occupancy in accordance with state building, state fire, local zoning, or all other pertinent codes and Connecticut General Statutes.
- B. New Owner Or New Occupant - Per PA 12-146(3)(b), "new owner" means any person or entity who has taken title to a property, and "new occupant" means any person who has taken occupancy of a property, within thirty days of the notice, of violation and reasonable opportunity to remediate required by C.G.S. 7-148 (c) (7)(h)(xv).
- C. Dilapidated - Any building or structure or part thereof that would not qualify for a Certificate of Occupancy or which is deemed an unsafe structure as defined in the Connecticut State Building Code, or any dwelling or unit which is designated as unfit or unsafe for human habitation as defined by the Connecticut Health Code.
- D. Abandoned Motor Vehicle or Marine Vessel - Any motor vehicle or marine vessel which has the appearance that the owner has relinquished control without the intent of reclaiming it including but not limited to, a vehicle or marine vessel with no marker plates, or one

E. Abandoned Property - Any real property on which there is a vacant structure and on which (1) real property taxes have been delinquent for one year or more and orders have been issued by the Fire Marshal, Building and Zoning Official or Health District and there has been no compliance with these orders within the prescribed time given by such official or within 90 days, whichever is longer, (2) the owner has declared in writing to the Building and Zoning Official that the property is abandoned or (3) there has been a determination by the Zoning Official, in accordance with this Ordinance, that the vacant structure contributes to blight.

F. Blighted Property -Any building, structure or parcel of land in or on which at least one of the following conditions exists:

1. It is dilapidated as documented by the Building and Zoning Official.
2. It is being used for or used as storage or harbor for illegal activity as documented by the Police Department, including criminal activities per investigations, arrest warrant applications and actual arrest convictions.
3. It is a fire hazard as determined by the Fire Marshal or as documented by the Fire Department.
4. The condition of the building, structure or parcel of land constitutes an unsafe structure as defined by the Connecticut Building Code and poses a serious or immediate danger to the safety, health or general welfare of the community as documented by the Building and Zoning Official or by the Health District.
5. It is not being adequately maintained, as determined by the following factors:
 - a. missing or boarded windows or doors, collapsing or missing walls, roof or floors,
 - b. seriously damaged or missing siding, or the building is otherwise dilapidated,
 - c. a structurally faulty foundation, fire damage, or physical hazards,
 - d. rodent harborage and infestation, improper storage of garbage, trash, rubbish, discarded household appliance or furniture, tires, discarded motor vehicle parts,
 - e. an overgrown plot of grass, customarily tended or mowed, adjacent to and/or part of a residence, business, commercial entity, or estate, wherein the grass has not been mowed and has grown to at least nine inches in length,
 - f. peeling or chipping paint exceeding thirty-three percent (33%) of the structure's total exposed surface area.
6. Any unregistered, abandoned or inoperable motor vehicle or marine vessel located on a parcel of land for a period exceeding 30 days.

Exceptions:

- a. Vehicles or marine vessels under cover. One unregistered motor vehicle or marine vessel being offered for sale by the owner or tenant provided said motor vehicle or vessel does not remain on the same property for a period exceeding 60 days.
- b. Motor vehicles located on a property of a business enterprise lawfully licensed by the Town of Ledyard and Connecticut Department of Motor Vehicles.
- c. Any motor vehicle, which is in operable condition specifically adapted or

- i. Only two such vehicles or vessels shall be allowed at one time on the property in question.
- ii. Parts used in the restoration must be stored in the vehicle or marine vessel or in a structure.
- iii. Such motor vehicles or marine vessels shall be covered and secured with a cover or tarp, provided the tarp is securely attached whenever work is not being done on them.
- iv. The brush and growth under and around the motor vehicle(s) or marine vessel(s) shall be controlled and mowed.

7. It creates substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the neighborhood as documented by neighborhood complaints, which complaints have been independently substantiated.

8. Its inadequate maintenance or dilapidated condition has led to the cancellation of insurance on proximate properties.

9. Its inadequate maintenance or dilapidated condition has materially contributed to a decline or diminution in property values on proximate properties.

10. It is adjacent to a sidewalk, for which the property's owner, agent, tenant or responsible person is responsible for maintaining safe conditions for the use of the public pursuant to ordinances and regulations of the Town of Ledyard, and its sidewalk is in any way obstructed by or littered with any substance, including trees, bushes, overgrowth, leaves, gravel, dirt, rubbish, garbage, bulky waste or trash, which would in any way impede or imperil public travel upon said sidewalk or render it unsafe.

11. It attracts or harbors rodents, insects, vermin or disease-carrying animals.

G. Building and Zoning Official - Building Official as defined in C.G.S., Section 29-260.

H. Citation Hearing Committee - The Mayor shall appoint one or more Citation Hearing Officer(s), as defined in and pursuant to C.G.S., Section 7-152c to serve on the Citation Hearing Committee.

I. Enforcement Officer - The Enforcement Officer(s) are those authorized by the Mayor to take such enforcement actions and to issue citations as specified in this Ordinance.

J. Exempt Property - Any property acquired by the Town of Ledyard through foreclosure, eminent domain, or by a deed in lieu of foreclosure would be exempt from the provisions of this Ordinance only during the first six (6) months following the date of the foreclosure, and any building or structure undergoing remodeling being diligently conducted and pursued under an active building permit would only be exempt during such remodeling period.

K. Inoperable Motor Vehicle or Marine Vessel - Any motor vehicle or marine vessel that is incapable of performing the function for which it was designed by virtue of missing parts or broken or severely damaged components.

L. Marine Vessel - A ship, boat or other craft used in water navigation

M. Motor Vehicle - Any device propelled by any power other than human power that is or was

- N. Neighborhood - An area of the Town of Ledyard comprised of premises or parcels of land any part of which is within a radius of 800 feet of any part of another parcel or lot within the Town of Ledyard.
- O. Public View - Visible from any public right of way or neighboring property.
- P. Sidewalk. Any public way adjacent to streets, highways and those public rights of ways used for vehicular traffic that are used for pedestrian traffic.
- Q. Under Cover Completely enclosed in a garage or other building serving the same purpose of a garage.
- R. Unregistered Motor Vehicle or Marine Vessel Any motor vehicle or marine vessel that in its present condition is able to be registered but does not have a valid registration.
- S. Vacant - A period of sixty (60) days or longer during which a building subject to this Ordinance is not legally occupied. Vacant status in and of itself does not constitute a blighted building.

Section 5. Designation of Blighted Property

- A. The Enforcement Officer(s) shall be responsible for determining whether a property which comes to the attention of the Town, whether through written complaint or through the normal operations of the Town, is blighted according to the definitions in this Ordinance.
- B. The Enforcement Officer(s) shall investigate and document conditions of blight, if any, and file a written report with the Mayor or his/her designee. The Enforcement Officer's report shall state whether or not the property is a blighted property within the meaning of this Ordinance. Such report shall be kept by the Town and may be available to the property owner upon request.

Section 6. Property Owner Notification

- 1. Whenever the Town of Ledyard identifies a blighted premises, written notice of the violation shall be given to the owner and/or the occupant of the property, by posting a notice of the violation in a conspicuous location at the blighted premises, and delivering a copy of the notice of the violation to an owner, either by hand delivery or by mail. Said notice shall specify that the owner or occupant has seven days, from the date notice was posted and mailed, to remediate the blighted conditions, or the Town will take enforcement action. In the case of an unidentified owner or one whose address is unknown, the Enforcement Officer shall publish a notice in a local newspaper stating the property is cited for blight and, if applicable, whether the property has been determined to be abandoned.

The notice shall contain the following information:

- a. The address of the affected property.
- b. The exact nature of the violation.
- c. The time allowed for corrective action shall be in accordance with CGS 7-148.
- d. The penalty for continued violation of this Ordinance.
- e. The availability of a hearing procedure before the Blight Appeals Committee pursuant to CGS 7-152c; and
- f. The penalty for violation of this ordinance shall be \$100 for each day that a violation continues.

3. After the expiration of the seven-day period specified in subsection (A) of this section and without the alternate timetable specified in subsection (B) above, the Town of Ledyard, through its designated agents, may enter blighted premises during reasonable hours for the purposes of remediating blighted conditions, provided neither the Town of Ledyard, nor its designated agents, enter any dwelling house or structure on such property. Costs associated with the remediation of blight may be recovered by the Town in accordance with C.G.S. Section 49-73(b).

Section 7. Creation or Continuation of Blighted Property Prohibited

No person, firm or corporation, no owner, agent, tenant, operator, possessor of real property, and no other person responsible for the care, maintenance and/or condition of real property, shall cause or allow any blighted property, as defined in Section II of this Ordinance, to be created or continued.

Section 8. Enforcement: Criminal Violations And Civil Penalties

- A. **Criminal Violations:** Pursuant to C.G.S. 7-148 (c) (7) (H) (xv), any person or entity who, after written notice and a reasonable opportunity to remediate blighted conditions as specified in Section 6(A) of this Ordinance, willfully violates Section 4 of this Ordinance, may be fined by the State of Connecticut not more than two hundred and fifty dollars (\$250.00) for each day for which it can be shown, based upon an actual inspection of the property on each such day, the blighted conditions continued to exist after written notice to the owner or occupant, as provided in Section 6 (A). This section is designated as a violation pursuant to C.G.S. 53a-27.

1. No person or entity shall be found guilty of a violation pursuant to Section 7 (A) and a civil penalty pursuant to Section 7 (B) of this Ordinance for the same occurrence.
2. Any person who is a new owner or occupant shall, upon request, be granted a thirty-day extension of the notice and opportunity to remediate, provided pursuant to Section 6(A), prior to imposition of a fine; if the blight is remediated during said extension, the case shall be dismissed.

- B. **Civil Penalties:** Any person or entity who fails to comply with Section 4 of this ordinance, and, thereafter, fails to remediate the blighted conditions within five days of the notice provided pursuant to Section 6 (A) may be assessed a civil penalty for each building, structure or parcel of land in violation of this Ordinance. The amount of the civil penalty shall be one hundred dollars (\$100.00) per day. Each day a building, structure or parcel of land remains in violation of this Ordinance shall constitute grounds for the assessment of a separate civil penalty. The issuing officer shall deliver written notice of the civil penalty, either by hand delivery or by mail, to the owner or occupant responsible for the blighted premises. Said notice will include the nature of the violation and the penalty being assessed.

1. Penalties assessed pursuant to subsection (B) of this section shall be enforceable by citation pursuant to C.G.S. Section 7-152c.
2. Persons or entities assessed a penalty pursuant to subsection (B) of this section shall remit fines for said violation within ten (10) days of the mailing of notice thereof. The fine imposed shall be payable to the Town of Ledyard. Uncontested payments received pursuant to this subsection shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of the person or entity making the payment.

Section 9. Civil Penalty Citation Hearing Procedure

- A. **Notification of right to hearing.** At the time that the civil penalty is assessed, the amount

1. that the owner may request a hearing to contest the determination of blight and/or the assessed penalty,
2. that the owner must provide a written request for such a hearing within ten days of the date of notification,
3. that if the property owner does not demand such a hearing, an assessment and judgment shall be entered against the property owner
4. that the judgment may be issued without further notice.

B. Rights of the Respondent

1. Admission of Liability. If the property owner who is sent notice pursuant to subsection (A) above wishes to admit liability for any alleged violation, the owner may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail in accordance with Section 7 (A) (2) above and remediate the blighted property. Payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of the property owner making the payment.
2. Constructive Admission of Liability. Any person or entity who fails to deliver or mail written demand for a hearing within ten days of the date of the first notice provided for in subsection A above shall be deemed to have admitted liability, and the Citation Hearing Board shall certify the property owner's failure to respond to the Citation Hearing Board. The Citation Hearing Board shall thereupon enter and assess the fines, penalties, costs or fees provided for in this ordinance including per diem penalties retroactive to the original date of expected remediation as specified in Section 6(A) and shall follow the procedures set forth in Section 8 (C) of this ordinance.
3. Right to Hearing. Any person or entity who requests a hearing shall be given written notice of the date, time and place for the hearing. The hearing shall be held not less than fifteen days, nor more than thirty days, from the date of the mailing of notice, provided, the Citation Hearing Board may grant, upon good cause shown, any reasonable request by any interested party for continuance.

C. Formal Hearing Procedure. The Citation Hearing Officer shall preside over a hearing which shall be held in the manner outlined in Connecticut General Statutes, Section 7-152c. The Citation Hearing Officer shall render the decision in writing and file it within five days with the Enforcement Officer, the Mayor, and send it by certified mail, return receipt requested, to the property owner or other responsible person and to all parties in the proceedings. The Citation Hearing Officer may decide one of the following:

1. Dismissal. If the Citation Hearing Officer determines that the respondent is not liable, the Citation Hearing Officer shall dismiss the matter, and enter the determination in writing.
2. Finding of Liability: Assessment. If the Citation Hearing Officer determines that the respondent is liable for the violation, the Citation Hearing Officer shall enter and assess the fines, penalties, costs or fees against the respondent, as provided by the Section 7 (A) including per diem penalties retroactive to the expected date of remediation as set forth in Section 5 (A).

D. Notice of Assessment; Effect.

1. Assessments must be paid to the Town of Ledyard within 10 days of receipt of the Citation Hearing Officer's determination.

judicial district civil courthouse), together with the appropriate entry fee. The certified copy of the notice of assessment shall constitute a record of assessment. Within the twelve-month period, assessments against the same person may be accrued and filed as one record of assessment.

- a. Entry of judgment. The court clerk shall enter judgment in the amount of the record of assessment, and court costs, allowed by the General Statutes, in favor of the Town pursuant to C.G.S. 7152(c).
- b. Effect of judgment: levy of execution permitted. Notwithstanding any provision of the General Statutes, the Citation Hearing Officer's assessment, when so entered as a judgment, shall have effect of a civil monetary judgment, and a levy of execution on the judgment may issue without further notice, to the respondent.

E. A decision of the Citation Hearing Officer may be appealed to Superior Court in accordance with the provisions of C.G.S., Section 7-152c(g).

Section 10. Failure to Respond to Citation

A. If the property owner, agent, tenant or responsible person fails to respond to the citation of blight or is unwilling or unable to rehabilitate, demolish, groom, or maintain the blighted property according to the provisions of this Ordinance, the Town may:

1. Take the necessary steps to acquire blighted properties, which have been certified by the Building and Zoning Official to be abandoned pursuant to the Urban Homestead Act of the Connecticut General Statutes.
2. Take the necessary steps to acquire and rehabilitate the blighted premises in accordance with the Town of Ledyard Plan of Conservation and Development.
3. Take the necessary steps to acquire blighted properties using other state or federal means as they may be available.

Section 11. Removal of Abandoned, Inoperable or Unregistered Motor Vehicles

For all properties declared blighted properties within the meaning of this Ordinance as a result of the presence of an abandoned, inoperable or unregistered motor vehicle, which blighted condition has remained in effect for thirty (30) days or which motor vehicle has remained abandoned, inoperable or unregistered on site for thirty (30) days after:

1. Notice by hand delivery or by certified mail, return receipt requested, to the last known address of the owner of the property on which such motor vehicle remains, or the owner of the abandoned motor vehicle, if different from the owner of the property requesting the removal of such motor vehicle; and
2. Notice in a newspaper having a general circulation in the Town of Ledyard.

The Chief of Police -may provide for the removal and storage of said motor vehicle or parts thereof. The costs of the removal and storage of said motor vehicle or parts thereof and the costs of notices shall be borne by the owner of the property from which the motor vehicle or parts thereof are removed or, if the owner of the property is not the owner of the abandoned motor vehicle, by the owner of the abandoned motor vehicle.

Any motor vehicle that is removed pursuant to this Ordinance may not be returned to the same property unless it has been made operable and has been registered.

If the costs of the removal and storage of the motor vehicle remain unpaid for a period of thirty (30) days, the Chief of Police may order the motor vehicle to be sold.

Ledyard at least ten (10) days prior to said auction date. The proceeds of such sale will be used by the Chief of Police to defray the costs of removal, storage and notice. If there should be any money left over after the payment of said costs, the excess proceeds shall be turned over to the owner of the property involved, or if the owner of the property is different from the owner of the abandoned motor vehicle, or if neither property is known, said funds shall be deposited in the General Fund of the municipality.

Any person aggrieved by a notice requesting the removal of a motor vehicle or by the removal of same may, within 15 days of receipt of notice, appeal said ruling to the Citation Hearing Officer. Said appeal shall be heard and appeals may be taken from any such hearing in accordance with the procedures as set forth in the C.G.S., Section 7152c.

Section 12. Collection of Fines Imposed and Costs Incurred

- A. All fines imposed for violation of this Ordinance shall be payable to the Town of Ledyard and deposited in the General Fund.
- B. Upon petition of the property owner, the Town Council may waive and release the penalties and liens (excluding motor vehicle violations) if:
 1. The Town of Ledyard acquires the property; or
 2. At the time of the sale of the blighted property, in the Town Council's opinion, the buyer has the financial ability and intention and has indicated in writing to the Town Council his, her, or its intent to immediately rehabilitate the blighted property. Failure to rehabilitate the blighted property, within the agreed upon timeframe will result in reinstatement of the previous penalties and liens as well as accrual of additional penalties and liens from the date of the waiver.
- C. Pursuant to C.G.S., Section 7-148aa, any unpaid fine imposed pursuant to this Ordinance shall constitute a lien upon the real estate against which the fine was imposed from the date of such fine. In addition, pursuant to C.G.S. 49-73, any expenses incurred by the Town pursuant to this Ordinance shall be subject to a lien. Said lien may be foreclosed upon and enforced in the same manner as property tax liens. The Town of Ledyard Tax Collector is hereby empowered to place a lien on the land records in the manner as specified by Connecticut General Statutes provided a copy of said lien is mailed by first class mail to the owner as set forth on the most recent tax assessment list.

Section 13. Municipal Abatement

In any action to enforce this Ordinance or to enforce any violation hereof, including the failure to pay a fine or penalty, the Town of Ledyard may recover its costs, any and all fines provided for herein, equitable and legal relief, along with any reasonable attorney fees and its witness fees and such other relief as permitted by law.

Section 14. Administrative Responsibility

The Enforcement Officer(s) may prescribe administrative procedures necessary for the purpose of effectuating this Ordinance, which procedure shall be approved by the Town Council.

Section 15. 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 16. Violation

Section 17. Effective Date

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

Amended, Adopted and by the Ledyard Town Council on: October 23, 2019

Linda C Davis
Linda C. Davis, Chairman

Approved/Disapproved on: 10/24/2019

Fred Allyn, III
Fred Allyn, III, Mayor

Published on: October 31, 2019

Effective Date: November 21, 2019

Patricia A. Riley
Patricia A. Riley, Town Clerk

Revision: Ordinance #130 "Town of Ledyard Blight Ordinance" Adopted March 12, 2013.

History: The Twenty-fourth Town Council (2017- 2019) Ordinance Update Initiative: Renumbered Ordinance #130 "Town of Ledyard Blight Ordinance" to Ordinance #300-012. No changes were made to the Ordinance (Town Council September 25, 2019 meeting).

2013: Ordinance #130 "Town of Ledyard Blight Ordinance" was adopted after several years of work and debate. The intent of the Ordinance is to protect property values by providing the town with another tool to deal with problem properties in town, such as foreclosed properties/bank owned properties that have not been maintained for years. The Ordinance provides the town with a tool to request the bank mow the grass, trim the hedges, etc., because the neighbors are affected by the unmaintained property. The Ordinance also enabled the Town to request certain commercial and industrial properties be cleaned up and be maintained. The intent of the Ordinance is not intended to cause conflict between neighbors.

2019: The "An Ordinance Concerning Blight and Public Nuisance for the Town of Ledyard" was a complete rewrite of the Town of "Ledyard Blight Ordinance", to more clearly define the intent.



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 23-2143

Agenda Date: 2/3/2025

Agenda #: 2.

AGENDA REQUEST INFORMATIONAL ITEM

Subject:

Spicer Homestead Ruins - Historical Research and Photos.

Background:

(type text here)

Department Comment/Recommendation:

(type text here)

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

Tri Town Trail conceptualized by David Holdridge prior to 2008

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

2016 first DEEP grant to Town of Ledyard

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

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

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

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

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

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

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

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

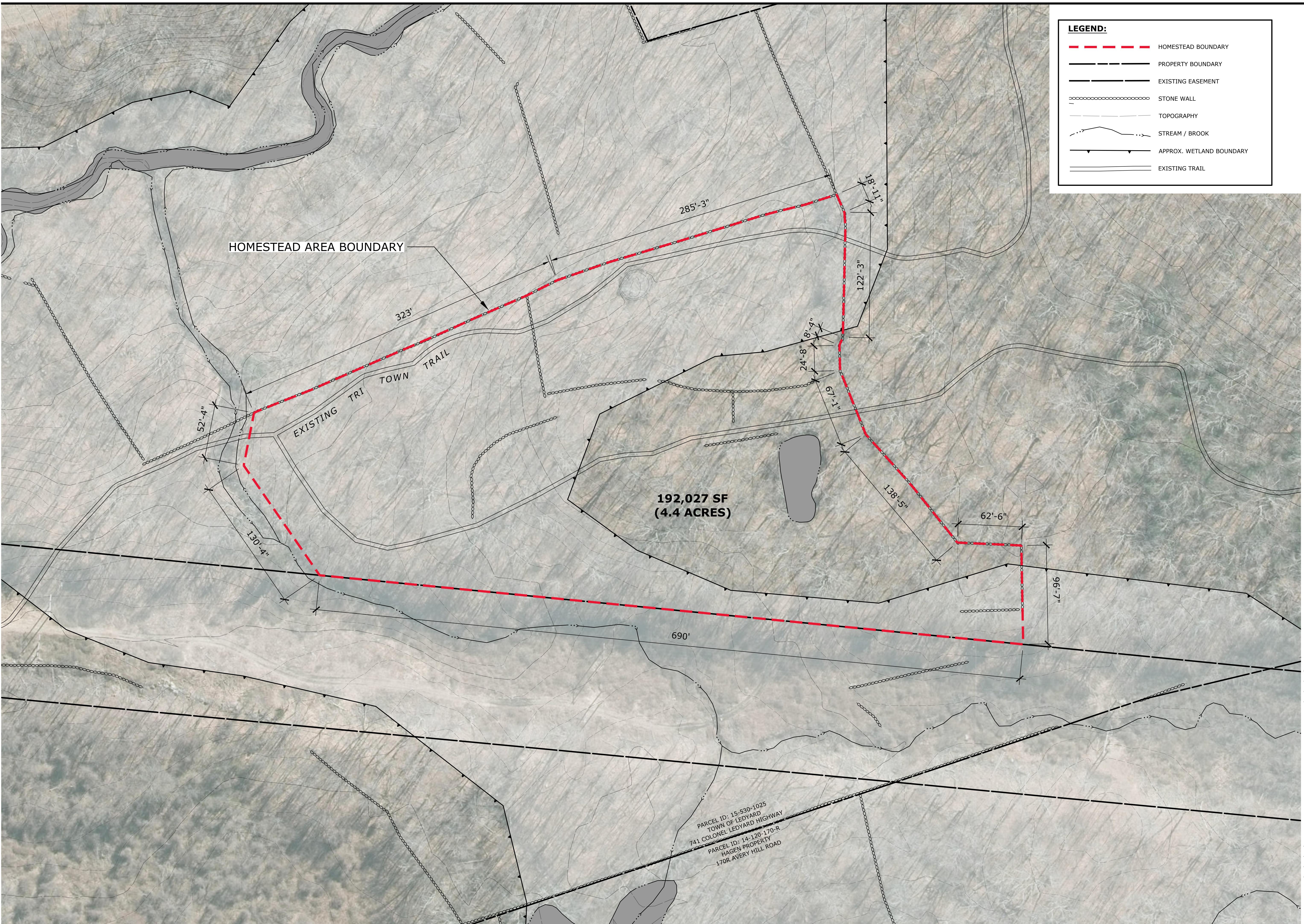
Submitted to Land Use Committee, Sept 9, 2024 by Karen Parkinson, Historic District Comm.

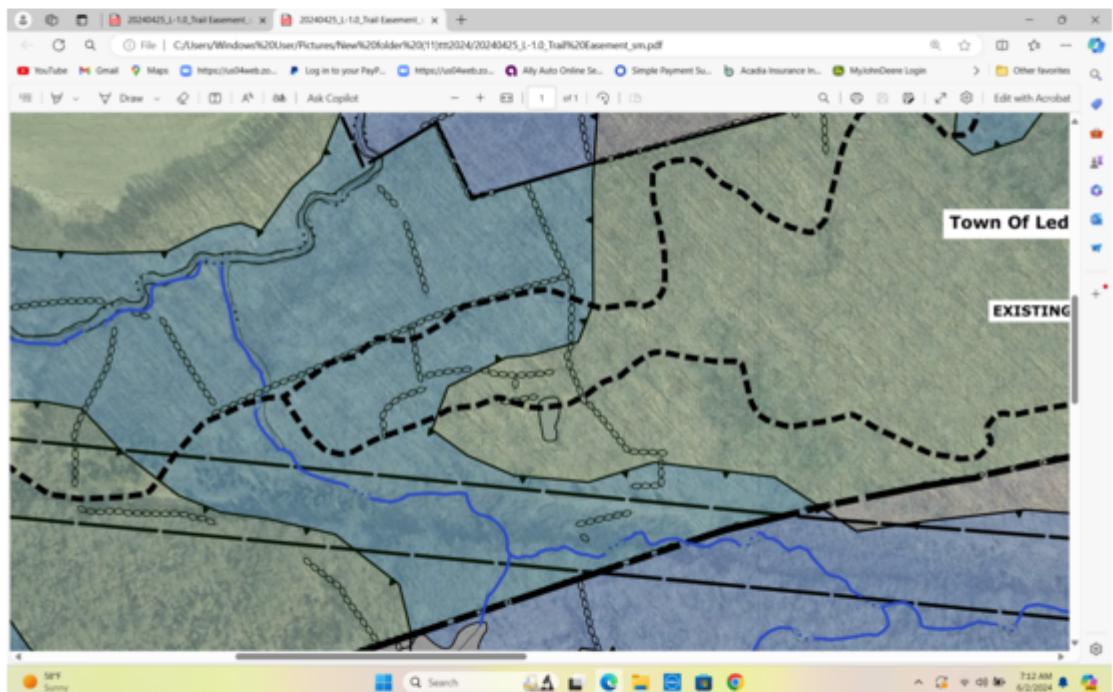
TRI TOWN TRAIL PHASE 2

Ledyard, CT

LANDSCAPE
KENT+FROST
ARCHITECTURE

1 HIGH STREET
MYSTIC, CT 06355
860.572.0784
kentfrost.com





Pequot Trail - Hellgate Hiking | trailforks.com/trails/pequot-trail-hellgate/

United States > Connecticut > New London County > Preston

Pequot Trail - Hellgate BlueBlazes / hike trail

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

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

Status:                          <img alt="Yellow star icon" data-bbox="7985 385

Roxanne Maher

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

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

Next Steps

IAW CGS Chapter 97, Sec. 7-147b

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

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

Thanks
Kevin

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

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

November 21, 2022

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

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

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

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

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

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

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

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

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

Survey of division agreement/line:

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

Survey of John's orchard:

- **one half of orchard lying east of dwelling house**
- beginning at southwest corner of George Geer land
- running south 13 degrees east across said orchard to heap of stones by a wall
- east 22 degrees north 11 1/2 rods to George Geer's land
- with said George Geer's land to the first mentioned bound
- containing 1 acre 20 rods

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

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

Suggestions:

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

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

Maps related to Spicer landholdings.

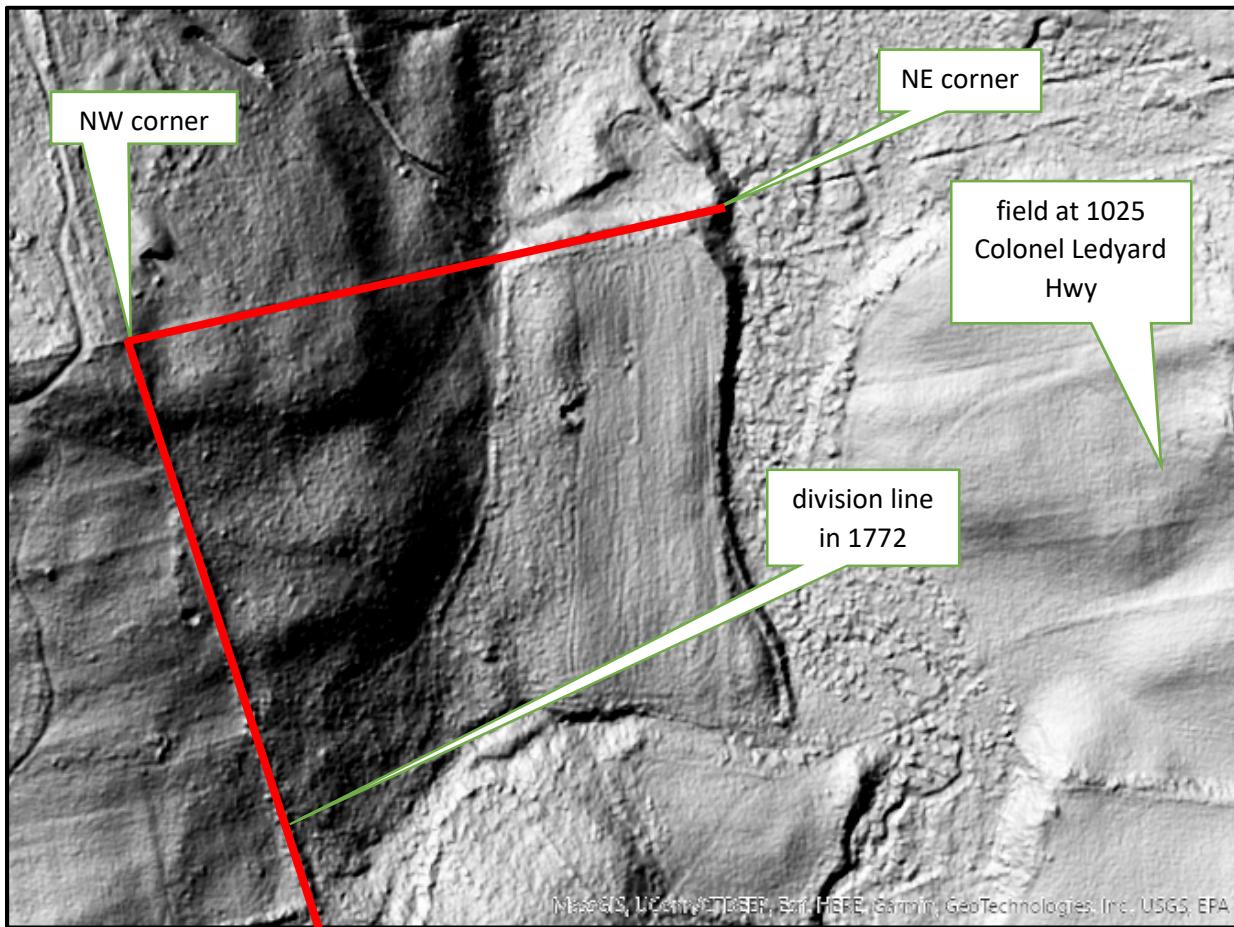


Fig 1. LIDAR of northern bound established for Cyrus Spicer's division of his father Hon. M. John Spicer's estate in 1772 measuring 55 rods in length beginning at the northeast corner at the brook just above or at the newly installed TTT bridge. Also note two anomalies or depressions visible in the middle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

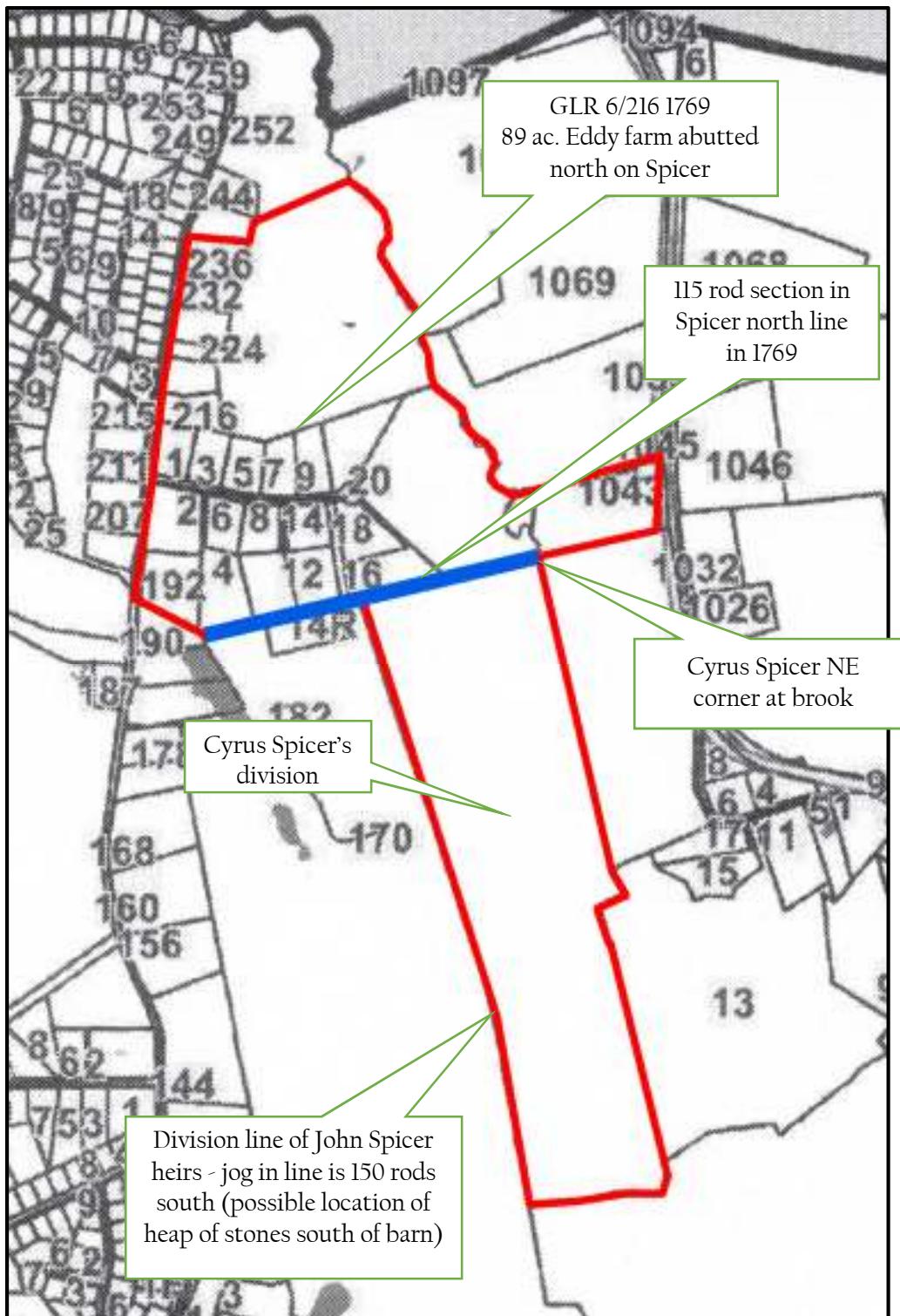


Fig. 2 Mark-up of Ledyard GIS property map. (<https://www.mapsonline.net/ledyardct/>)

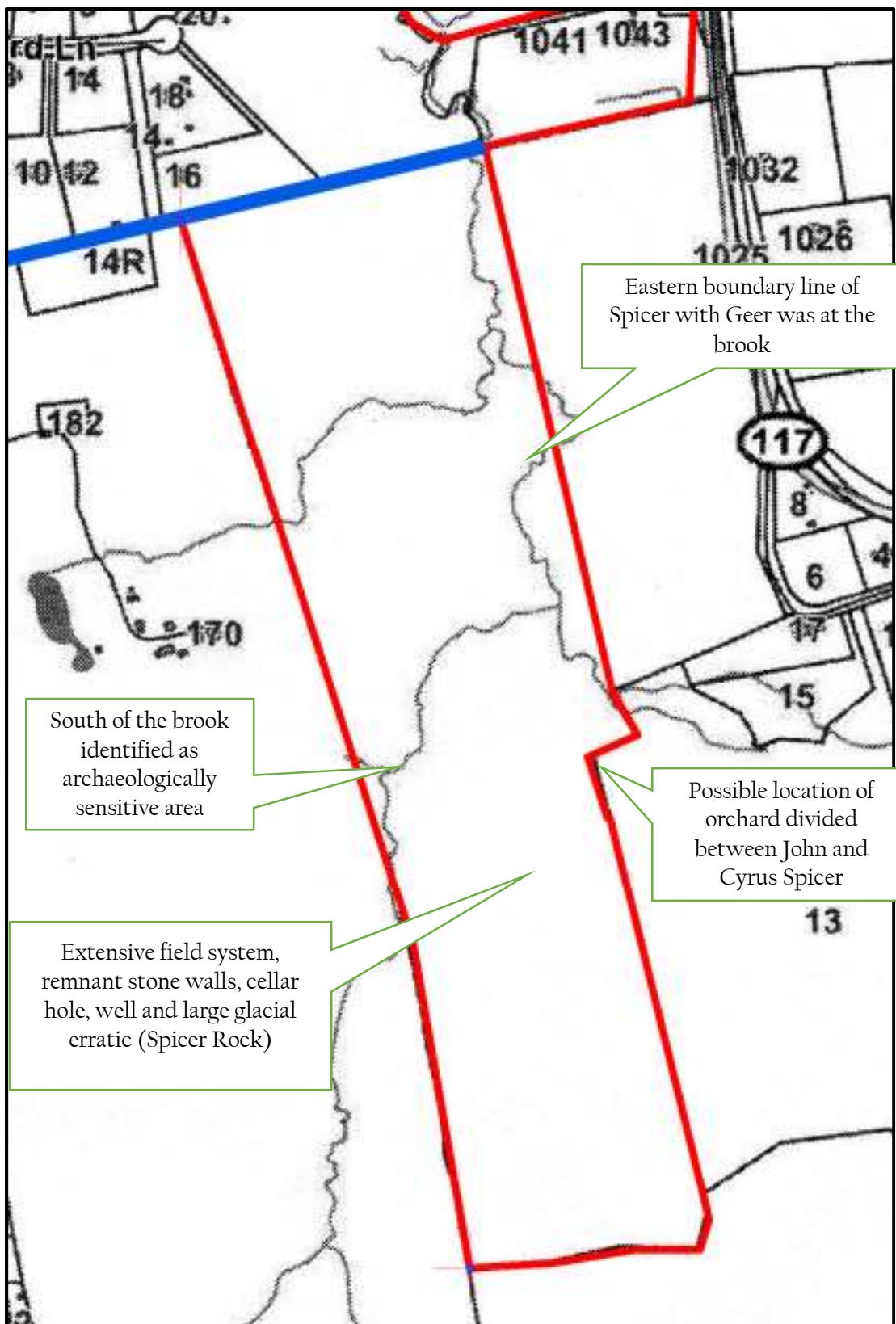


Fig. 3 Mark-up of Ledyard GIS map (<https://www.mapsonline.net/ledyardct/>)

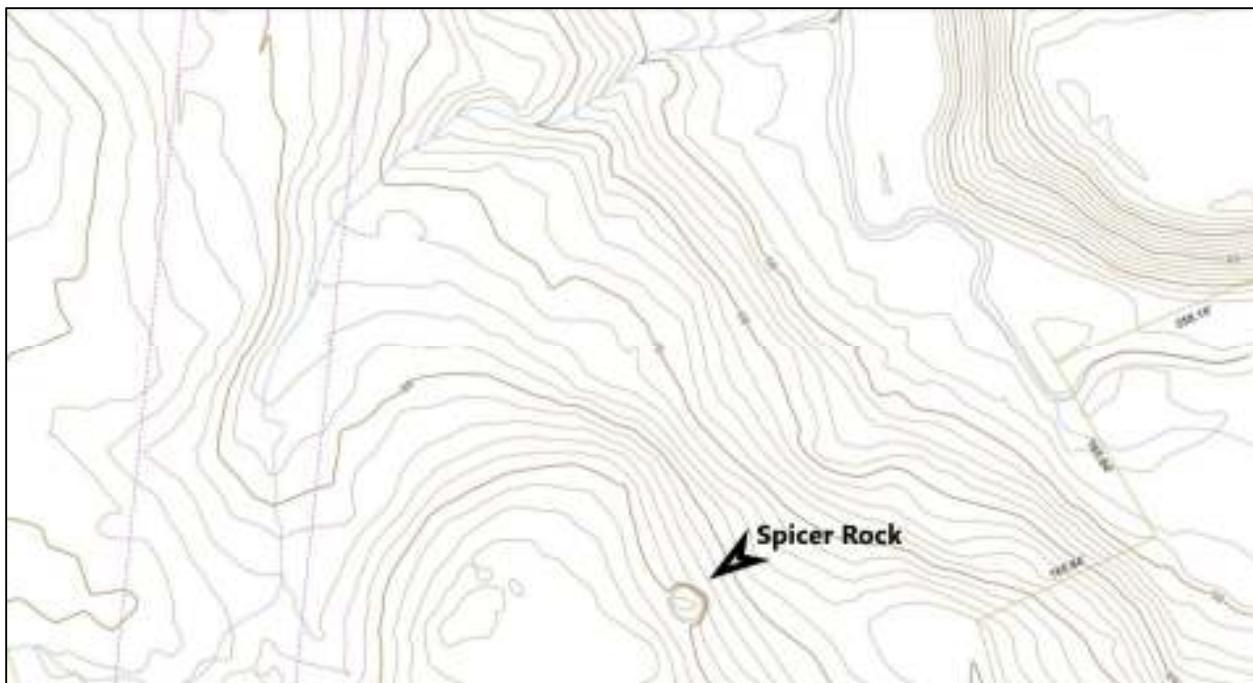


Fig. 4 TTT map marks location of “Spicer Rock”. Note wall east of the rock that zigs and zags with approximately a 10 rod sections of wall, possibly the location of John Spicer’s orchard.

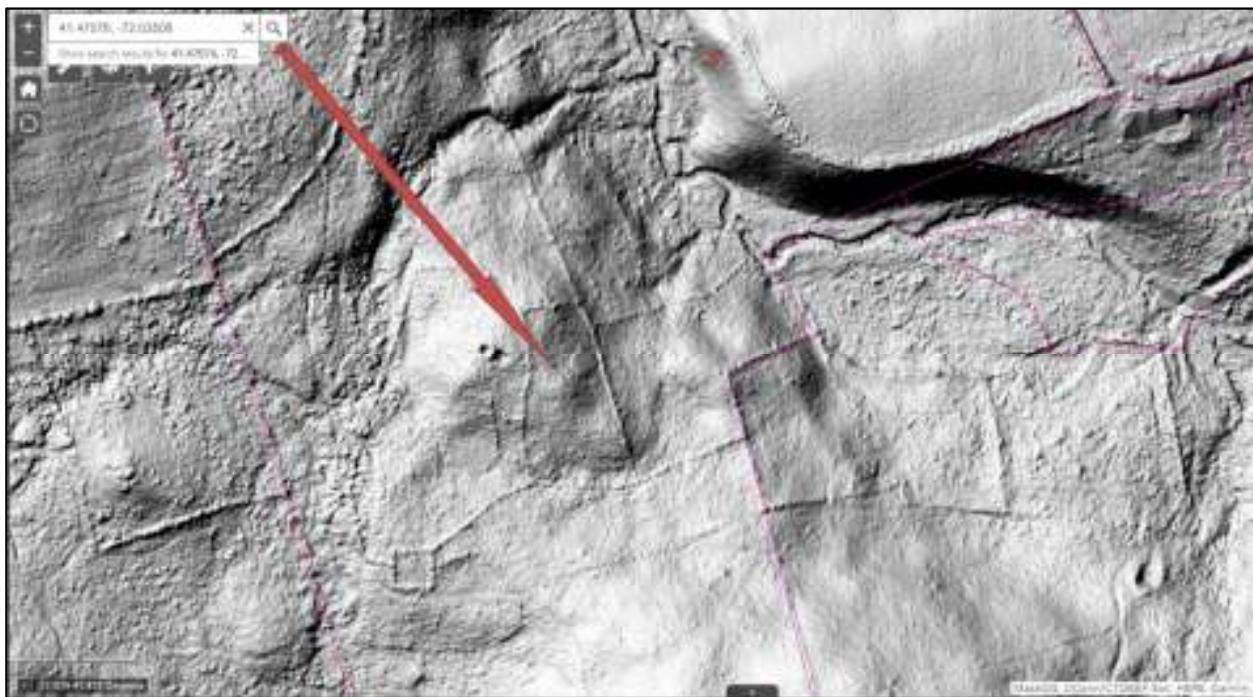
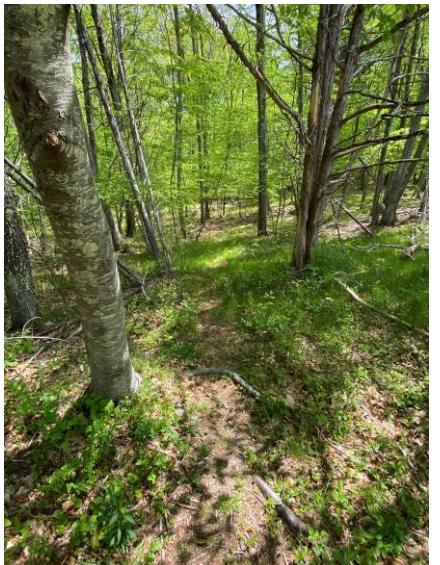
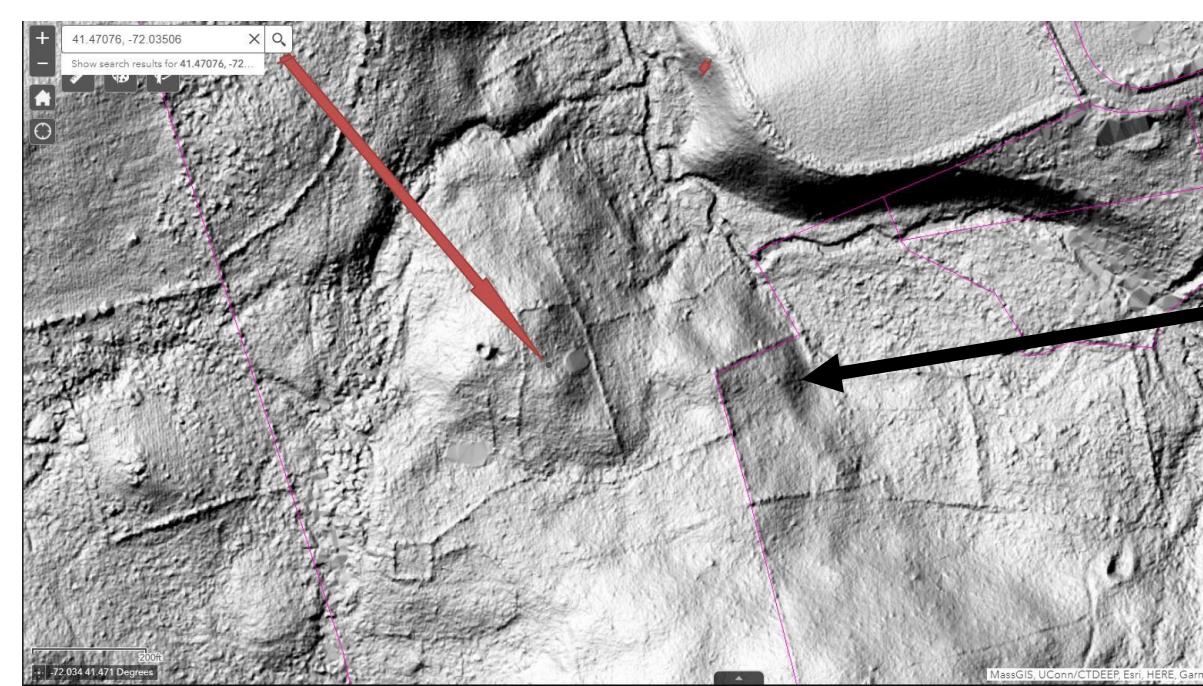


Fig. 5 TTT LIDAR image mark-up of location of “Spicer Rock”, with visible section of zig zagging wall to the east and identifies extensive walled in field system.



Spicer Ruins
Site Access Bridge
Actual Photos of:
Existing Foundations
Rock Wall Pens
Old Orchard





Spicer Ruins

Lidar showing Rock Wall Pens,
Foundations and well

Actual Photos of:

Existing walls

Spicer Rock

Spicer Well



Town of Ledyard Historic District Commission Meeting Minutes

12/18/23

Present:

Chairman Vincent Godino, Commissioners-Ty Lamb, William Barnes. Alternate Member Kelly Lamb.

Also in Attendance: Town Council Liasson: Tim Ryan

Members not in attendance: Commissioners: Douglas Kelley & Alternate Kenneth Geer.

Commissioner Melissa Dyson commission has expired and will not be coming back.

Review and approval of minutes Mover William Barnes and 2nd approver Ty Lamb. AYE all present

Fiscal Reports:

Saw Mill: \$1,180 spent, \$447 remaining

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

Capital Account: \$36,036

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

Donations:

Saw Mill: \$7,424

Nathan Lester House: \$11,337

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

Status of ARPA Funds:

Town has time limits for funds to be contracted by end of 2024 and spent by end of 2026

Vincent Godino sent out a Status of Historic ARPA funds estimates to Sheila Godino on 12/18/23

With Tim Ryan present conversations regarding the Saw Mill's projects-

William Barnes and Vin Godino: That the Line Penstock is a priority. He is looking for 3-5 qualified quotes. There is a need for expert advise to help write and evaluate the bids. There is a possibility of a company Stan Tech who has written similar RFP's. Bill referred to the town's ordinance purchasing guidelines.

Tim Ryan suggested reaching out to the Finance manager Matt Bonin or Steve Masalin from public works.

Continuing to discuss the projects for the Saw Mill that pose difficulty to quote out: The concrete pipes and pipes leading inside may need two approaches to repair estimate of 40-50k.

The Saw Mill is basically 3 parts for repair work: Mechanical, Water Flow and Intake pipes. The structure of the material needs to be water tight and last. Pipes go from Concrete to Steel. They are basically showing leakage at the connections between the two. They do not want to dig up the concrete. Plus, we need to be mindful of continuing to be Historically accurate.

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

Discussion to send the ARPA estimates to Matt tomorrow the ARPA estimates.

Committee Reports:

Sawmill:

Supplemental Assessments being done. Utilizing the CT website of Vendors, we can use or can be submitted.

Discussed the Penstock Tyier. Alan was watching the water levels with all the rain we had recently. Very happy to report water levels did not affect the mill.

This month the Saw Mill has shut down for the season.

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

Nathan Lester House:

Vin presented tonight as Doug was absent from our meeting and Melissa's commission has expired and was also not in attendance.

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

There was a brief discussion of the Movie release. To date there is no update.

Preservation & Research:

Ty Lamb presented need for vote on the authorization of the Research and Preservation Group to pursue the development of a roadmap in conjunction with LU to establish the Spicer Sites as Historic sites and gain admin control of this new site. This was put off till we were discussing new business.

Land use: Ty has been working with others (Karen, Victoria, Alyssa & Amiee) on site walks, goals on mapping out areas to be included with the Spicer location.

Signs: Working on 3 more signs presently- Latham House, 9-mile Spicer, and Watson House.

Park & Pollination Garden: Missed a meeting due to illness with the GOSHA to get authorization. Continued work is being done with the help of Victoria (walk thru, developing a mapping of the area, Sign)

Donation Account specific to Preservation & Research: This was brought up due to people asking Ty to donate. Vin to talk to Matt about opening a separate account.

Gales Ferry Sign: Vin-completion of the replacement approx. \$750.

Center School: Ken was absent

Social Media: Kelly Lamb has taken on the social media. Missy is working with her with the face book and Instagram pages.

Old Business none

New Business

Annual Review of Rules of Procedure: the Procedure was emails to all the commissioners on 11/27/23 to be reviewed by the commission. Vin discussed if there are any changes, we need a month before a vote. In the past the financial position was eliminated that we may possibly want to re-establish this.

Next month is the election of Officers. Vin has let us all know he will not be seeking the chair position again. He would like to possibly stay on as an alternative and help the new Chair settle into the new position.

Decator Letter: Doug sent a letter to Director of land Use and Planning regarding the proposed destruction of Mt Decatur. Discussion of its significance: 5 revolutionary war veterans within the cemetery that resides there.

Roadmap vote for Research/Preservation: Motion to Authorize the research and Preservation group to pursue the development of a "Roadmap" in conjunction with the Land use committee of the town, to establish the "Spicer Historic District" and to place under administrative control of the Historic District Commission.

Motion made by Ty Lamb; it was seconded by Bill Barnes. Result: 4-0, Motion to authorize was approved.

Adjournment: motion and unanimous agreement to adjourn.



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 24-0778

Agenda Date: 2/3/2025

Agenda #: 3.

ORDINANCE

Motion/Request:

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

Background:

See attached.

Department Comment/Recommendation:

(type text here)

Mayor Comment/Recommendation:

(type text here)

Body:

(type text here)

Roxanne Maher

From: John Rich
Sent: Wednesday, October 30, 2024 1:12 PM
To: Roxanne Maher
Cc: Alan Muench; Kenneth R. Creutz
Subject: RE: LUPPW Cmt - Noise Issues & Illegal Dumping

Roxanne,

Regarding the issue of illegal dumping, I'll do my best to chronicle the situation at 26 Lake Street, with an eye toward mitigation of the issue that's impacting the neighbors. I've noted that you included the state statute for littering and illegal dumping. Here's the definition of "litter" from a 2002 Office of Legislative Research Report:

CONNECTICUT LITTERING LAW

The law prohibits people from throwing, scattering, spilling, placing or causing to be blown, scattered, spilled, thrown or placed, litter upon any public property, private property belonging to another, or any state waters (CGS § 22a-250).

Litter is any discarded, used, or unconsumed substance or waste material, including bottles, cans, jars, and their detachable tops; unlit cigarettes, cigars, and matches; any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings, lawn or garden waste, newspapers, magazines, or glass, metal, plastic or paper containers, or other packaging or construction material (CGS §22a-248(4)).

Littering does not occur if a person is authorized to dispose of waste on property the state or a municipality has designated for such use, or if someone properly deposits waste in a receptacle.

It should be noted that the standard for illegal dumping includes a unit of measurement of one cubic foot. Therefore, it's my opinion that a trash bag of leaves, grass clippings, etc, placed on someone's property without permission would constitute littering/illegal dumping under the statute.

State of Connecticut DEEP offers the following on their website with regard to illegal dumping:

There are penalties for illegal dumping:

- *State law imposes a fine of \$219 for dumping anything bigger than one cubic foot.*
- *If you are caught dumping with your vehicle it will be confiscated, you will pay a fine and you are also subject to arrest.*
- *You can also be sued for clean-up costs and the collection of bigger fines – up to \$25,000 per day.*
- *Dumping can be punishable under federal law.*

Report illegal dumping to:

- ***Your Local Police Department:*** *If the dumping is ongoing and/or you know who did the dumping, call the local police. If a vehicle is involved, get the license plate number and a description of the vehicle doing the dumping --- vehicles can be seized.*

- **DEEP's Emergency Response Unit:** Only if the dumping poses an immediate threat to public health or the environment. [Reporting Environmental Emergencies](#)
- **Your Town/City Hall:** If the dumping has already taken place, call your Town or City Hall to report the incident. Usually, the contact at the Town Hall is your [local Health Department](#) or Public Works Department.

Recent Ledyard Police Call History regarding 26 Lake Street and 19 Marla Ave.

April 22, 2023—Walk-in complaint at LPD from resident of 19 Marla regarding neighbor throwing tree branches over a fence onto her property. Complainant advised she put the branches back onto the neighbor's property but did not confront them. Officer Buechel spoke to the reporting party, who states she would call back if there were further issues. There is no additional report in our systems regarding the issue.

October 5, 2023—Resident of 26 Lake Street called LPD for advice on a camera pointed toward her property from Marla Ave, Call number 23-31074

May 24, 2023 and August 13, 2023—Medical calls regarding elderly resident at 26 Lake Street

October 8, 2024—Untimely Death of the same elderly resident at 26 Lake Street

Suggestions 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, I'd encourage the complainant (s) to contact me by email at Chief.rich@ledyardct.org so I can 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 is an option.
- 4) I do not believe there is sufficient cause for the town to enact an ordinance for a situation with a remedy that exists in state statute.

Issue #2—Noise from Prides Corner Farms at 691 Shewville Road

Summary:

This property appears to be an off-site growing location for Prides Corner Farms of 122 Waterman Road in Lebanon, CT, Phone (860) 437-5168.

From the minutes, it appears a resident is concerned with noise from construction of greenhouses and structures, as well as workers playing music on the property. It also appears the resident has spoken with workers about the music, and they have been cooperative in lowering the volume when asked.

Assuming the farming business is conforming with regulations and the hours of operation on their permit, it may be helpful to contact the main office in Lebanon to determine how much additional construction, if any, is planned, and the timeline for the construction. If this is communicated to the resident, at least they have some information.

Recent Ledyard Police Responses to 691 Shewville Road include routine patrol checks, traffic enforcement, and a report of low hanging wires.

Recent responses to 10 Linden Lane include a fire department call for smoke in the house due to an oven fire in 2022.

There is no record of any noise complaints to LPD regarding these properties.

As noted in other interactions with Land Use pertaining to noise complaints, there are many variables in play that make these situations somewhat complicated at times. It is my hope that this situation is temporary and can be mitigated with effective communication with the involved parties. If there is any way I can further support the committee's efforts, or if my presence at a meeting is desired, please let me know.

Sincerely,

Chief John Rich

From: Roxanne Maher <council@ledyardct.org>
Sent: Tuesday, October 29, 2024 3:12 PM
To: John Rich <chief.rich@ledyardct.org>
Cc: Roxanne Maher <council@ledyardct.org>; Gary St. Vil <GSVil@ledyardct.org>
Subject: LUPPW Cmt - Noise Issues & Illegal Dumping

Good Afternoon Chief Rich:

As a follow-up to my voice message, the LUPPW Committee has been discussing resident's concerns regarding the following issues:

- Noise Issue – 10 Linden Lane – a Business has been operating loud equipment in the early morning hours.
- Illegal Dumping – Resident on Lake Street has a neighbor who continues to dump debris over the fence onto their property.

The LUPPW Committee is looking for guidance as to the best approach for the Town to help these residents with their concerns (i.e. rely on state statute or draft an Ordinance).

I have attached the LUPPW Cmt Minutes as follows:
August 5, 2024 – Residents Comments

September 9, 2024 – New Business Item #1

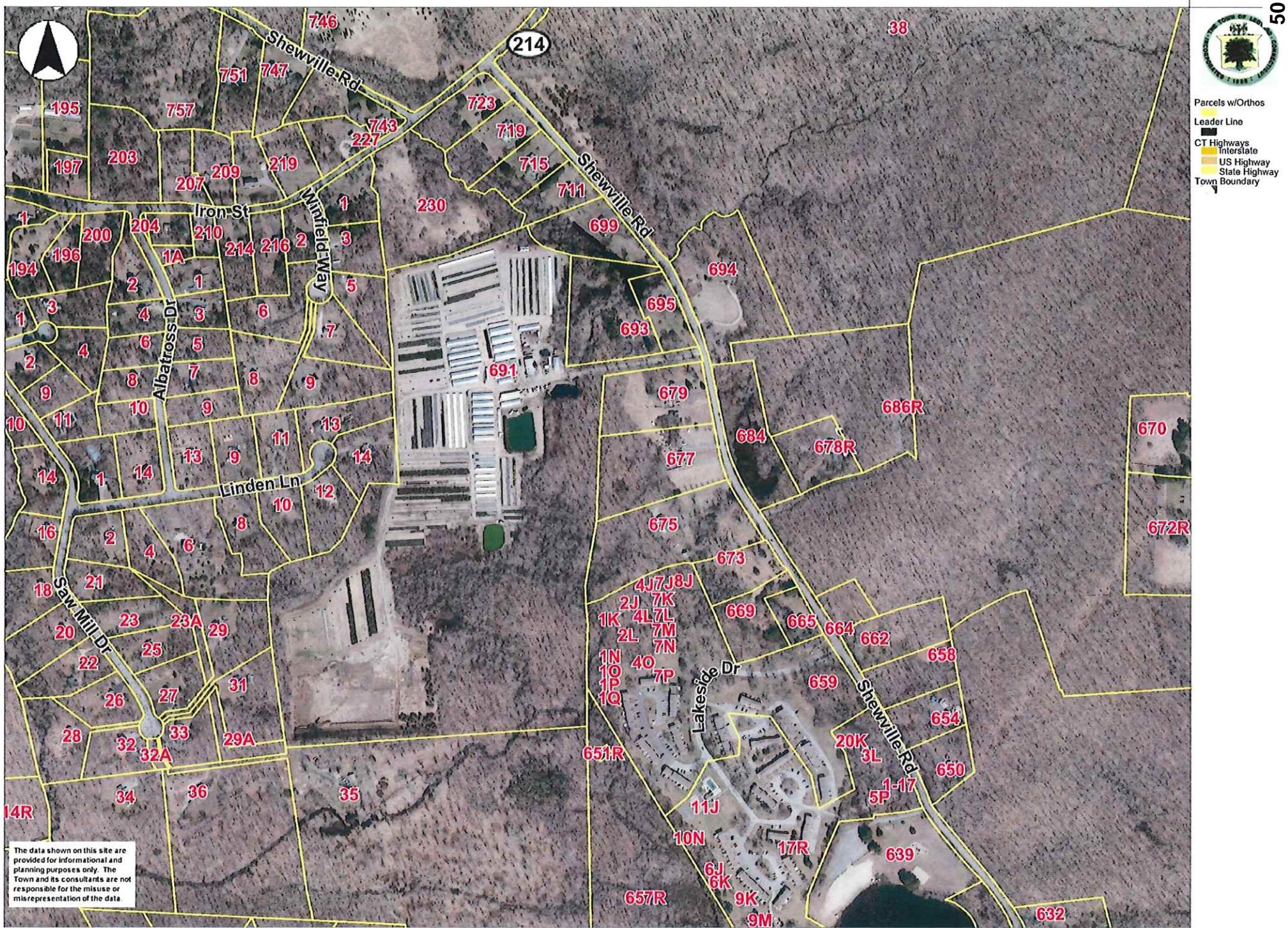
Please contact me if you have any questions regarding this request.

Thank you for your help,
Roxanne

Roxanne M. Maher
Administrative Assistant to
The Ledyard Town Council
(860) 464-3203
council@ledyardct.org

Town Hall Hours:
Monday – Thursday 7:45 a.m. – 4:45 p.m.
Closed on Friday





Roxanne Maher

From: SUSAN JOHNSTON <sailrsu@aol.com>
Sent: Tuesday, August 13, 2024 9:25 AM
To: Roxanne Maher
Subject: Prides corner farms

[You don't often get email from sailrsu@aol.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Hello,

I live on 10 Linden Lane in Ledyard and prides corner farms is located in my neighborhood. I have gone over to the farm office a few times and called the business several times complaining about the noise that is being made in the farm.

My biggest issue is that they make a lot of noise early in the day, for example running a chainsaw on a Saturday at 7:00 am. There is frequently a lot of noise and work going on from 7 AM on Saturday and Sunday and of course on weekdays. I do not think they should be able to start their workday until at least 8 AM and I would like to know why I have to listen to noise on the weekend, especially when it wakes me up, one of the things that is done over at the farm is that they play very loud music and a lot of times the workers are hooting and hollering especially on Fridays. On the other end of things, a lot of times there's noise much after 5 o'clock, even on the weekends. It is obvious that this is not just a small farm or nursery. It is an industrialized zone. I'm wondering what this business is zoned for, especially since it is in a neighborhood.

Another noise issue is that there are so many greenhouses and the fans are really loud and a constant source of noise.

Another issue from this business is that they have huge 18 wheelers coming to their address and very frequently we get 18 wheelers driving through our neighborhood, right on Linden lane. This has been a problem for years and you would think by now they could've let the people know how to get to their farm or made sure that the GPS system understood how to get to the farm. Because it's obvious the GPS directs them through Linden Lane.

I have always loved living here, I moved here in 1999, I am very frustrated with having my home that I bought to spend the rest of my life in being thrown into the middle of an industrial zone. I choose to live here and pay high taxes because of the rural setting and the peace and quiet. My home is no longer a peaceful quiet place when I can relax due to the noise from this business.

I was informed that the state has noise ordinances, but that the town does not, I think this is something that needs to be remedied. Please reply to me with what this business is zoned for and let me know if you are willing to help by getting a noise ordinance in town.

Sincerely,

Sue Johnston

10 Linden lane
Ledyard CT
860-287-7444
Sailrsu@aol.com
Sent from my iPhone

Roxanne Maher

From: SUSAN JOHNSTON <sailrsu@aol.com>
Sent: Friday, August 16, 2024 9:38 AM
To: Naomi Rodriguez
Cc: Roxanne Maher
Subject: Re: Letter - Noise Ordinance

You don't often get email from sailrsu@aol.com. [Learn why this is important](#)

Hello, I will be able to come to your meeting from 6 to 6:30. I am a musician and I have a rehearsal at 7 o'clock that I cannot miss. Is it possible to put this in the beginning of the agenda so that I can be there when it's talked about and contribute if necessary.

Thank you very much,
Susan Johnston
Sent from my iPhone

On Aug 13, 2024, at 12:03 PM, Naomi Rodriguez <NaomiR@ledyardct.org> wrote:

Hello Ms. Johnston,

I have read your letter and I thank you for writing to the Town Council. We truly appreciate to hear from town residents. Regarding your letter referencing a Noise Ordinance, I have forwarded your letter to the Land Use/Planning/Public Works Committee so they can discuss this matter. It will be on their agenda for the September 9, 2024 meeting at 6:00 pm in the Town Hall Annex Council Chambers. I do hope you would attend, if you so choose. Please do not hesitate to contact me if you have any questions. Again, thank you for your letter and your time on this matter.

Respectfully,

Naomi Rodriguez, Chairman
Ledyard Town Council



Ledyard Police Department



John J. Rich
Chief of Police

LT. Ken Creutz
Executive Officer

November 29, 2018

Chairman Kevin Dombrowski
Town of Ledyard
Land Use/Planning/Public Works Committee
741 Colonel Ledyard Highway
Ledyard, CT 06339

Re: Proposed Noise Ordinance

Dear Chairman Dombrowski,

I am in receipt of your letter dated November 15, 2018 in which you requested my recommendations on noise control for our community.

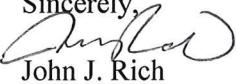
For purpose of historical perspective, Ledyard Police Department has investigated 65 noise complaints in 2018. Noise complaints can take several forms, including suspicious gunfire, fireworks, loud parties, loud music, and in cases of apartment complexes, sometimes loud televisions or conversations can generate complaints.

As you are aware, the current discussion which led to the proposed ordinance involves a single residence in Ledyard to which the department has responded 15 times since January 1, 2017. Nine of these responses were for incidents involving animals, and five were noise complaints.

I am on record and continue to hold the opinion that there is sufficient remedy in existing state statutes to allow the police department to effectively deal with the types of complaints we historically receive. Further, that in order to prove a violation of the proposed ordinance, specialized measuring equipment may be needed which further complicates the process and will require some training. I am also concerned about the mechanism for due process to contest a violation of the proposed ordinance. An appeals process for any violation of state statute already exists within the courts.

I believe the type of service in these matters currently provided by the Ledyard Police Department is consistent with the values of the department and the character of our community. Our officers generally make contact at the source of the noise, investigate, and attempt to resolve the situation with courtesy and diplomacy. If the person making the noise is not compliant, enforcement action may be taken at the responding officer's discretion.

Finally, I do not believe that the creation of an ordinance will be an effective deterrent in the situation which created this entire discussion. Please let me know if I can be of additional assistance in this matter.

Sincerely,

John J. Rich
Chief of Police

1 Attachment

Sec. 53a-181a. Creating a public disturbance: Infraction. (a) A person is guilty of creating a public disturbance when, with intent to cause inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he (1) engages in fighting or in violent, tumultuous or threatening behavior; or (2) annoys or interferes with another person by offensive conduct; or (3) makes unreasonable noise.

(b) Creating a public disturbance is an infraction.

Sec. 14-80a. Maximum noise levels. (a) No person shall operate a vehicle or combination of vehicles, nor shall the owner of any vehicle allow the vehicle to be operated, at any time or under any condition of grade, surface, speed, load, acceleration, deceleration or weather condition in such a manner as to exceed the decibel levels established under subsection (c) of this section. This subsection applies to the total noise generated by a vehicle and shall not be construed as limiting or precluding the enforcement of any other motor vehicle noise provisions of this title.

(b) No person shall sell or offer for sale a new vehicle which produces a maximum decibel level which exceeds the decibel levels established under subsection (c) of this section.

(c) The Commissioner of Motor Vehicles shall, with the advice of the Commissioner of Energy and Environmental Protection, adopt regulations in accordance with the provisions of chapter 54 establishing the maximum decibel levels permissible for motor vehicles, which shall not exceed the maximum decibel levels established for motor vehicles by federal law or regulation. The Commissioner of Motor Vehicles shall establish the procedure for checking maximum decibel levels. The decibel level shall be measured fifty feet from the centerline of the vehicle. The Commissioner of Motor Vehicles may provide for measuring at distances closer than fifty feet from the centerline of the vehicle. In such a case, the measuring devices shall be calibrated to provide for measurements equivalent to the noise limit established by this section measured at fifty feet.

(d) Violation of the provisions of this section shall be an infraction

Connecticut

Department of Agriculture

Connecticut General Statutes, Sec. 1-1 (g)

Except as otherwise specifically defined, the words "agriculture" and "farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, the production of honey, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoophouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term "aquaculture" means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.

Sec. 22a-73. Municipal noise regulation programs; ordinances subject to commissioner's approval. (a) To carry out and effectuate the purposes and policies of this chapter it is the public policy of the state to encourage municipal participation by means of regulation of activities causing noise pollution within the territorial limits of the various municipalities. To that end, any municipality may develop and establish a comprehensive program of noise regulation. Such program may include a study of the noise problems resulting from uses and activities within its jurisdiction and its development and adoption of a noise control ordinance.

(b) Any municipality may adopt, amend and enforce a noise control ordinance which may include the following: (1) Noise levels which will not be exceeded in specified zones or other designated areas; (2) designation of a noise control officer and the designation of an existing board or commission, or the establishment of a new board or commission to direct such program; (3) implementation procedures of such program and the relation of such program to other plans within the jurisdiction of the municipality; (4) procedures for assuring compliance with state and federal noise regulations; (5) noise level restrictions applicable to construction activities, including limitation on on-site hours of operation.

(c) No ordinance shall be effective until such ordinance has been approved by the commissioner. No ordinance shall be approved unless it is in conformity with any state noise control plan, including ambient noise standards, adopted pursuant to section 22a-69 or any standards or regulations adopted by the administrator of the United States Environmental Protection Agency pursuant to the Noise Control Act of 1972 (P.L. 92-574) or any amendment thereto. Notwithstanding the provisions of this subsection, any municipality may adopt more stringent noise standards than those adopted by the commissioner, provided such standards are approved by the commissioner.

(P.A. 74-328, S. 7, 12.)

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Construction equipment shall mean any equipment or device operated by fuel or electric power, used in construction or demolition work. Day shall mean the hours **between 7:00 a.m. and 10:00 p.m., Monday through Saturday, and the hours 9:00 a.m. through 10:00 p.m. on Sundays.**

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Jun 1, 2015 – of this provision to prohibit the use of **construction equipment** and machinery before the **hour** of 7:00 a.m. on Monday through Friday, 8:00 ...

8 pages

General Conditions - Town of West Hartford

Construction activity shall be limited to Monday through Friday, and to the hours of **7:00AM to one hour after sunset**. The Town has the right to restrict work ...

workzonesafety.org
https://workzonesafety.org › Practices

Time frame allowed for lane closure setup (e.g., 9:00am to 3 ...)

In Connecticut, lane closure times are typically set based on traffic volumes. For daytime operations, the allowable hours on most roadways are **9 am to 3 pm**.

ecode360.com
https://ecode360.com › ...

Town of Ridgefield, CT Noise - eCode360

Construction equipment while engaged in premises construction, **between 7:00 a.m. and 6:00 p.m. from Monday through Friday** and between 9:00 a.m. and 5:00 p.m. on ...

[Rocky Hill, CT \(.gov\)](https://www.rockyhillct.gov)
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Noise Ordinance (PDF)

10Noise from **equipment** of the Town or **State** constructing or ... or regulations of the **State** of Connecticut or to **use** or **operate** said noise source after such.

[Coventry, CT \(.gov\)](https://www.coventry-ct.gov)
https://www.coventry-ct.gov › ViewFile › Item

Avon Code of Ordinance

CONSTRUCTION EQUIPMENT. Any equipment or device operated by any fuel or electric power used in construction or demolition work. **DAYTIME HOURS**. The hours between ...

[Town of Tolland CT | \(.gov\)](https://www.tollandct.gov)
https://www.tollandct.gov › planning-zoning › pages › n...

Noise & Permitted Hours

Permitted Day Time Noise Generation Monday - Saturday, 7:00 a.m. to 10:00 p.m. Sunday 9:00 a.m. to 10 p.m. Exclusions & Exemptions apply, see below.

[North Stonington CT | \(.gov\)](https://www.northstoningtonct.gov)
https://www.northstoningtonct.gov › home › pages › hea...

Heavy Equipment Operator Position | North Stonington CT

North Stonington, CT 06359. Hours of Operation **Mon - Fri 8AM - 4PM**, (except holidays). Phone: (860) 535-2877. Fax: (860) 535-4554. Website Disclaimer

[Town of Windsor Locks](https://windsorlocksct.org)
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TOWN OF WINDSOR LOCKS Noise Control Ordinance

(1) noise generated by any **construction equipment** which is **operated** between the hours of 7:00. a.m. and 9:00 p.m. on Mondays through Saturdays, and 9:00 a.m. ...

11 pages

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CT noise ordinance times



Noise ordinance New Haven, ct



Stamford noise ordinance hours



East Haven noise ordinance times



Noise complaint CT number



Norwich ct noise ordinance



Noise complaint Stamford, CT



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CHAPTER 442

NOISE POLLUTION CONTROL

Sec. 22a-67. State policy regarding noise. (a) The legislature finds and declares that: (1) Excessive noise is a serious hazard to the health, welfare and quality of life of the citizens of the state of Connecticut; (2) exposure to certain levels of noise can result in physiological, psychological and economic damage; (3) a substantial body of science and technology exists by which excessive noise may be substantially abated; (4) the primary responsibility for control of noise rests with the state and the political subdivisions thereof; (5) each person has a right to an environment free from noise that may jeopardize his health, safety or welfare.

(b) The policy of the state is to promote an environment free from noise that jeopardizes the health and welfare of the citizens of the state of Connecticut. To that end, the purpose of this chapter is to establish a means for effective coordination of research and activities in noise control, to authorize the establishment of state noise emission standards and the enforcement of such standards, and to provide information to the public respecting noise pollution.

(P.A. 74-328, S. 1, 12.)

Legislature has undertaken to preempt field of legislation re noise pollution control in Sec. 22a-67 et seq. and to require that local efforts aimed at noise pollution control comply with requirements it has enumerated by statute. 76 CA 199.

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Sec. 22a-68. Definitions. As used in this chapter:

- (a) "Commissioner" means the Commissioner of Energy and Environmental Protection or his designated agent as defined in subsection (a) of section 22a-2.
- (b) "Department" means the Department of Energy and Environmental Protection.
- (c) "Local government" means any metropolitan district, town, consolidated town and borough, city, borough, village or any subdivision thereof.
- (d) "Person" means "person" as defined in subsection (b) of section 22a-2.
- (e) "Noise" means the intensity, frequency, duration and character of sounds from a source or number of sources, and includes vibrations of subaudible or superaudible frequency.
- (f) "Ambient noise" or "environmental noise" means noise from all stationary sources.

(g) "Stationary noise source" means any building, structure, facility or installation which emits or may emit noise, beyond the property line on which such source is located, except any on-site recreational or sporting activity which is sanctioned by the state or local government or farming equipment or farming activity. A recreational or sporting activity shall be deemed sanctioned by a local government if (1) the activity has received all approvals or permits required by the local zoning authority, (2) a resolution sanctioning the activity has been adopted by the legislative body of the local government, or (3) the activity is owned or operated by the local government.

(P.A. 74-328, S. 2, 12; P.A. 89-277, S. 3, 4; P.A. 11-80, S. 1; P.A. 14-122, S. 133.)

History: P.A. 89-277 redefined "stationary noise source" to specify the circumstances when a recreational or sporting activity shall be deemed to be sanctioned by a local government; pursuant to P.A. 11-80, "Commissioner of Environmental Protection" and "Department of Environmental Protection" were changed editorially by the Revisors to "Commissioner of Energy and Environmental Protection" and "Department of Energy and Environmental Protection", respectively, effective July 1, 2011; P.A. 14-122 made technical changes in Subdivs. (e) and (f).

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Sec. 22a-69. State-wide program of noise regulation. (a) The commissioner may develop, adopt, maintain and enforce a comprehensive state-wide program of noise regulation which may include, but need not be limited to the following: (1) Controls on environmental noise through the regulation and restriction of the use and operation of any stationary noise source; (2) ambient noise standards for stationary noise sources which in the commissioner's judgment are major sources of noise when measured from beyond the property line of such source and such standards shall be feasible and requisite to protect the public health, safety and welfare; such standards may include, but need not be limited to, adoption by reference of standards or regulations adopted by the administrator of the United States Environmental Protection Agency pursuant to the Noise Control Act of 1972 (P.L. 92-574) or any amendment thereto; (3) consultation with state and local governmental agencies when such agencies adopt and enforce codes, standards and regulations dealing with noise insulation and abatement for any occupancy or class of occupancy; (4) controls on airport and aircraft noise to the extent not preempted by federal law; nor shall the state preempt power of local governments, in their capacity as proprietors of airports or under police powers.

(b) (1) Any regulation promulgated pursuant to this chapter shall be adopted pursuant to chapter 54 and shall be one which, in the judgment of the commissioner, is requisite to protect the public health, safety and welfare, taking into account the magnitude and conditions of use or operation of the stationary noise source involved, alone or in combination with other such sources, the degree of noise reduction achievable through the application of the best available and practical technology, taking into consideration technology which may be available at the time the regulation becomes effective.

(2) Regulations promulgated pursuant to the authority of this chapter may be applicable throughout the state or to such parts or regions thereof specifically designated in such regulations.

(3) The commissioner shall adopt regulations providing for the granting of individual variances from the provisions of this chapter, whenever it is found, upon presentation by the petitioner of adequate proof, that compliance with any provision of this chapter, any regulation promulgated under it or an order of the commissioner would impose an arbitrary or unreasonable hardship.

(P.A. 74-328, S. 4, 12; June Sp. Sess. P.A. 91-10, S. 13, 20.)

History: June Sp. Sess. P.A. 91-10 amended Subsec. (a) to make the commissioner's powers and duties under this section discretionary.

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Sec. 22a-70. Duties and powers of the commissioner. In order to carry out the purposes of this chapter, the commissioner may:

- (a) Exercise all powers granted to him under section 22a-6;
- (b) Provide technical assistance to other state agencies and to political subdivisions of this state;
- (c) Conduct programs of public education regarding the causes and effects of noise and means for its abatement and control and encourage the participation of professional, scientific, conservation and other public interest groups in related public information efforts;
- (d) Cooperate with all federal, interstate, state and local governments relating to the control, prevention and abatement of noise;
- (e) Receive and disburse all appropriate funds pertaining to the state's noise control program from private and public sources;
- (f) Appoint such advisory groups and committees as may be necessary to assist in carrying out the state noise control program;
- (g) Investigate complaints, institute and conduct surveys and testing programs, conduct general ambient noise sampling programs, make observations of conditions which may or do cause or affect noise pollution and make tests or other determinations of noise sources and assess the degree of abatement required.

(P.A. 74-328, S. 5, 12.)

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Sec. 22a-71. Commissioner's report to Governor and General Assembly. The commissioner shall report to the Governor and the General Assembly not later than February 15, 1975, his

recommendations for further executive and legislative action. Such recommendations shall include:

- (a) The feasibility of adopting a program of state certification of products determined to be low noise emission products, including products certified by the administrator of the United States Environmental Protection Agency pursuant to Section 15 of the Noise Control Act of 1972 (P.L. 92-574) or any amendment thereto;
- (b) The feasibility of adopting a program establishing labeling requirements which prohibit the sale or offer to sell or the lease or offer to lease of any product, machine or equipment, or class thereof, without notice to the prospective purchaser, lessee or user of the noise levels and characteristics emitted by such product, machine, vehicle or equipment, or its effectiveness in reducing noise, as the case may be. Labeling requirements may be in conformity with federal labeling requirements where applicable;
- (c) Other recommendations for executive and legislative action needed to carry out a state-wide program of noise abatement.

(P.A. 74-328, S. 6, 12.)

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Sec. 22a-72. Cooperation of state agencies, review of regulations. (a) State agencies shall, to the fullest extent consistent with their authorities under state law administered by them, carry out the programs within their control in such a manner as to further the policy stated in section 22a-67.

- (b) State agencies shall cooperate with the commissioner in a state program of noise regulation developed and maintained under this chapter.
- (c) Each department, agency or instrumentality of the executive, legislative and judicial branches of the government of this state, (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result in the emission of noise, shall comply with federal and state requirements respecting control and abatement of environmental noise.
- (d) Each state agency shall consult with the commissioner in prescribing standards or regulations respecting noise. If at any time the commissioner has reason to believe that a standard or regulation or any proposed standard or regulation, of any agency respecting noise does not protect the public health and welfare to the extent he believes to be required and feasible, he may request such agency to review and report to him on the advisability of revising such standard or regulation to provide such protection. Such agency shall complete the requested review and report to the commissioner within such time as the commissioner specifies, but such time specified may not be less than forty-five days from the date the request was made.

Sec. 22a-73. Municipal noise regulation programs; ordinances subject to commissioner's approval.

- (a) To carry out and effectuate the purposes and policies of this chapter it is the public policy of

the state to encourage municipal participation by means of regulation of activities causing noise pollution within the territorial limits of the various municipalities. To that end, any municipality may develop and establish a comprehensive program of noise regulation. Such program may include a study of the noise problems resulting from uses and activities within its jurisdiction and its development and adoption of a noise control ordinance.

(b) Any municipality may adopt, amend and enforce a noise control ordinance which may include the following: (1) Noise levels which will not be exceeded in specified zones or other designated areas; (2) designation of a noise control officer and the designation of an existing board or commission, or the establishment of a new board or commission to direct such program; (3) implementation procedures of such program and the relation of such program to other plans within the jurisdiction of the municipality; (4) procedures for assuring compliance with state and federal noise regulations; (5) noise level restrictions applicable to construction activities, including limitation on on-site hours of operation.

(c) No ordinance shall be effective until such ordinance has been approved by the commissioner. No ordinance shall be approved unless it is in conformity with any state noise control plan, including ambient noise standards, adopted pursuant to section 22a-69 or any standards or regulations adopted by the administrator of the United States Environmental Protection Agency pursuant to the Noise Control Act of 1972 (P.L. 92-574) or any amendment thereto. Notwithstanding the provisions of this subsection, any municipality may adopt more stringent noise standards than those adopted by the commissioner, provided such standards are approved by the commissioner.

(P.A. 74-328, S. 7, 12.)

Sec. 53a-181a. Creating a public disturbance: Infraction. (a) A person is guilty of creating a public disturbance when, with intent to cause inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he (1) engages in fighting or in violent, tumultuous or threatening behavior; or (2) annoys or interferes with another person by offensive conduct; or (3) makes unreasonable noise.

(b) Creating a public disturbance is an infraction.

Sec. 14-80a. Maximum noise levels. (a) No person shall operate a vehicle or combination of vehicles, nor shall the owner of any vehicle allow the vehicle to be operated, at any time or under any condition of grade, surface, speed, load, acceleration, deceleration or weather condition in such a manner as to exceed the decibel levels established under subsection (c) of this section. This subsection applies to the total noise generated by a vehicle and shall not be construed as limiting or precluding the enforcement of any other motor vehicle noise provisions of this title.

(b) No person shall sell or offer for sale a new vehicle which produces a maximum decibel level which exceeds the decibel levels established under subsection (c) of this section.

(c) The Commissioner of Motor Vehicles shall, with the advice of the Commissioner of Energy and Environmental Protection, adopt regulations in accordance with the provisions of chapter 54 establishing the maximum decibel levels permissible for motor vehicles, which shall not exceed the maximum decibel levels established for motor vehicles by federal law or regulation. The Commissioner of Motor Vehicles shall establish the procedure for checking maximum decibel levels. The decibel level shall be measured fifty feet from the centerline of the vehicle. The Commissioner of Motor Vehicles may provide for measuring at distances closer than fifty feet from the centerline of the vehicle. In such a case, the measuring devices shall be calibrated to provide for measurements equivalent to the noise limit established by this section measured at fifty feet.

(d) Violation of the provisions of this section shall be an infraction

AN ORDINANCE REGARDING
NOISE CONTROL
FOR THE TOWN OF LEDYARD

Be it Ordinance by the Town Council of the Town of Ledyard.

SECTION 1: AUTHORITY

Pursuant to the general authority of Connecticut General Statutes 7-148 and the specific authority of Connecticut General Statute 22a-73(c) there is hereby established an "*Ordinance Regarding Noise Control for the Town of Ledyard*".

Section 2: Purpose

The purpose of this ordinance is to: (1) Enact reasonable regulations pertaining to the reduction, control and/or prevention of noise; (2) Promote a general environment free from excessive noise and vibration; and (3) Preserve and promote the health, safety and general welfare of the quality of life and property values for the citizens of the Town of Ledyard (the "Town").

SECTION 3 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this ordinance:

1. Ambient Noise or Background Noise - Noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.
2. Mayor - The Mayor of the Town of Ledyard or his duly authorized officer.
3. Commercial Zone - As set forth in the Ledyard Zoning Regulations and all associated therewith either permitted as a right or as a special use.
4. Construction - Any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of public or private rights-of-way, structures, utilities or similar properties, but excluding demolition.
5. Construction Equipment - Any equipment or device operated by any fuel or electric power used in construction or demolition work.
6. Daytime Hours - The hours between 7:00 a.m. and 10:00 p.m., Monday through Saturday, and the hours 9:00 a.m. through 10:00 p.m. on Sundays.
7. Nighttime Hours - The hours between 10:00 p.m. and 7 a.m., Sunday evening through Saturday morning, except that "night" shall mean the hours between 10 p.m. Saturday and 9:00 a.m. Sunday.
8. Decibel - A logarithmic unit of measure in measuring magnitudes or sound. The symbol of "dB".

9. Demolition - Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar properties.
10. Domestic Power Equipment - Including but not limited to power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.
11. Emergency - Any occurrence or set of circumstances involving actual or perceived imminent physical trauma or property damage which demands immediate action.
12. Emergency Vehicle - Any motor vehicle authorized by the State of Connecticut to have sound warning devices, such as sirens and bells, which can lawfully be used when responding to an emergency. (14-283)
13. Emergency Work - Work made necessary to restore property to a safe condition following an emergency or work required to protect persons or property from exposure of imminent danger.
14. Impulse Noise - Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.
15. Industrial Zone - As set forth in the Ledyard Zoning Regulations and all uses associated therewith, either permitted as a right or as a special use.
16. Motor Vehicle - Per Section 14-1 of the Connecticut General Statutes.
17. Muffler - A device for abating sounds such as escaping gases.
18. Noise - Any sound, the intensity of which exceeds the standards set forth on Page 3.
19. Noise Level - The sound pressure level as measured with a sound level meter using the A-weighting network. The level so read is designated db(A) or dBA.
20. Person - Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the state or other legal entity of any kind.
21. Premises - Any building structure, land or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards and real properties without building or improvements owned or controlled by a person. The emitter's premises includes contiguous publicly dedicated street and highway rights-of-way, all road right-of-ways and waters of the state.

22. Property Line - That real or imaginary line along the ground surface and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person and separates real property from the public right-of-way.
23. Public Right-of-Way (ROW) - Any street, avenue, boulevard, pentway, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.
24. Residential Zone - Those residential districts as defined and set forth in the Ledyard Zoning Regulations and all uses associated therewith either permitted as a right or as a special use.
25. Sound - A transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations including but not limited to an auditory response when impinging on the ear.
26. Sound Level Meter - An instrument used to take sound-level measurements, and which should conform, as a minimum, to the operational specifications of the American National Standards Institute for Sound Level Meters S1.4 - 1971. (Type S2A)
27. Sound Pressure Level - Twenty (20) times the logarithm to the base 10 of the ratio of the pressure of a sound to the reference pressure of twenty (20) micronewtons per square meter and is expressed in decibels (dB).

SECTION 4 NOISE LEVELS

For the purpose to determine levels as set forth in this ordinance the following guidelines shall be applicable.

It shall be unlawful for any person to cause to be emitted any noise beyond the boundaries of his/her premises.

Property Use Emitter		Property Use Receptor			
		Residential		Non-Residential	
		Day	Night	Day	Night
Residential Zone Emitter		55 dBA	45 dBA	55 dBA	45 dBA
Non-Residential Zone Emitter		55 dBA	45 dBA	52 dBA	45 dBA

Measurements shall be taken at a point on the property line of the emitter closest to the receptor and/or at the property line at any neighboring property (that may or may not be contiguous) with a more restrictive decibel allowance. In cases where the emitter is located on jointly owned property, such as industrial parks and condominiums, the noise measuring equipment (i.e. microphone) shall be placed at

a fifty-foot (50') distance from the noise source. The microphone shall be placed no closer than five feet from any wall and not less than three feet above ground that is located about one foot (1') beyond the boundary of the emitter's premises within the receptors premises. The emitter's premises include his/her individual unit of land or group of contiguous parcels under same ownership as indicated by public land records.

- 1) Impulse Noise: In these individual cases where the background noise level caused by sources not subject to these regulations exceed the standard contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by five (5) dBA, provided that no source subject to the provisions of this chapter shall emit noise in excess of eighty (80) dBA at any time and provided that this section does not decrease the permissible levels of other provisions of this ordinance.
- 2) No person shall cause or allow the emission of impulse noise in excess of eighty (80) dBA peak sound pressure level during the night time to any residential noise zone.
- 3) No person shall cause or allow the emission of impulse noise in excess of one hundred (100) dBA peak sound pressure level at any time to any zone.

SECTION 5 EXCLUSIONS

These levels shall not apply to noise emitted by or related to:

- 1) Natural phenomena.
- 2) Any bell or chime from any building clock, school or church.
- 3) Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm system used in an emergency situation; provided however, that burglar alarms not terminating in thirty minutes after being activated shall be unlawful.
- 4) Warning devices required by the Occupational Safety and health Administration or other state or federal safety regulations.
- 5) Fanning equipment or farming activity.
- 6) Train horns and signals.

SECTION 6 EXEMPTIONS

The following shall be exempt from these regulations subject to special conditions as spelled out:

- 1) Noise generated by any construction equipment which is operated during daytime hours. Noise generated by construction equipment during nighttime hours shall not exceed the maximum noise levels as specified on Page 3 Sec. A.
- 2) Noise created as a result of or relating to an emergency.

- 3) Noise from domestic power equipment such as but not limited to power saws, sanders, grinders, lawn and garden tools or similar devices operated during daytime hours.
- 4) Noise from snow removal equipment.
- 5) Noise from demolition work conducted during daytime hours. When considered emergency work, demolition shall be exempted at all times from the noise levels set in this regulation.
- 6) Noise created by any aircraft flight operations which are specifically permitted by the Federal Aviation Administration.
- 7) Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the town or State of Connecticut, including but not limited to parades, sporting events, concerts and firework displays.
- 8) Noise created by blasting other than that conducted in connection with construction activities shall be exempted, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time at specified hours previously announced to the local public or provided that a permit for such blasting is obtained from local authorities.
- 9) Noise generated by the police and other established shooting facilities as permitted by Connecticut Firearms laws Sec. 22a-74a.

SECTION 7 REFUSE COLLECTION NOISE -

All refuse collectors shall comply with the noise level standards as established in this article while engaging in refuse collection at each location. For purposes of this article, the term "refuse collectors" shall be synonymous with private haulers, and all other persons that commercially engage in the collection and transportation of refuse and other debris.

SECTION 8 MOTOR VEHICLE NOISE:

- A. All motor vehicles as defined in Section 14-1 of Chapter 246 of the Connecticut General Statutes, operated within the limits of the Town of Ledyard shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut General Statutes.
- B. No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in the Noise Levels section (Page 3 Sec. A).
- C. Recreational motorized vehicles operating off public rights-of-way.
 - 1) No person shall operate or cause to be operated any recreational motorized vehicle off a public right-of-way in such a manner that the sound level emitted there from exceeds the limits set forth in section A, Noise Levels.

- 2) This section shall apply to all recreational motorized vehicles, whether or not duly licensed and registered, including but not limited to commercial or noncommercial racing vehicles, motorcycles, go-carts, ATV's, snowmobiles, amphibious craft, campers and dune buggies, but not including motorboats or aircraft.

SECTION 9 INSPECTIONS

- A. For the purpose of determining compliance with the provisions of this ordinance, the Mayor or his/her duly authorized officer is hereby authorized to make inspections of all noise sources and to take measurements and make tests whenever necessary to determine the quantity and character of noise. In the event that any person refuses or restricts entry and free access to any part of a premises or refuses inspection, testing or noise measurement of any activity, device, facility or process where inspection is sought, the Mayor or his/her duly authorized officer may seek from the appropriate court a warrant without interference, restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing or measuring noise.
- B. It shall be unlawful for any person to refuse to allow or permit the Mayor or his/her duly authorized officer free access to any premises when the Mayor or his/her duly authorized officer is acting in compliance with a warrant for inspection and order issued by the appropriate court.
- C. It shall be unlawful for any person to violate the provisions of any warrant or court order requiring inspection, testing or measurement of noise sources.
- D. No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of his/her duties under this ordinance.

SECTION 10 ENFORCEMENT AND PENALTIES FOR OFFENSES

- A. The Ledyard Police Department shall be responsible for investigating and documenting, through acoustic measurements, violations of this ordinance. Violators may be served with an ordinance citation, which shall be known as a "Noise Ticket". Payment of the fine prescribed by such Noise Ticket within the time specified thereon shall constitute a plea of nolo contendere and shall save the violator harmless from prosecution for the offense cited.

Fines shall be in the amount of \$99.00 for each day that the violation continues until the noise is abated. Nothing in this ordinance shall prevent the Police Department, because of the perceived nature of the offense, from proceeding not under the terms of this ordinance, but under the provisions of Connecticut General Statutes §53a-181 and §53a-182, as they may be amended from time to time, which sections relate, generally, to breach of peace, etc.

An appeal process relative to Noise Tickets is established below:

The Mayor shall appoint a hearing officer who shall serve at his/her discretion to hear appeals from the issuance of noise tickets. A Person shall have thirty (30) days from the date of the Noise Ticket to deliver a written application for a hearing. The Hearing Officer shall hold a hearing within five days of the receipt of the application, and his/her decision shall be final.

B. In those individual cases where the background noise levels caused by sources not subject to this ordinance exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise level by 5 dBA, provided that no source subject to the provisions of Section A, Noise Levels, shall emit noise in excess of 80 dBA at any time, and provided that this section does not decrease the permissible levels of the other sections of this ordinance.

SECTION 11. VARIANCES

A. Any person living or doing business in Ledyard may apply to the Mayor or his/her duly authorized officer for a variance from one or more of the provisions of the ordinance which are more stringent than the Connecticut Department of Environmental Protection regulations for the control of noise, provided that the applicant supplied all of the following information to the Mayor or his/her duly authorized officer at least twenty (20) days prior to the start of said activity.

1. The location and nature of the activity.
2. The time period and hours of operation of said activity.
3. The nature and intensity of the noise that will be generated.
4. Any other information required by the Chief Official.

B. No variance from these regulations shall be allowed unless it has been demonstrated that:

1. The proposed activity will not violate any provisions of the Connecticut Department of Environmental Protection regulations.
2. The noise levels generated by the proposed activity will not constitute a danger to the public health,
3. Compliance with the regulations constitutes an unreasonable hardship on the applicant.

C. The application for variance shall be reviewed and either approved or rejected at least five (5) days prior to the proposed start of said activity. The approval or rejection shall be in writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection.

D. Failure to rule on the application in the designated time shall constitute approval of the variance.

* See Appendix A for sample Application for Variance.

SECTION 12. SEVERABILITY.

All provisions of the Ledyard Zoning Regulations, which are more stringent than those set forth herein, shall remain in force.

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

Any provision herein, which is in conflict with the Connecticut General Statutes or the Public Health Code of the State of Connecticut, is hereby repealed, it being understood that said Statutes and Regulations shall take precedence over this chapter.

Adopted by the Ledyard Chief Official on: _____

Linda C. Davis, Chairman

Approved / Disapproved on : _____

Fred B. Allyn, III, Mayor

APPENDIX A

TOWN OF LEDYARD APPLICATION FOR VARIANCE FROM NOISE ORDINANCE

APPLICANT

Name: _____

Address: _____

Telephone:(Home) _____ (Cell) _____ (E-Mail) _____

PROPOSED EVENT/ACTIVITY

Name: _____

Event: _____

Date: _____ Times: _____ Estimated Attend: _____

Location: _____

Nature of Event/Activity; will live, amplified or recorded music be played? (State in detail):

Have adjoining property owners been notified 15 days in advance of event? _____ (Attach copy of notification)

Will alcoholic beverages be sold or served? Yes / No Please explain: _____

Applicant solemnly swears and affirms that all information given on this application is true and correct to the best of his/her knowledge and belief. Applicant further acknowledges and agrees that approval of the Variance does not prohibit police officers from responding to and acting on any complaints, including violations of approved noise variances.

I have read and understand the Variance approved by the Selectman and agree to comply with all terms, conditions and restrictions imposed herein; I understand that this Variance will automatically terminate if I or those attending the approved event fail to abide by the conditions of the aforesaid variance and that a violation may subject any and all persons in attendance to the provisions of the Noise Control Ordinance.

Applicant

**TOWN OF LEDYARD
APPLICATION FOR VARIANCE
FROM NOISE ORDINANCE**

Application reviewed/investigated by: _____

Recommended terms, conditions, restrictions, if any, on activity and variance:

RECOMMENDATION TO MAYOR

The Police Department for the Town of Ledyard hereby recommends that this application for variance from the Noise control Ordinance by _____ be:
(Name of Event)

APPROVED

DISAPPROVED

Subject to the terms, conditions and/or restrictions set forth above.

Police Department

ADDITIONAL TERMS, CONDITIONS, AND/OR RESTRICTIONS IMPOSED BY MAYOR:

Final Action by Mayor:

APPROVED

DISAPPROVED

Date: _____ Signed: _____

AN ORDINANCE PROVIDING FOR THE REDUCTION AND ELIMINATION OF NOISE BY ESTABLISHING MAXIMUM NOISE LEVELS UPON AND BETWEEN PREMISES, PROHIBITING CERTAIN NOISE ACTIVITIES, AND PROVIDING FOR INSPECTION, OFFENSES AND PENALTIES IN THE TOWN OF OLD SAYBROOK, CONNECTICUT.

Section 1. Short Title: "The Town of Old Saybrook Noise Control Ordinance."

Section 2. Purpose: It is recognized that people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health or safety or welfare or degrade the quality of life. This Ordinance is enacted to protect, preserve, and promote the health, safety, welfare, and quality of life for the citizens of Old Saybrook through the reduction, control, and prevention of noise.

Section 3. Definitions: The following definitions shall apply in the interpretation and enforcement of this Ordinance.

- 3.1 AMBIENT NOISE OR BACKGROUND NOISE: Shall mean noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable. In statistical terms, it is the level which is exceeded 90% of the time (L90) in which the measurement is taken.
- 3.2 BOARD OF SELECTMEN: Shall mean the Board of Selectmen of the Town of Old Saybrook or a duly authorized officer subject to their orders.
- 3.3 COMMERCIAL ZONE: Shall mean all of those districts set forth in Article III of the zoning regulations of the Town of Old Saybrook and all uses associated therewith either permitted as a right or as a special use.
- 3.4 CONSTRUCTION: Shall mean any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities, or similar property.

3.5 CONSTRUCTION EQUIPMENT: Shall mean any equipment or device operated by fuel or electric power used in construction or demolition work.

3.6 DAY-TIME HOURS: Shall mean the hours between 7:00 a.m. and 10:00 p.m., Monday through Saturday, and the hours 9:00 a.m. through 10:00 p.m. on Sundays.

3.7 DECIBEL: Shall mean a logarithmic unit of measure used in measuring magnitudes of sound. The symbol is dB.

3.8 DEMOLITION: Shall mean any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

3.9 DOMESTIC POWER EQUIPMENT: Shall mean, but not limited to, power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

3.10 EMERGENCY: Shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

3.11 EMERGENCY VEHICLE: Shall mean any motor vehicle authorized by the Town of Old Saybrook to have sound warning devices such as sirens and bells which can lawfully be used when responding to an emergency.

3.12 EMERGENCY WORK: Shall mean work made necessary to restore property to a safe condition following an emergency, or work required to protect persons or property from exposure to imminent danger.

3.13 IMPULSE NOISE: Shall mean sound of short duration, usually less than one second, with an abrupt onset and rapid decay.

3.14 INDUSTRIAL ZONE: Shall mean Industrial Districts as defined in Article IV of the zoning regulations of the Town of Old Saybrook, and all uses associated therewith either permitted as a right or as a special use.

3.15 MOTOR VEHICLE: Shall be defined as per Section 14-1 (26) of the Connecticut General Statutes.

3.16 MUFFLER: Shall mean a device for abating sounds such as escaping gases.

3.17 NIGHT-TIME HOURS: Shall mean the hours between 10:00 p.m. and 7:00 a.m., Sunday evening through Saturday morning, except that night shall mean the hours between 10:00 p.m. Saturday and 9:00 a.m. Sunday.

3.18 NOISE: Shall mean any sound, the intensity of which exceeds the standards set forth in Section 5.2 of this Ordinance.

3.19 NOISE LEVEL: Shall mean the sound pressure level as measured with a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

3.20 PERSON: Shall mean any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency, or political or administrative subdivision of the State or other legal entity of any kind.

3.21 PREMISES: Shall mean any building, structure, land, or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards, and real properties without buildings or improvements, owned or controlled by a person. The emitter's premises includes contiguous publically dedicated street and highway rights-of-way, all road rights-of-way and waters of the State.

3.22 PROPERTY LINE: Shall mean that real or imaginary line along the ground surface and its vertical extension which a) separates real property owned or controlled by any person for contiguous real property owned or controlled by another person, and b) separates real property from the public right-of-way.

3.23 PUBLIC RIGHT-OF-WAY: Shall mean any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.

3.24 RECREATIONAL VEHICLE: Shall mean any internal combustion engine powered vehicle which is being used for recreational purposes.

3.25 RESIDENTIAL ZONE: Shall mean those residential districts set forth in Article II of the zoning regulations of the Town of Old Saybrook and all uses associated therewith either permitted as a right or as a special use.

3.26 SOUND: Shall mean a transmission of energy through solid, liquid, or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air evoke physiological sensations, including, but not limited to, an auditory response when impinging on the ear.

3.27 SOUND LEVEL METER: Shall mean an instrument used to take sound level measurements and which should conform, as a minimum, to the operational specifications of the American National Standards Institute for Sound Level Meters S1. 4-1971 (Type S2A).

3.28 SOUND PRESSURE LEVEL: Shall mean twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of a sound to the reference pressure of twenty microneutons per square meter (20×10^{-6} Newtons/meter²); and is expressed in decibels (dB).

Section 4. NOISE LEVEL MEASUREMENT PROCEDURES: For the purpose of determining noise levels as set forth in this ordinance, the following guidelines shall be applicable.

4.1 All personnel conducting sound measurements shall be trained in the current techniques and principles of sound measuring equipment and instrumentation.

4.2 Instruments used to determine sound level measurements shall conform to the sound level meters as defined by this Ordinance.

4.3 The general steps listed below shall be followed when preparing to take sound level measurements.

- a) The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.
- b) The sound level meter shall be calibrated before and after each set of measurements.
- c) When measurements are taken out of doors, a wind screen shall be placed over the microphone of the sound level meter as per the manufacturer's instructions.
- d) The sound level meter shall be placed at an angle to the sound source as specified by the manufacturer's instructions and at least four (4) feet above the ground. It shall be so placed as not to be interfered with by individuals conducting the measurements.
- e) Measurements shall be taken at a point that is located about one foot beyond the boundary of the emitter's premises within the receptor's premises. The emitter's premises includes his/her individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.

4.4 The recommended practices for determining statistical noise levels shall be those as outlined in the document entitled Connecticut Noise Survey Data Form #101.

Section 5.

Noise Levels.

5.1 It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his/her premises in excess of the noise levels established in these regulations.

5.2 NOISE LEVEL STANDARDS

- a) No person in a Residential Zone shall emit noise beyond the boundaries of his/her premises exceeding the levels stated herein and applicable to adjacent Residential, Commercial or Industrial Zones:

Receptor's Zone

<u>Emitter's Zone</u>	<u>Industrial</u>	<u>Commercial</u>	<u>Residential/Day</u>	<u>Residential/Night</u>
Residential	62 dBA	55 dBA	55 dBA	45 dBA

b) No person in a Commercial Zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent Residential, Commercial or Industrial Zones:

Receptor's Zone

<u>Emitter's Zone</u>	<u>Industrial</u>	<u>Commercial</u>	<u>Residential/Day</u>	<u>Residential/Night</u>
Commercial	62 dBA	62 dBA	55 dBA	45 dBA

c) No person in an Industrial Zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent Residential, Commercial or Industrial Zones:

Receptor's Zone

<u>Emitter's Zone</u>	<u>Industrial</u>	<u>Commercial</u>	<u>Residential/Day</u>	<u>Residential/Night</u>
Industrial	70 dBA	66 dBA	61 dBA	51 dBA

5.3 HIGH BACKGROUND NOISE LEVELS AND IMPULSE NOISE

a) In those individual cases where the background noise levels caused by sources not subject to these Regulations exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by 5 dBA, provided that no source subject to the provisions of this ordinance shall emit noise in excess of 80 dBA at any time, and provided that this Section does not decrease the permissible levels of other Sections of this Ordinance.

b) No person shall cause or allow the emission of impulse noise in excess of 80 dB peak sound pressure level during the nighttime to any Residential Noise Zone.

c) No person shall cause or allow the emission of impulse noise in excess of 100 dB peak sound pressure level at any time to any Zone.

5.4 EXCLUSIONS

These levels shall not apply to noise emitted by or related to:

- a) Natural phenomena.
- b) Any bell or chime from any building clock, school, or church.
- c) Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situated provided, however, that burglar alarms not terminating within thirty (30) minutes after being activated shall be unlawful.

- d) Warning devices required by OSHA or other State or Federal safety regulations.
- e) Farming equipment or farming activity.

5.5 EXEMPTIONS

The following shall be exempt from these regulations subject to special conditions as spelled out;

- a) Noise generated by any construction equipment which is operated during Day-Time Hours, provided that the operation of construction equipment during Night-Time Hours shall not exceed the maximum noise levels as specified in Section 5.2.
- b) Noise created as a result of, or relating to an emergency.
- c) Noise from domestic power equipment such as, but not limited to, power saws, sanders, grinders, lawn and garden tools or similar devices operated during Day-Time Hours.
- d) Noise from snow removal equipment.
- e) Noise from demolition work conducted during Day-Time Hours, provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this regulation.
- f) Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration.
- g) Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the Town, including, but not limited to, parades, sporting events, concerts, and firework displays.
- h) Noise created by blasting other than that conducted in connection with construction activities shall be exempted provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time at specified hours previously announced to the local public, or provided that a permit for such blasting has been obtained from local authorities.
- i) Noise created by refuse and solid waste collection, provided that the activity is conducted during Day-Time Hours.

Section 6. Prohibited Noise Activities. The following activities are prohibited:

- 6.1 VEHICLE HORMS: No person shall at any time sound any horn or other audible signal device of a motor vehicle unless it is necessary as a warning to prevent or avoid a traffic accident.
- 6.2 TRUCK IDLING: No person shall operate an engine or any standing motor vehicle with a weight in excess of 10,000 pounds Manufacturer's Gross Vehicle Weight (GVW) for a period in excess of ten (10) minutes when such vehicle is parked on a residential premises or on a Town road next to a residential premises.
- 6.3 EXHAUST DISCHARGE: No person shall discharge into the ambient air the blow-down of any steam vent of the exhaust of any stationary internal combustion engine or air compressor equipment, unless such discharge be through a muffler as defined by Section 3.16 of this Ordinance or through an apparatus providing equal noise reduction.

Section 7. Motor Vehicle Noise.

- 7.1 All motor vehicles operated within the limits of the Town of Old Saybrook shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut State Statutes.
- 7.2 No sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in Section 5.2.

Section 8. Recreational Vehicle Noise.

- 8.1 No person shall create or cause to be created any unreasonably loud or disturbing noise due to the operation of a recreational vehicle. A noise shall be deemed to be unreasonably loud and a violation of this Ordinance when the noise so generated exceeds the noise level standards set forth in Section 5.2.

Section 9. Inspections.

- 9.1 For the purpose of determining compliance with the provisions of this Ordinance, the Board of Selectmen or their designated representative are hereby authorized to make inspections of all noise sources and to take measurements and make tests whenever necessary to determine the quantity and character of noise. In the event that any person refuses or restricts entry and free access to any part of a premises or refuses inspection, testing or noise measurement of any activity, device, facility, or process where inspection is sought, the Board of Selectmen or their designated representative may seek from the appropriate court a warrant without interference, restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing or measuring noise.
- 9.2 It shall be unlawful for any person to refuse to allow or permit the Board of Selectmen or their designated representative free access to any premises when the Board of Selectmen or their designated representative is acting in compliance with a warrant for inspection and order issued by the appropriate court.
- 9.3 It shall be unlawful for any person to violate the provisions of any warrant or court order requiring inspection, testing or measurement of noise sources.
- 9.4 No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of his/her duties under this Ordinance.

Section 10. Penalties.

- 10.1 Any person in violation of any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined in an amount not to exceed twenty-five (\$25) dollars. Each day such violation continues after the time for correction of the violation has been given in an order, shall constitute a continuing violation and the amount of the fine shall be doubled for each day said violation continues, said fine not to exceed four hundred (\$400) dollars per day.

Section 11. Variance and Contracts.

11.1 Variances.

Any person living or doing business in Old Saybrook may apply to the Board of Selectmen for a variance from one or more of the provisions of the Ordinance, which are more stringent than the Connecticut Department of Environmental regulations for the control of noise, provided that the applicant supplies all of the following information to the Board of Selectmen at least twenty (20) days prior to the start of said activity.

- 1) The location and nature of activity.
- 2) The time period and hours of operation of said activity.
- 3) The nature and intensity of the noise that will be generated, and,
- 4) Any other information required by the Board of Selectmen.

b) No variance from these regulations shall be issued unless it has been demonstrated that:

- 1) The proposed activity will not violate any provisions of the Connecticut Department of Environmental Protection regulations.
- 2) The noise levels generated by the proposed activity will not constitute a danger to the public health, and
- 3) Compliance with the regulations constitutes an unreasonable hardship on the applicant.

c) The application for variance shall be reviewed and either approved or rejected at least five (5) days prior to the proposed start of said activity. The approval or rejection shall be in writing and shall state the condition of approval, if any, or the reasons for rejection.

d) Failure to rule on the application in the designated time shall constitute approval of the variance.

11.2 Contracts. Any written agreement, purchase order or contract whereby the Town of Old Saybrook is committed to an expenditure of funds in return for work, labor, services, supplies, equipment, materials or any combination thereof, shall not be entered into unless such agreement, purchase order or instrument contains provisions that any equipment or activities which are subject to the provisions of this Ordinance will be operated, constructed, conducted or manufactured without violating the provisions of this Ordinance.

Section 12.

Severability. All provisions of the zoning regulations of the Town of Old Saybrook which are more stringent than those set forth herein shall remain in force. If, for any reason, any word, clause, paragraph, or section of this Ordinance shall be held to make the same unconstitutional, this ordinance shall not hereby be invalidated and the remainder of this Ordinance shall continue in effect. Any provision herein which is in conflict with the Connecticut General Statutes or the Public Health Code of the State of Connecticut are hereby repealed, it being understood that said Statutes and Code shall take precedence over this Ordinance.

Section 13.

Effective Date. This Ordinance shall become effective fifteen (15) days after publication in a newspaper having a circulation in Old Saybrook.



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 22-095

Agenda Date: 2/3/2025

Agenda #: 4.

AGENDA REQUEST GENERAL DISCUSSION ITEM

Subject:

Any other Old Business proper to come before the Committee.

Background:

(type text here)

Department Comment/Recommendation:

(type text here)



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 25-1319

Agenda Date: 2/3/2025

Agenda #: 1.

LAND USE

Subject/Application:

MOTION to accept Marty's Way into the Town's Road Inventory in accordance with Ordinance #300-025 "*An Ordinance Regulating the Addition of Any New Street or Highway to the Highway System of the Town of Ledyard*"; including its infrastructure, that was approved as part of Application PZ#22-8SUB; Eagles Landing 24-Lot Open Space Subdivisions, 79 Vinegar Hill Road, Ledyard, Connecticut, on August 11, 2022, along with written recommendations of the Director of Public Work's dated December 19, 2024, and all supporting documentation, including warranty deeds with the following conditions:

- (1) The warranty deeds shall be reviewed and approved by the Director of Public Works and/or Town Attorney prior to acceptance; and
- (2) The Applicant shall submit P.E. and Utilities Certification per Section 3.A(2) &(3) prior to acceptance.

Background:

In accordance with Section 6 (A) of Ordinance #300-025 "*An Ordinance Regulating the Addition of Any New Street or Highway to the Highway System of the Town of Ledyard*"

Section 6. Town Council Acceptance

A. After compliance with the provisions of Section 8-24 of the General Statutes, the Town Road Ordinance, and the Town Drainage Ordinance, as they may be amended, **the Town Council may, pursuant to Section 12a-48 of the General Statutes, accept such street as a public street.** Any entry of such acceptance shall be made in the records of the Town Clerk.

Please see attached document provided by Land Use Director.

Land Use Director/Town Planner:

(type text here)

AN ORDINANCE
REGULATING THE ADDITION OF ANY NEW STREET
OR HIGHWAY TO THE HIGHWAY SYSTEM
OF THE TOWN OF LEDYARD

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

PART I. – Introduction and Definitions

Section 1. Purpose

A. Purpose

The *Ordinance Regulating the Addition of Any New Street or Highway to the Highway System of the Town of Ledyard* has been developed to accompany the Town of Ledyard Subdivision Regulations.

All roadways, drainage Facilities, supporting appurtenances and related work shall be constructed in accordance with the Standards provided in this Ordinance.

B. Use

As applicable, these Standards are also to be used in conjunction with work within Town Right-of-Ways, for permitted driveway construction and for work required by site plans approved by the Ledyard Planning and Zoning Commission.

Section 2. References

A. References

The State of Connecticut, Department of Transportation's "Standard Specifications for Roads, Bridges and Incidental Construction" Form 813, 1985 Issue, and any subsequent amendments for issues, shall be considered part of these Standards. Also, *Connecticut Guidelines for Soil Erosion and Sediment Control*, Connecticut Council of Soil and Water Conservation, as revised, shall also be considered part of these standard. Engineers and Contractors working on projects in the Town of Ledyard shall be expected to have a copy available for their reference.

Other references, as noted in each section of these Standards shall be utilized in design and construction of streets in Ledyard. The listing of these references is not intended to limit the use of other acceptable design and construction methods.

B. Design Standards

These Standards are intended to provide for the best possible design and construction of public improvements in terms of service, safety economy and ease of long-term maintenance. The Standards take into consideration the average conditions encountered within Ledyard. Special designs are expected to be prepared for projects where unusual or extreme conditions are encountered.

C. Alternative Designs

These Standards are not intended to limit the use of new and innovative design methods and products, provided that substantiating documentation is developed by an engineer licensed in the State of Connecticut and submitted for approval to the Public Works Director and Planning and Zoning Commission. In addition, alternate designs to those required under these regulations may be submitted to the Public

Works Director for approval provided that the existing regulations present a hardship or are otherwise not applicable. Any approved deviance from these regulations must be noted on the design plans for the particular project.

Section 2. Definitions

For the purpose of this ordinance, certain terms and words used herein shall be used, interpreted and defined as set forth in this section.

- a. **Applicant** – Any person, firm, corporation or partnership who shall apply to the Commission or Public Works Director for approval of a proposed public street as hereinafter defined, either for himself or as an agent for others.
- b. **Application** – A request for approval of a specific proposed public street or streets, including an application form as may be prescribed by the Director of Public Work, accompanied by all supporting information, documentation, reports, and the like which may be required by these Regulations.
- c. **Commission** – The Ledyard Planning and Zoning Commission.
- d. **Cul-De-Sac Street** – A local or minor local street open at one end only and with special provision for turning around as described in Part B of this ordinance.
- e. **Design Drawings** – Design plats found within the Appendix of this ordinance or the standard details from the Connecticut Department of Transportation, Bureau of Highways.
- f. **Public Works Director** – The Town of Ledyard Public Works Director or duly authorized agent.
- g. **Disturbed Area** – An area where the natural vegetative ground cover is destroyed, moved or removed.
- h. **Drainage Easement** – The right, at any time, to direct the flow of water, whether derived from surface or subsurface sources, across any property owned or proposed to be owned by another. Said right is defined to include direction of the flow of water by any method or means, including but not limited to, unrestricted sheet flows, direction by open ditch, swale or trench, or direction by enclosed conduits. Said right also included the right to enter upon the property and to maintain said direction of the flow of water in perpetuity
- i. **Drainage Ordinance** – Town of Ledyard Ordinance Regulating the Management of Stormwater Runoff.
- j. **Easement** – A right, established in deed or other legal means, of one party to use a designated portion of a second party's land for a specific limited purpose.
- k. **Erosion** – The detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- l. **Intersection Sight Distance** - The unobstructed sight line, as measured 10 feet from the traveled way of the main roadway for driveways and 20 feet from the traveled way for intersecting streets, to an approaching vehicle. The sight line shall be measured at a height of 1.5 feet above the proposed grade of the intersecting street. The height of the approaching vehicle shall be assumed to be 4.25 feet above the pavement of the main roadway. The approaching vehicle shall be assumed to be in the middle of the main road.

- m. Lot – The unit or units into which land is divided with the intention of offering such units for sale, lease conveyance, or transfer; either as undeveloped or developed sites, regardless of how they are conveyed. Lot shall also mean parcel, site or any similar term.
- n. Maintenance Security – A certificate of deposit or a savings pass book, made out jointly in the name of the applicant and the Town of Ledyard, and furnished in entirety by the applicant, that guarantees all subdivision improvements against defective workmanship or materials for the period of one year.
- o. Monument – A permanent marker installed to designate the legal limits of a street right-of-way or other boundary of the Town owned land, as defined in Section 5-4 of the Town of Ledyard Subdivision Regulations.
- p. Pavement Width – The installed width of bituminous concrete surface course inclusive of the portion beneath any required curbing.
- q. Performance Security – A certificate of deposit or a savings pass book, made out jointly in the name of the applicant and the Town of Ledyard, and furnished in entirety by the applicant, to be used to complete said improvements as promised, as required, or as indicated in the application within the period specified by State law.
- r. Street – Any street, avenue, land or any right-of-way (a) dedicated and legally accepted for the purpose of public travel; (b) on subdivision duly filed or recorded in the Office of the Town Clerk of the Town of Ledyard.
- s. Street Hierarchy – Shall include the following categories of streets, as determined by the Planning and Zoning Commission and maintained on a list prepared by the Commission. There are four accepted categories of roads within the Town of Ledyard:
 - (1) Arterials
 - (2) Collectors
 - (3) Local
 - (4) Minor

Arterial Street – Any street or highway that accumulates traffic from collector and local roads and provides for increased travel speeds with minimum interference to through movement. An arterial street may have the following characteristics:

- Posted speed limit of up to 45 mph
- Continuity of several miles
- Traffic signs used to control right-of-way major intersections
- Reverse frontage building lots
- ADT >2000 vpd

Collector Street – Any street or highway that accumulates traffic from local streets and brings all developed areas within reasonable distances of an arterial street. A collector street may have the following characteristics:

- Posted speed limit of 30 – 35 mph
- Not continuous for more than two miles
- Greater emphasis on traffic control devices such as stop signs
- Reverse frontage building lots
- ADT between 500 and 2000 vpd
-

Local Street – Any street with a primary purpose to conduct traffic to and from dwelling units to other streets within the hierarchy. Usually, a local street bears no through traffic between two streets of higher classification. A local street may have the following characteristics:

- Posted speed limit of 25 – 30 mph
- Easy, safe access to adjoining residential units
- ADT <500 vpd

Minor Local Street – Any street that provides access to not more than eight (8) dwelling units; and shall have a maximum length of 450 feet. Usually, a minor local street is a dead-end street with on through-traffic and limited on-street parking. A minor local street may have the following characteristics:

- Posted speed limit of 20 mph or less
- Have only one intersection
- ADT <100 vpd

t. Street Line – The limit or property lines of the street right-of-way. Where such line has not been established, it is deemed to be a line as described under Part B, Section 4.

u. Standard Specifications and Details – The Connecticut Department of Transportation’s “*Standard Specifications for Roads, Bridges and Incidental Construction*” Form 813, 1985 and any subsequent amendments or issues, except where amended by this Ordinance or any other regulations of the Town of Ledyard.

v. These Regulations – The *Ordinance Regulating the Addition of any New Street or Highway to the Highway System of the Town of Ledyard*; and includes amendments thereto.

w. Traveled Width – The distance between curb faces.

PART II. – Application for Acceptance of Proposed Street as a Public Street

Section 1. Preliminary Concept Approval

Whenever any section of roadway is proposed, the applicant shall present to the Planning and Zoning Commission a preliminary map of the proposed roadway. Such submission shall include all roadways within a half mile radius and any potential future lengthening of the proposed roadway. Surrounding topography with five (5) foot contour intervals shall also be provided as part of the preliminary sketch. The Commission shall review the submittal and make their recommendations to the applicant.

Section 2. Preliminary Design Approval

A. After preliminary concept approval has been received from the Planning and Zoning Commission, the applicant shall present to the Commission, three (3) stamped copies of plans and profiles prepared by a licensed Connecticut engineer, together with a topography map of the area and a written application for acceptance of such street. The plans shall conform to specifications stated in this Ordinance. Such plans shall include a description of drainage control measures as required in the Town Drainage Ordinance. The Commission shall refer the plans to the Public Works Director for review and comment.

B. The Public Works Director shall discuss the preliminary design with the applicant or the applicants’ designated agents. Within thirty (30) working days from receipt of the preliminary design, the Public Works Director shall recommend approval; approval with modifications; or disapproval of the proposed street design. The Public Works Director shall forward one copy of the plan, signed and dated, and with comments to the Planning and Zoning Commission.

- C. The Planning and Zoning Commission may grant preliminary approval of the proposed street, taking into account comments of the Director of Public Works, the Director of Planning, and other agencies that have reviewed the plans. The Commission shall establish a performance security in an amount adequate to cover all costs and all aspects of construction, as required by this Ordinance.
- D. Performance security shall consist of a certificate of deposit or a savings pass book, made out jointly in the names of the applicant and the Town of Ledyard. A withdrawal slip payable to the Town of Ledyard shall be provided with any savings pass book. A joint account in both names shall be required. Other forms of collateral, including letters of credit, are unacceptable and shall not be received by the Town as performance security.
- E. The Applicant shall deposit the required performance security established by the Commission with the Town Treasurer prior to final filing of subdivision plans with the Town Clerk. No construction shall begin until the applicant has provided the Town Treasurer with the required performance security. Furthermore, no construction shall begin until plans submitted by the applicant have received written certification from the Planning and Zoning Commission Chairman, and have been filed with the Town Clerk in accordance with Town of Ledyard's Subdivision Regulations.

Section 3. Final Approval of Public Works Director

- A. Whenever any street or road section is completed, the applicant shall furnish the Public Works Director with a certificate from a licensed Connecticut engineer certifying that:
 - (1) The work has been completed according to the plan submitted and in accordance with all specifications herein stated; and
 - (2) The drainage system has been completed in accordance with the Town Drainage Ordinance.
 - (3) If public utilities have been installed, a letter from the respective utility company indicating that the utilities have been completed and accepted shall be submitted.
- B. A mylar “*as-built*” plan and profile of the road and storm drains shall be submitted, together with two (2) blue and white prints. The plans shall be at a scale of 1”=40’; with the profiles at 1”=4’. The plan view shall show all waterlines, valve boxes, water services and curb boxes, electrical system facilities, telephone system facilities, boundary monuments, front lot pins and other public improvements. The “*as-builts*” are to be certified as accurate by a Registered Engineer and/or Land Surveyor.
- C. If the road meets approval and has met requirements set forth in this Ordinance, the Public Works Director shall forward a written recommendation of approval to the Planning and Zoning Commission.

Section 4. Final Approval by the Planning and Zoning Commission

- A. Upon recommendation of approval of the street by the Public Works Director, the applicant shall give the Planning and Zoning Commission a warranty deed conveying the street, related drainage easements, any applicable rights-of-ways, open space or other easements, to the Town of Ledyard. Deeds transferring property to the Town shall specify actual road dimensions and boundaries in feet to the nearest hundredth, and compass direction to the nearest second.

B. If the Planning and Zoning Commission concurs with the recommendation of the Public Works Director, the Commission shall forward its own recommendation for approval, together with any warranty deeds and the written recommendation of the Public Works Director, to the Town Council. No deed shall be conveyed to the Town Clerk until the Town Council has taken action to accept the street as a public street.

Section 5. Release of Performance Security

A. The Planning and Zoning Commission may, upon written notification to the Town Treasurer, and after the recommendation of both the Public Works Director and the Director of Planning, order the release of any performance security or maintenance security required by this Ordinance. The Planning and Zoning Commission shall not release any amount greater than that necessary to complete unfinished portions of the streets approved under this Ordinance.

B. Upon failure of the applicant to complete street improvements in accordance with all specifications herein stated or as shown on approved plans, and after the maximum time for completion of such improvements afforded the applicant under State Law has passed, the Planning and Zoning Commission shall revoke necessary portions of the performance security so that the Town of Ledyard may complete the al the remaining improvements in compliance with this Ordinance.

Section 6. Town Council Acceptance

A. After compliance with the provisions of Section 8-24 of the General Statutes, the Town Road Ordinance, and the Town Drainage Ordinance, as they may be amended, the Town Council may, pursuant to Section 12a-48 of the General Statutes, accept such street as a public street. Any entry of such acceptance shall be made in the records of the Town Clerk.

B. Acceptance shall be effective upon filing of the warranty deed for the street and related easements with the Town Clerk.

C. No Street shall be officially opened to the public until it has been accepted as a public street pursuant to this section and it has met the requirements of this Ordinance.

PART III. Liability Insurance

Section 1. Contractor Certificate of Insurance

No Work shall be started on the public improvements associated with an approved subdivision or street until the Contactor has filed with the Public Works Director a *Certificate of Insurance* with the limits of liability equal to; or exceeding the current required Town coverages cited in Section 3 below.

Section 2. Indemnification

Insurance Policies shall include the provision that the Contractor indemnifies and saves harmless the Town of Ledyard and its agents from all suits and actions of every name and description brought against said Town or any office of said Town, for or on account of any injuries or damages received or sustained by any person in consequence of, or resulting from any work performed by said Applicant, his servants or agents, or of, or from, any negligence in guarding such work or of, or from any acts of omission of said applicant, his servants or agents.

Section 3. Minimum Insurance Coverage

1. Workman's Compensation, as required by State Statute.
2. Public Liability, Bodily Injury Liability and Property Damage Liability as follows:

• Injury or death of one person:	\$1,000,000.00
• Injury to more than one person in a signa incident	\$3,000,000.00
○ Property damage in one accident:	\$300,000.00
○ Property damage in all accidents:	\$500,000.00
3. Automobile and Truck (Vehicular) Public Liability, Bodily Injury Liability and Property Damage Liability as follows:

• Injury or death of one person:	\$1,000,000.00
• Injury to more than one person in a signa incident	\$3,000,000.00
○ Property damage in one accident:	\$300,000.00
○ Property damage in all accidents:	\$500,000.00

PART IV. Clearing, Grubbing and Erosion Control

Section 1. Introduction

- A. No areas shall be cleared or grubbed until Subdivision Plans have been approved in accordance with the Ledyard Subdivision Regulations.
- B. All areas within the road right-of-way and slope rights' areas for excavation, embankments and fills, shall be cleared of trees, stumps, brush, rubbish and other objectionable material. Excepted will be desirable trees and stone walls as noted on the approved plans.
- C. Areas for installation drainage pipe, drainage structures, channels, fences, highway appurtenances and related work shall also be cleared.
- D. The following documents may be referred to when using this Section f these Standards:
 - (1) "State of Connecticut, Department of Transportation: Standard Specifications for Roads, Bridges and Incidental Construction; Form 813" 1985 and any subsequent amendments or issues.
 - (2) Town of Ledyard Subdivision Regulations.
 - (3) Erosion and Sediment Control Handbook U.S. Department of Agriculture, Soil Conservation Service, Storrs, Connecticut.
 - (4) Connecticut Guidelines for Soil Erosion and Sediment Control, The Connecticut Council of Soil and Water Conservation, January, 1985, or as amended.

Section 2. Method of Clearing

- A. Within the exaction areas for the road, shoulders, utility rights-of-ways and related areas, all trees shall be cut, and all stumps and roots removed.
- B. Within shoulder areas, side slopes and utility rights-of ways, all trees, stumps and brush shall be cut and removed; all up-rooted and dead material shall be removed.

Section 3. Disposal of Material

- A. All trees, stumps and bushes shall be removed from the proposed right-of-way and disposed of in areas within the subdivision approved by the Planning and Zoning Commission. Chipped branches and brush may be disposed of on-site but not within right-of ways or easements.
- B. Approved disposal areas shall be shown on the Subdivision Plan

Section 4. Erosion and Sedimentation Control Measures

- A. Erosion shall be prevented by effectively controlling the formation of gullies in both cuts and fills. Early treatment means treating the cut slopes as the excavation progresses and treating the fill slopes as the embankment is being brought up to grade. Slope treatment varies but generally consist of seeding and mulching, diversion structures and hay bale check dams. Stone blankets and other special treatments may be required in glacial till soils.
- B. Prior to beginning work, an erosion and sedimentation control plan shall be approved by the Ledyard Planning and Zoning Commission. The methods described in the *“Connecticut Guidelines for Soil Erosion and Sediment Control”* and the Ledyard *“Subdivision Regulations”* shall be utilized.
- C. Timing of the installation the Sedimentation and Erosion Control measures shall follow the requirements as set forth in the approved *“Sedimentation and Erosion Control Plan”*. The applicant shall be wholly responsible for implementation and maintenance of sedimentation and erosion control measures for the life of the project.

PART V. Construction of Streets

Section 1. Introduction

No person, company or corporation, except the State of Connecticut or the Town of Ledyard, shall begin construction of any street within the Town of Ledyard until Part II and Part III of this Ordinance have been complied with.

Section 2. General Design Requirements

- A. Streets shall be designed and constructed in accordance with the Standards and procedures hereinafter specified. Higher Standards may be required due to special project or site features.
- B. The following documents shall be referred to when using this document:
 - (1). *“State of Connecticut, Department of Transportation; Standard Specifications for Roads, Bridges and Incidental Construction, Form 813”* and any subsequent amendments or issues.
 - (2). *“Geometric Design for Local Roads and Streets”* by the American Association of State Highway Official (AASHO).
 - (3). Town of Ledyard *“Subdivision Regulations”*
 - (4). Town of Ledyard *“Drainage Ordinance”*
 - (5). *“highway Encroachment Regulations”*; Connecticut Department of Transportation, Bureau of Highways, 1983, or as amended.

C. Street Width

The following minimum dimensions shall be required for the various hierarchical street categories.

- (a) "Right-of-Way" refers to the width of land to be deeded to the Town of Ledyard.
- (b) *Traveled Width* refers to minimum distance between the interior edges of bituminous concrete lip curbing as required in this Ordinance.

Designation	Right-of-Way	Travelled Width
Arterial	60'	32'
Collector	50'	30'
Local Street	50'	28'
Minor Local Street	50'	22'

D. Cul-de-Sac Streets

Cul-de-sac Streets shall not exceed 1,000 feet in length, unless a waiver has been approved by the Planning and Zoning Commission. This waiver request must be made in writing by the applicant at the time of the subdivision application, and must include such information as the Commission finds necessary to make a fair determination of the request. Cul-de-sacs shall have a 60 foot minimum radius at the right-of-way line within residential zones, and a 7- foot minimum radius a the right-of-way line within commercial industrial or CIP zones. The layout of cul-de-sac turn arounds shall correspond with those found in Design Plate #6 of this Ordinance.

E. Minor Local Streets

Minor local streets shall provide access to not more than eight (8) residential units and shall have a maximum length of 450 feet. A minor local street shall have only one intersection, and with the exception of width, shall conform to design criteria and cross section for a "*local street*" as shown in Design Plate #1 of this Ordinance. No parking shall be allowed along the paved portion of the roadway, and "*No Parking*" signs shall be installed every 125 feet on both sides of the road. This street configuration may be used only when there is no plan or obvious possibility of extending the roadway beyond the maximum allowable length, and only when the Planning and Zoning Commission determines that the adjoining parcels will not become "*landlocked*" or otherwise inaccessible from Town streets or State highways.

In general, the layout of cul-de-sac turn arounds shall correspond with those found in Design Plate #6 of this Ordinance. Alternative turn arounds for minor local streets, other than those recommended for use in Design Plate #6, may be proposed by the applicant if the following performance requirements are met. The Planning and Zoning Commission shall have final approval for any alternative based on the following Standards:

- (1) A Design Bus (40 foot length); per AASHTO Guidelines, can safely turn around without leaving the pavement surface.
- (2) An adequate area for plowed snow storage is provided and approved by the Public Works Director.
- (3) Private driveway entrances will not be adversely affected by plowed snow.
- (4) The turnaround configuration is approved by the Town of Ledyard Fire Marshal.
- (5) The minimum twenty-two (22) foot pavement width is maintained on all portions of the turnaround unless waived by the Commission.
- (6) The highway right-of-way line falls no closer than 12 feet to the edge of the pavement.

F. Intersections

The following criteria shall be adhered to in the establishment of intersections:

- (1) Number of Streets – No more than two (2) streets shall intersect or meet at any one point to form a 4-way intersection. The center line of all streets entering the intersection shall pass through a signal point.
- (2) Spacing of Intersections – Intersections of commercial and industrial roads, local streets, and minor local streets shall be spaced a minimum of two hundred (200) feet apart measured from the points of intersection of the center lines. Intersections of arterial and collector streets shall be spaced a minimum of eight hundred (800) feet apart, measured from points of intersection of center lines.
- (3) Angle of Intersection – Wherever practical, all streets shall intersect at 90 degrees and no street shall intersect any other street at an angle less than 75 degrees or more than 105 degrees. A minimum straight distance of one hundred (100) feet shall be provided on all streets approaching an intersection with another street.
- (4) Radii of Intersecting Streets – The radii, at the right-of-way line of intersecting local streets, and local streets that intersect with arterial and collector streets, shall be a minimum of twenty-five (25) feet. All other intersections shall have a minimum radius of thirty (30) feet at the right-of-way line.

G. Horizontal and Vertical Design Controls

<i>Minimum Criteria</i> <u>Design Element</u>	Arterial Street	Collector Street	Local Street & Minor Local Street
Design Speed	45 mph	35 mph	25mph
Maximum Gradient	8%	10%	10%
Minimum Gradient	1%	1%	1%
Stop Sight Distance	350 ft.	250 ft.	200 ft.
K Value for Vertical Curve	90	40	200 ft.
Min Center Line Radius Curve	800 ft.	300 ft.	150 ft
Min. Sight distance for Intersections	710 ft.	520 ft.	405ft.

- (1) Streets Shall be adjusted to the contour of the land but no grade shall exceed the limits set above without the prior written approval of the Director of Public Works.
- (2) The finished grade shall be at least three and one-half (3 1/2) feet above the high water table. This may be accomplished by filling or though the installation of underdrains. All unsuitable soft materials must be removed from beneath the proposed street.
- (3) The profile of such new street shall have no abrupt change of grade.
- (4) Grades Approaching Intersections – Grades shall not exceed 2 percent for a distance of not less than seventy-five (75) feet from the center line of the intersection.
- (5) Tangent Distance Between Reverse Horizontal Curve – A minimum distance of 100 feet shall be provided on collector, local and minor local streets and two hundred (200) feet shall be provided on arterial streets.

H. Side Slopes

- (1) Slope Grading- Streets in cut or fill sections shall be provided with slopes not steeper than two (2) feet horizontal to one (1) foot vertical, unless other structural measures are provided to retain the slope. Steeper slopes may be permitted in rock cuts. At intersections, banks shall be cut back to maintain the minimum sight distance for intersections, as required by these Standards.

- (2) Guide Rails – In all areas where the side slopes are steeper than four (4) feet horizontal to one (1) foot vertical drop and slope down from the street and the height of fill exceeds four (4) feet, guide rails shall be installed. Guide rails shall be in accordance with these specifications.
- (3) Slope Rights – Where new streets abut private property, necessary slope rights must be obtained by the developer when in cut fill, and these slope rights shall be shown on the final layout and on the land records. The developer shall address the effects of fills and cuts on adjacent private property within the slope right area.

I. Street Cross Section

Streets shall be designed with a cross section as shown within the Design Plates of this Ordinance.

- (1) All requirements of these regulations are minimum requirements. Engineering design of subbase, base and surface courses shall be prepared using current accepted practices when field conditions warrant.
- (2) Upon recommendation of the Public Works Director, the Planning and Zoning Commission may waive the requirement for curbing on portions of proposed streets when it can be demonstrated that the elimination of curbing is part of an acceptable plan for controlling storm drainage

J. Drainage

- (1) All streets shall be constructed with drainage installation in accordance with the requirements of the Town Drainage Ordinance. The developer shall provide the Town with evidence that no drainage problems will arise on adjacent property due to cut or fill operations.

Section 3. Driveways

A. Grade

The apron and drive shall have a grade and transition curve as shown on Design Plate #7 in the Appendix of this Ordinance.

B. Apron

The drive apron shall be installed in accordance with Design Plate #7 of these Regulations.

C. Intersection Sight Line

The grading and clearing at a driveway entrance shall provide for a required stopping sight distance along the adjoining street of:

Street Design Speed (mph)	Sight Distance (feet)
20	200
25	250
30	300
35	350
40	400
45	450
50	500
55	550

Section 4. Developments Abutting or with Access to Existing Streets

When a proposed subdivision abuts or has access on existing Town streets, the following requirements shall be adhered to:

- A. When existing Right-of-Way widths, as established by old plates, filed deeds, or as established by utility pole and/or wall locations in field, exceed the minimum required for the street category, the Right-of-Way width shall not be reduced.

- B. Where there is no evidence of a Right-of-Way width, the width shall be established in accordance with the requirement for the category assigned to the street by the Planning and Zoning Commission as measured from the centerline of the roadway.
- C. When existing Right-of-Way widths, as previously established, do not meet the requirements for the category assigned to the street by the Planning and Zoning Commission, the applicant shall give the Town a Quit Claim Deed for the land between the newly established Right-of-Way line and the old line.
- D. When required by the Planning and Zoning Commission, the existing street shall be reconstructed, to the extent necessary to provide safe conditions including the necessary width and intersections sight lines; reconstruction shall be in conformance to the requirements of these specifications.
- E. When required by the Planning and Zoning Commission, developments with proposed access(es) on Town streets will require a traffic study to be completed addressing the impact on the existing roadways(s).

Section 5. Construction Methods

- A. Construction Survey
 - (1) The centerline of the road shall be located in the center of the right-of-way and shall be run in the field and suitable construction ties established to all control points. Stations shall be established at least at 50-foot intervals and at all points of curvature and points of tangency.
 - (2) Construction offset stakes shall be placed at each station and clear of all construction. The construction stake shall be marked with the station, offset to the centerline and cut or fill to profile grade.
 - (3) Permanent Bench Marks shall be established throughout the length of the project at a minimum of one thousand (1,000) foot intervals. This information shall be noted on the construction plans. The datum for bench marks shall be based on NGVD 1929.
- B. Excavation
 - (1) All excavation shall be made in conformity with the requirements of the plans, cross sections, or as directed by the Public Works Director.
 - (2) When tying into existing roads, the “*Call Before You Dig*” service shall be notified at least 48 hours in advance such that existing utility locations can be marked.
 - (3) When ledge rock is encountered, this material shall be removed to a depth such that a minimum of twelve (12) inch subbase can be placed. Alternative methods to blasting shall be considered for removing rock when necessary.
 - (4) Blasting – If blasting is permitted in rock excavation, all necessary State and Town permits shall be secured. OSHA Regulations shall be complied. Copies of Certificates of Insurance shall be provided upon request of the Public Works Director, in order to demonstrate adequate coverage as outlined in Part III of this Ordinance. Sufficient warning shall be given to all persons in the vicinity of the work before blasting. No blasting shall be done on Sunday. On weekdays blasting shall not be undertaken between the hours of 6:00 p.m. and 7:00 a.m.
 - (5) Topsoil – When encountered, topsoil shall be excavated within the pavement limits. Topsoil shall be stockpiled for finish grading on roadside area and lots.

C. Embankments and Slopes

- (1) Embankments shall be constructed of earth, rock or a mixture of earth and rock. Stumps, trees, sod, or other biodegradable matter shall not be incorporated in embankments.
- (2) The depth of each layer shall not exceed twelve (12) inches before compaction.
- (3) Frozen material shall not be used. No embankment layer shall be deposited on surfaces of snow or ice, nor shall it be placed on frozen or unstable surfaces.
- (4) No stone over seven (7) inches in its greatest dimension shall be placed within a minimum of twelve (12) inches below the elevation of the subgrade.
- (5) When embankments are to be constructed on slopes steeper than 1 vertical to 3 horizontal, the slope on which the embankment is to be placed shall be plowed deeply or cut into steps (terracing) before the filling is begun.
- (6) The embankment shall be crowned or pitched to provide drainage at the close of each day's operation.
- (7) In areas of standing water, embankments for road bed construction shall be constructed of rock or free-draining material, or a mixture of both to an elevation of three (3) feet above the free water surface.
- (8) During construction of road beds in fill, if the fill material consists predominately of rock fragments of such size that material cannot be placed in horizontal layers of the thickness specified above, such material may be placed in the embankments in horizontal layers not exceeding 3 feet in thickness. Large stones shall not be placed in nests, but shall be distributed over the area; and the interstices shall be filled with spalls, finer fragments, or earth to form a solid compact mass. No rockfill shall be placed within 2 feet of the top of the embankment.
- (9) The dry density after compaction shall not be less than 95 percent of the dry density for the soil when tested in accordance with AASHO T180; Method D, except that the mold used in the test shall be 6/11 inches high.
- (10) Slopes shall have a uniform surface as shown on the plans. All slopes, except those in rock or ledge formations, shall be topsoil and seeded in accordance with these specifications. This work shall be done as soon as practicable in order to prevent erosion.

D. Placement of Gravel Fill

- (1) Description: Gravel fill shall be used to replace unstable material in slopes, in shoulders and elsewhere as ordered by the Public Works Director.
- (2) Construction Methods – When gravel fill is used to replace unstable material, it shall be deposited in layers not over 6 inches in depth, with each layer thoroughly compacted before the addition of other layers.

E. Subgrade

- (1) Description – The area of the roadbed upon which the pavement structure is placed shall be known as at the subgrade. After all grading for the roadbed has been substantially completed and all drains and other underground utilities laid, the subgrade shall be brought to lines, grades, and cross-sections shown on the plans.
- (2) Unsuitable Material Replacement – All poor subgrade material as determined by the Public Works Director shall be removed to a depth of three (3) feet below the finished grade, and all loose rock and boulders over seven (7) inches in size shall be removed to a depth of not less than one (1) foot below subgrade. Removed material shall be replaced with compacted gravel fill placed in lifts not to exceed six(6) inches in thickness.

- (3) The subgrade shall be properly compacted prior to the placement of the roadway subbase material.
- (4) Stabilization Fabric – Synthetic filter material may be utilized to stabilize the subgrade provided that a detailed design is submitted to and approved by the Public Works Director.

F. Subbase

- (1) Description – The subbase shall consist of bank run gravel or crushed gravel, placed in accordance with the typical section of the designation the street being constructed. The installed depth shall be increased in areas of poor subgrade material and/or seasonally high water table.
- (2) Construction Methods – Proper preparation of the foundation for the subbase, placing the subbase, and compaction of the subbase shall be in accordance with Article 2.12.03. Vibratory rollers or compactors are required for compaction unless a waiver is granted by the Public Works Director.

G. Processed Aggregate Base

- (1) Description – The base shall consist of one course of processed aggregate constructed on the prepared subbases placed in accordance with the typical section for the designation of the street being constructed.
- (2) Construction Methods – Preparation of the foundation for the base, placing the base and compaction of the base shall be in general accordance with Article 3.04.03. Portions of Article 3.04.03 dealing with placing _____ “top course” shall be disregarded. The use of vibratory rollers or compactors are required for compaction.

H. Two-Course Bituminous Concrete Pavement

- (1) Description – The paved surface shall be constructed of two courses of bituminous concrete. The first course of paving is hereinafter referred to as the “*Binder Course*”. The second course of paving which shall be placed on the Binder Course, is hereinafter referred to as the “*Surface Course*”.
- (2) Thickness – The depth of the courses shall be as shown on the Street Cross Section. Attention is called to the Minimum Placement Temperatures shown in Appendix “B” of this Ordinance.
- (3) Where new pavement joins existing pavements, the existing pavement shall be cleanly cut and the new pavement shall be tapered to create a smooth transition.
- (4) The vertical contact surfaces of existing pavements, catch basins, and other structure int eh pavement shall be painted thoroughly with a think uniform coating of bitumen tack coat just before the new paving mixture is placed against them.
- (5) Construction Methods – The methods employed in constructing the binder and surface courses shall conform to the requirements of Article 4.06.03.
- (6) Cut-off Date for Paving – No Bituminous Concrete materials shall be placed between November 15 and April 15, unless special permission is obtained from the Public Works Director.

I. Bituminous Concrete Lip Curbing

- (1) Description – Bituminous Concrete Lip Curbing shall consist of machine laid bituminous concrete, constructed on the pavement to the dimensions and details shown on Design Plates #1 to #7 in the Appendix of this Ordinance.
- (2) Construction Methods – The area adjacent to and immediately behind the curb shall be backfilled, loaned and seeded.

J. Utilities

- (1) Where underground utilities will service parcels of land adjoining the proposed street, the applicant shall ensure that an adequate number of conduits, as specified by the power company, water company, telephone company and cable-TV company shall be provided. All utility conduits shall extend to the street rights-of-ways line. Conduits shall be to the diameter specified and placed at locations designed by each utility.
- (2) Installation of utility conduits shall occur prior to the placement of bituminous concrete binder and surface courses and the processed aggregate base (see Design Plates #1 to #3 in the Appendix of this Ordinance).
- (3) All manhole covers, water grate covers, etc., shall be adjusted to $\frac{1}{2}$ inch below the required finished pavement surface. Disturbed areas adjacent to and immediately behind the concrete lip curbing shall be backfilled, loamed and seeded.

K. Catch Basin

- (1) Catch basins shall be of the type shown on plans and shall be constructed in locations as shown on approved plans.
- (2) Catch basins shall have a two (2) foot deep sump.
- (3) Catch basin grate tops shall be adjusted so they are $\frac{1}{2}$ inch below the required finished pavement surface.

L. Rip Rap

- (1) Riprap material shall consist of sound, tough, durable and angular rock, free from decomposed stones or other defects impairing its durability.
- (2) Broken concrete or rounded stones are not acceptable.

M. Other Items in the Right-of-Way

No other items, except as required for allowed in these Standards, are allowed in the street right-of-way. Mailboxes, within the right-of-way shall meet Postal Service location requirements and utility facilities shall meet all required State and Local Standards.

PART VI. Street Appurtenances

Section 1. Introduction

- A. Street appurtenances such as guide railings, signs, monuments pins, winter sand boxes, painted pavement markings, and related work shall be specified in the Town of Ledyard Subdivision Regulations, these Standards or by the Public Works Director to assure the safe operations of the completed street.
- B. The following documents are required as references in using this section of these Standards:
 - (1) *“State of Connecticut, Department of Transportation: Standard Specifications for Roads, Bridges and Incidental Construction”* Form 813, 1985 and any subsequent amendments or issues.
 - (2) *“Manual on Uniform Traffic Control Devices for Streets and Highways”* by the U.S. Department of Transportation, Federal Highway Administration.
 - (3) Town of Ledyard *“Subdivision Regulations”*.

Section 2 Street Name Signs

- A. Location – Street name signs shall be furnished and erected at all intersections resulting from the construction of new streets. In the case of four-way intersections, signs shall be placed on at least two diagonal corners. The signs shall be oriented with the names of the intersecting streets. Locations of signs shall be designated on the subdivision plan.
- B. Materials – Street name signs shall consist of cast concrete markers, to be furnished by the applicant. The base of these markers will be installed three feet below the finished grade of the street. The applicant may request the Department of Public Works to install required street sign(s) and shall reimburse the Town for the cost for such signs.

Section 3. Regulatory and Warning Signs

- A. Location – Regulatory and Warning signs shall be furnished and erected in accordance with the “*Manual on Uniform Traffic Control Devices for Streets and Highways*”. Exact type, number and location of signs shall be approved by the Public Works Director; the sign locations shall be designed on final subdivision plan.
- B. Materials – The following materials shall be utilized for various Guide Railing Systems:
 - (1) Three-Cable Guide Railing and Anchorage.
 - (2) Metal Beam Rail and Anchorage.

Section 5. Painted Pavement Markings

- A. Painted pavement markings and painted pavement stop bars, of the type and color specified, shall be furnished and installed at locations indicated on the subdivision plans and in conformity with these Standards and as directed by the Public Works Director.
- B. Painted pavement stop bars includes paint installed with a hand striping machine.
- C. Materials – Paint used for pavement markings shall conform to the material requirements of Form 813, Sections M.07.21 and M.07.30 for hot applied pavement marking paint and glass beads.

PART VII. Top Soiling and Seeding

Section 1. Introduction

- A. All disturbed areas outside the pavement, within and outside the road right-of-way, shall be restored in accordance with these Standards.
- B. Temporary and Permanent erosion control seeding shall be completed, as required, prior to final landscape seeding.
- C. The following documents are required or suggested as references in using this section of these Standards:
 - (1) “*State of Connecticut, Department of Transportation: Standard Specifications for Roads, Bridges and Incidental Construction, Form 813*” and subsequent amendments or issues.
 - (2) *Erosion and Sediment Control Handbook* U.S. Department of Agriculture, Soil Conservation Service, Storrs, Connecticut

- (3) *Connecticut Guidelines for Soil Erosion and Sediment Control*, The Connecticut Council of Soil and Water Conservation, January, 1985
- (4) *"Recommended Standard Specifications for Planting Trees, Shrubs and Bines and Fine Grading and Seeding Lawns"*, The Connecticut Landscape Contractors Association.

Section 2. Materials for Top soiling, Grading and Seeding

- A. Topsoil – Topsoil shall be a friable loam, typical of cultivated topsoils of the locality, containing at least 2% of decay organic matter (humus). It shall be taken from a well-drained arable site. It shall be reasonable free of subsoil, stones, earth clumps, sticks, roots or other objectional extraneous matter or debris. It shall contain no toxic materials.
- B. Lime – Ground limestone, 95% of which shall pass 100 mesh screen.
- C. Fertilizer
 - (1) Fertilizer shall be a commercial grade 10-10-10 fertilizer.
 - (2) Delivery slips showing the weigh, analysis, and name of manufacturer shall be provided to the Public Works Director.
- D. Seed Mix
 - (1) Grass seed shall be fresh, clean, new crop seed composed of the following varieties mixed in the proportions by weight shown and testing the minimum percentages for purity and germination:

<u>General Roadside Use</u>	
<u>Kind of Seed</u>	<u>Approximate % by Weight</u>
Perennial Rye	20%
Kentucky Blue	20%
K 31 Fescue	25%
Creeping Red Fescue	30%
Alsike Clover	5%

<u>Meadow Grass</u>	
<u>Kind of Seed</u>	<u>Approximate % by Weight</u>
Perennial Rye	20%
Kentucky Blue	10%
K 31 Fescue	700%

- (2) Purity and Germination – Bags must contain dealer's guaranteed statement of composition of mixture and percentages of purity and germination. Seed shall be delivered in unopened bags with label attached.
- (3) Modifications to these mixes may be made upon approval of the Public Works Director.
- E. Placing Topsoil
 - (1) Topsoil shall be spread and shaped to the lines and grades shown on the plans, or as directed by the Public Works Director. The minimum compacted depth shall be four (4) inches.
 - (2) Placement of topsoil shall be performed only with it can be followed within a reasonable time by the seeding operation. Temporary cover shall be used to prevent erosion prior to final seeding.
- F. Fertilizing, Liming, Seeding and Mulching
 - (1) The normal seasonal dates for seeding shall be:
 - Spring Seeding- April 1 to June 1
 - Fall Seeding – august 15 to September 15

- Out-of-season seeding shall be carried out for erosion protection measures as necessary.

(2) Material shall be applied in accordance with the following schedule:

Material	Pounds per 1,000 sq. ft
Lime	100
Fertilizer	15
Seed	5

The rates shall be varied to account for unusual soil conditions or for special seed mixtures.

(3) Mulch, Straw, Wood Fiber, or Hay (weed free and in unrooted condition) to be applied 1½ to 2 tons per acre. Securing of mulch shall be the applicant's responsibility. Wood fiber mulch may be used in place of hay or straw at the rate of 1.400 pounds per acre applied hydraulically at the same time as the seed and fertilizer.

Section 3. Maintenance, Inspection and Guarantee of Seeded Areas

- A. All grass areas shall be maintained by watering and reseeding, as necessary. Reseeding shall begin in any areas that do not show a satisfactory stand of grass with thirty (30) days.
- B. Inspection – The Public Works Director shall inspect the grass areas upon request of the applicant. The request shall be received two (2) days before anticipated date of inspection. Acceptance of seeded areas may be granted, provided that grass has successfully taken root, and no bare areas or erosion gullies are observed.
- C. Guarantee – All seeded areas shall be guaranteed for one year following the date of acceptance. Any disturbed area shall be reseed and re-inspected.

PART VIII. Sidewalks and Trails

Section 1. Introduction

- A. Sidewalks shall be installed when and where directed by the Planning and Zoning Commission.. The location shall be shown on the approved plans.
- B. Sidewalks shall be a minimum of five (5) feet in width and shall be located within the street right-of-way with the edge abutting the property line. Location may be varied to preserve designated trees, stone walls, or other desirable features. The Planning and Zoning Commission may require an increased width where deemed appropriate.
- C. Sidewalks shall be concrete.
- D. Sidewalks shall include ramps and curb cuts for handicapped.
- E. The following documents are required as references in using this section:
 - (1) *“State of Connecticut, department of Transportation, Standard Specifications for Roads, Bridges and Incidental Construction, Form 813”* 1985, and any subsequent amendments or issues.
 - (2) *“State Building Code”*, section on handicapped access.

Section 2. Concrete Sidewalks

- A. Description – Concrete sidewalks shall conform to the requirements of Design Plate #5 in the Appendix of this Ordinance. The sidewalk shall be laid out with an inclination sloping toward the gutter of one-fourth ($\frac{1}{4}$) inch per foot.
- B. Materials
 - (1) Concrete shall conform to Class “C” concrete.
 - (2) Gravel for the base shall conform to gravel base, Grading “C”.
- C. Construction Methods
 - (1) Pre-molded asphalt expansion joints shall be spaced every fifteen (15) feet, with suitable weakened tooled joints located five (5) feet on center, formed with a jointing tool.
 - (2) The concrete shall contain not more than 7% and a minimum of 4% entrained air at the time the concrete is deposited in the forms. The maximum allowable slump shall be four (4) inches.
 - (3) The surface of the concrete shall be finished with a wood float or by other approved means. The outside edges of the slab and all joints shall be edged with a $\frac{1}{4}$ inch radius edging tool. The final surface shall be broomed to provide better footing.
 - (4) The finished concrete sidewalks shall be protected with an application of a penetrating water proofing agent approved by the Public Works Director. The water proofing agent shall be applied per the manufacturer’s instructions and shall not cause the concrete surfaces to become more slippery under wet conditions than untreated wet surface conditions.

Section 3. Hiking Trails

- A. Hiking trails shall be located within the street right-of-way or elsewhere within a subdivision, as required by the Planning and Zoning Commission. The located of such trails shall conform to the *Town’s Plan of Conservation and Development (POCD)*.
- B. When required by the Planning and Zoning Commission, trails shall be constructed with a six (6) inch gravel base and a fine crusher run stone surface or other approved material. Trail width shall be determined by the Planning and Zoning Commission. The trail shall be cleared of trees, brush and shall be grubbed, as appropriate.
- C. When not located within a street right-of way, easements to pass and repass shall be provided for all trails within subdivisions .Easements shall be a minimum of fifteen (15) feet in width, and shall be located in areas where topography or wetlands do not prevent pedestrian use.

PART IX. Effective Date

Section 1. Severability

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

Section 2. Effective Date- December 14, 1988.

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

Linda C. Davis, Chairman

Fred B. Allyn, III. Mayor

Patricia A. Riley, Town Clerk

Revisions: *Ordinance #1 “Ordinance Regulating the Addition of Any New Street or Highway to the Highway System”* Adopted at Town Meeting August 24, 1958; Amended and Adopted at Town Meeting on June 20, 1961; Amended and Adopted at Town Meeting October 4, 1971; Amended and Adopted by Town Council June 13, 1973. *Ordinance #45 “An Ordinance Amending an Ordinance Regulating the Addition of Any New Street or Highway to the Highway System of the Town of Ledyard”* Adopted on November 12, 1981; Amended and Adopted: December 14, 1988.

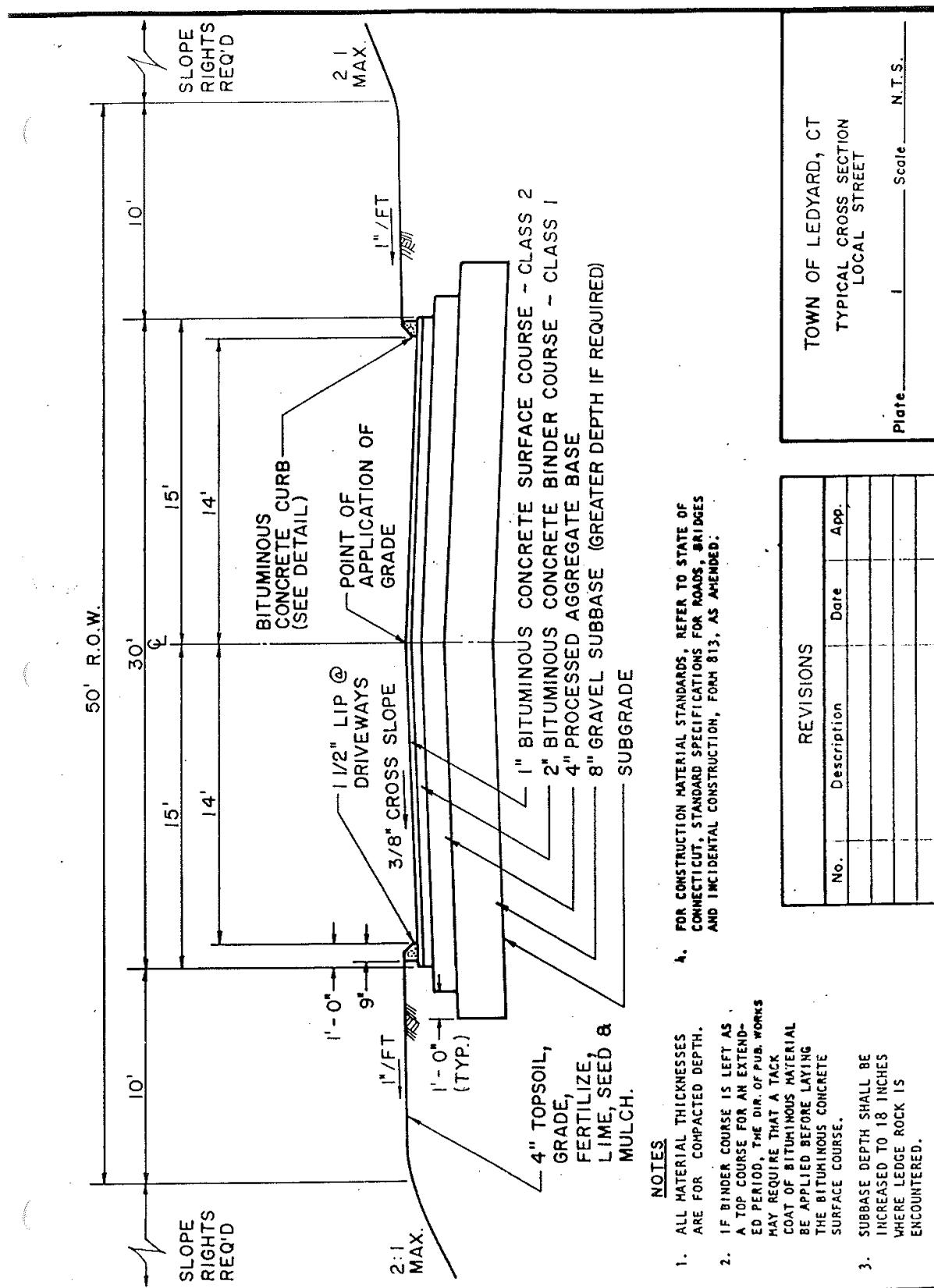
History: The Twenty-fourth Town Council (2017- 2019) Ordinance Update Initiative: Renumbered Ordinance #45 *“An Ordinance Amending an Ordinance Regulating the Addition of Any New Street or Highway to the Highway System of the Town of Ledyard”* to Ordinance # 300-025.

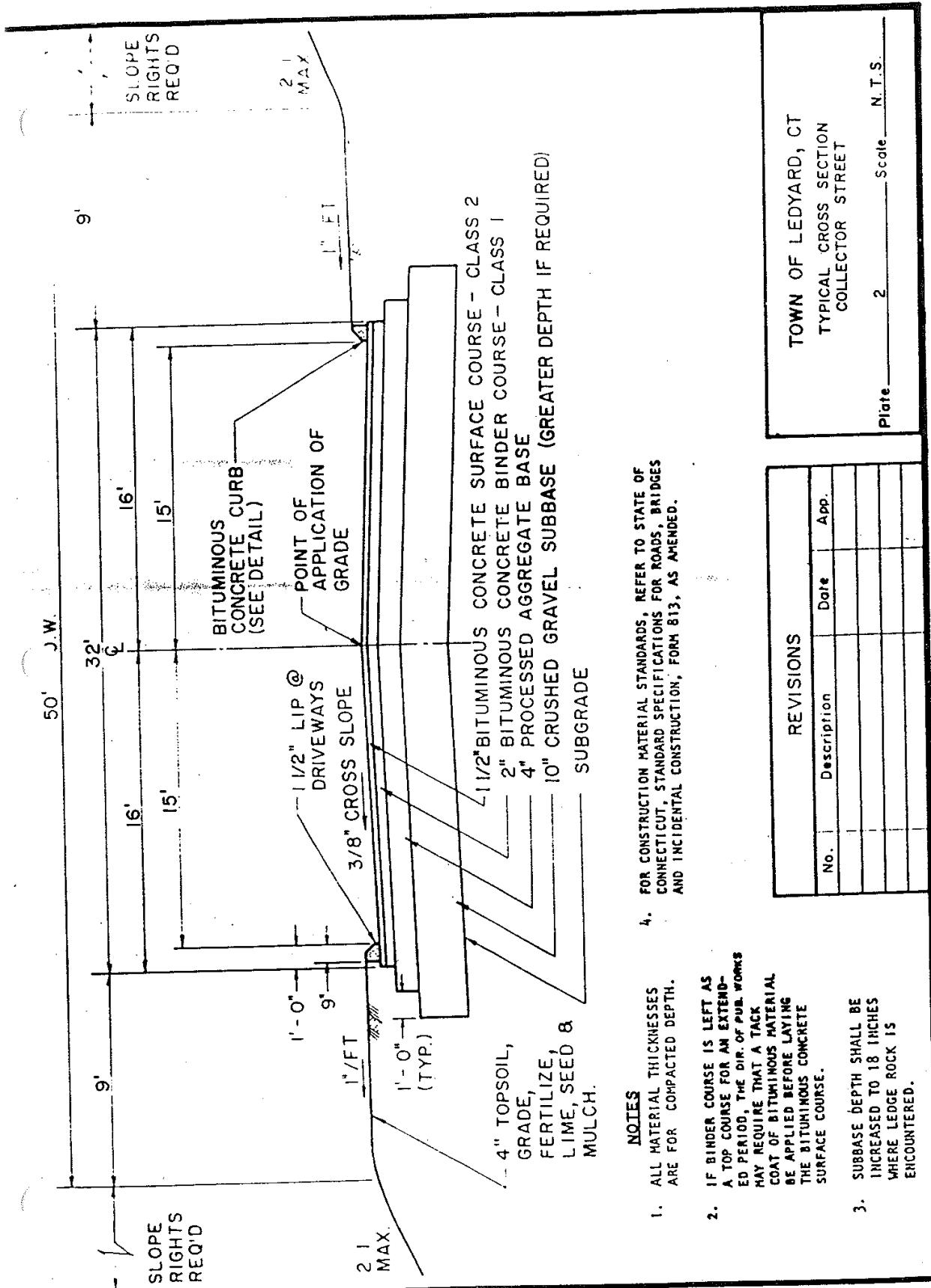
2019: Title – Removed *“An Ordinance Amending”* Per Town Attorney not required. Throughout the document *“and Zoning”* was added to reflect the combined *Planning and Zoning Commission*. The Ordinance was formatted to be consistent with Town Ordinance Format. No substantive changes were made to the ordinance.

An Ordinance Regulating
the Addition of Any New Street or Highway to the Highway System

Appendix A

Design Plates





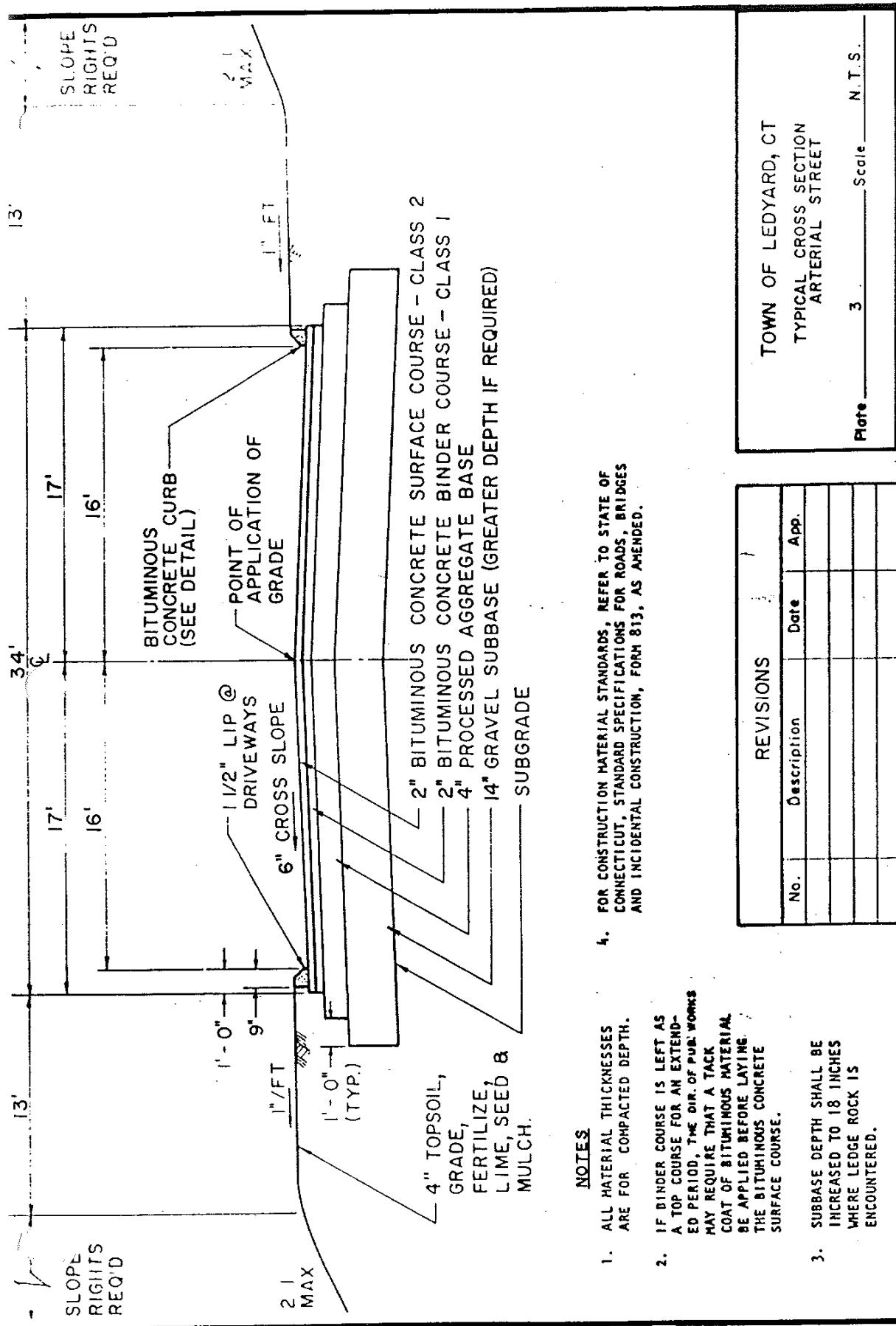
NOTES

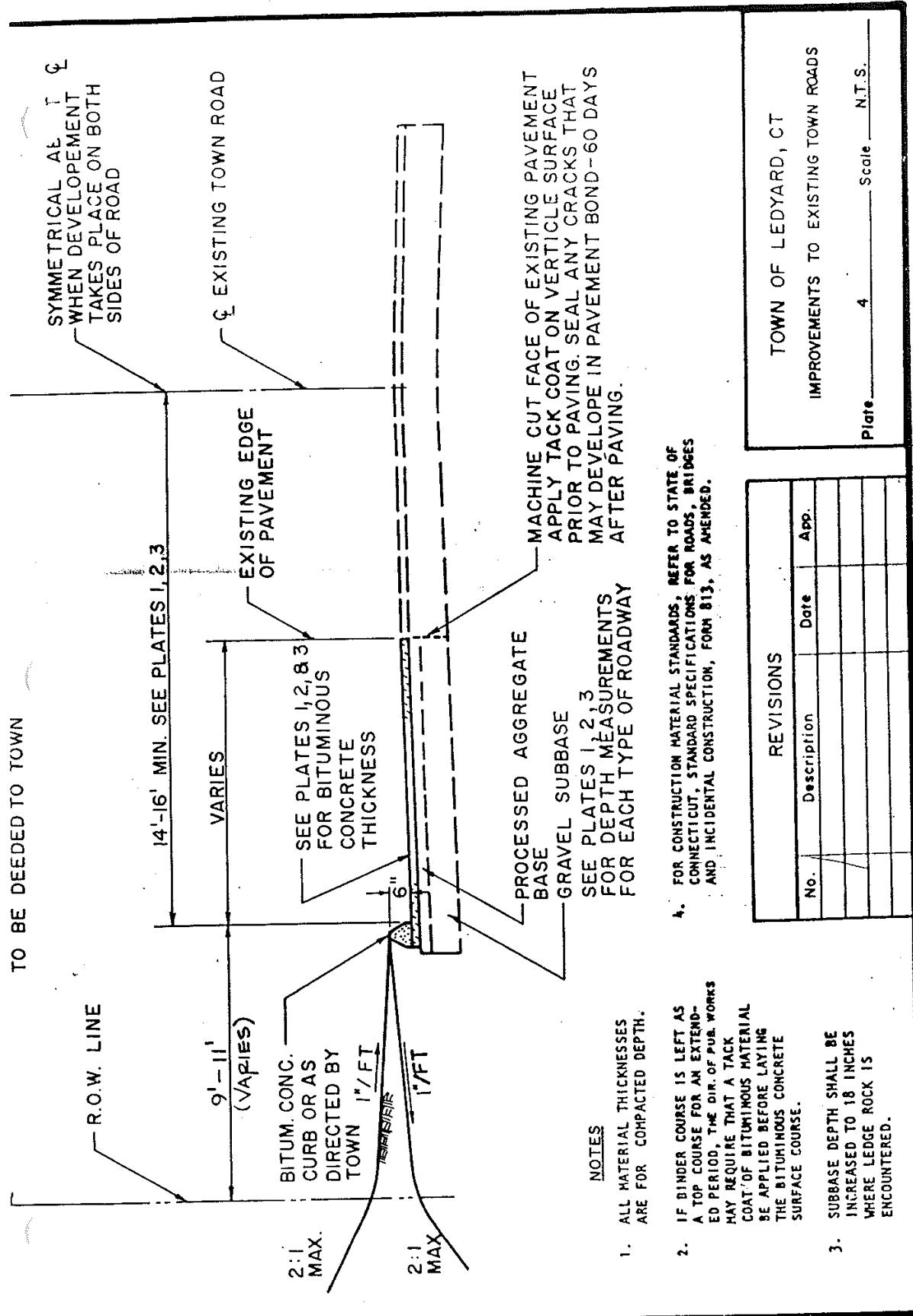
1. ALL MATERIAL THICKNESSES ARE FOR COMPACTED DEPTH.
2. IF BINDER COURSE IS LEFT AS A TOP COURSE FOR AN EXTENDED PERIOD, THE DIR. OF PUB. WORKS MAY REQUIRE THAT A TACK COAT OF BITUMINOUS MATERIAL BE APPLIED BEFORE LAYING THE BITUMINOUS CONCRETE SURFACE COURSE.
3. SUBBASE DEPTH SHALL BE INCREASED TO 18 INCHES WHERE LEDGE ROCK IS ENCOUNTERED.
4. FOR CONSTRUCTION MATERIAL STANDARDS, REFER TO STATE OF CONNECTICUT STANDARD SPECIFICATIONS FOR ROADS, BRIDGES AND INCIDENTAL CONSTRUCTION, FORM 813, AS AMENDED.

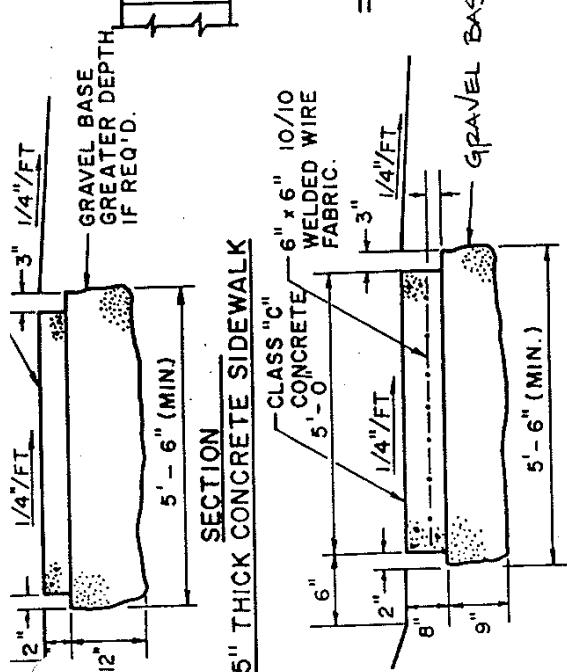
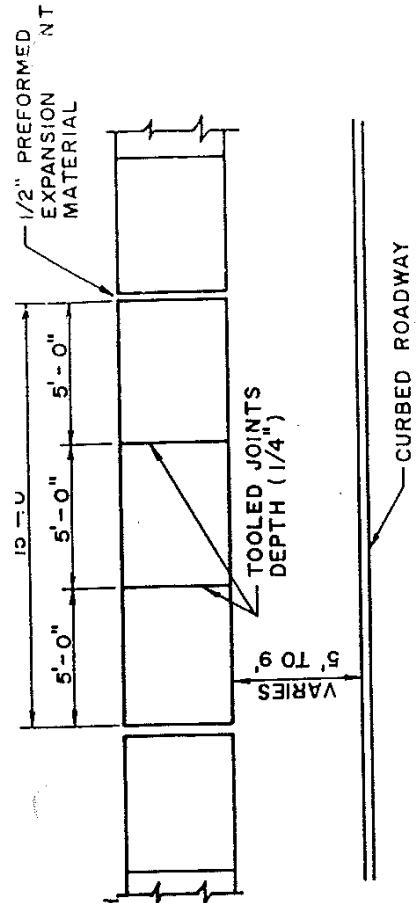
REVISIONS			
No.	Description	Date	App.

TOWN OF LEDYARD, CT
TYPICAL CROSS SECTION
COLLECTOR STREET

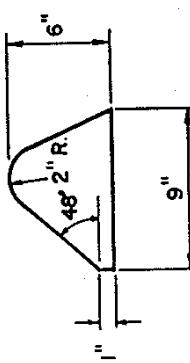
Plate 2 Scale N.T.S.







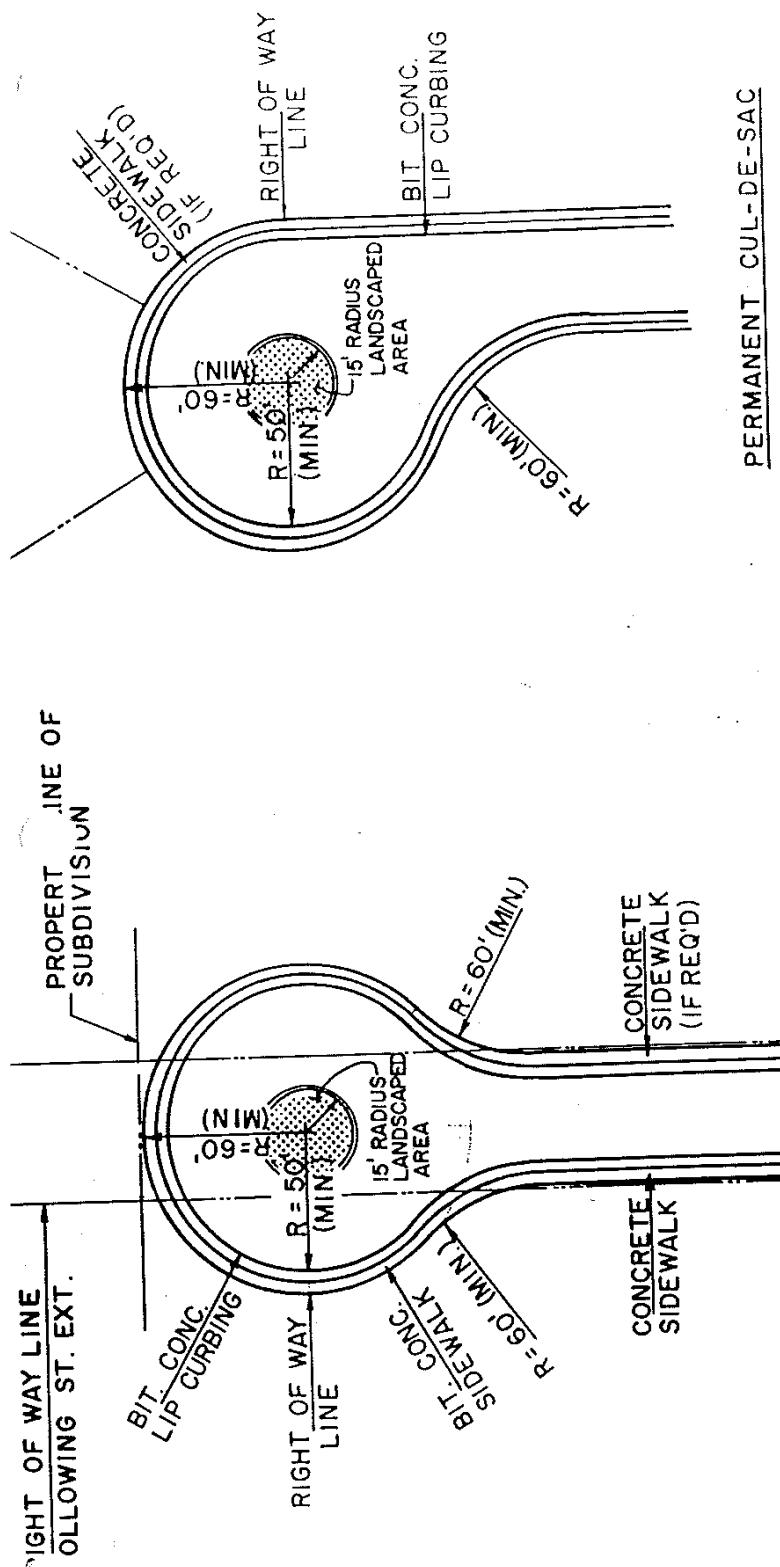
SECTION 3" THICK CONCRETE SIDEWALK



BITUMINOUS CONCRETE
LIP CURBING
(MACHINE FORMED)

TOWN OF LEDYARD, CT
TYPICAL SIDEWALK AND CURBING
DETAIL
Plate 5 Scale N.T.S.

RIGHT OF WAY LINE FOLLOWING ST. EXT.

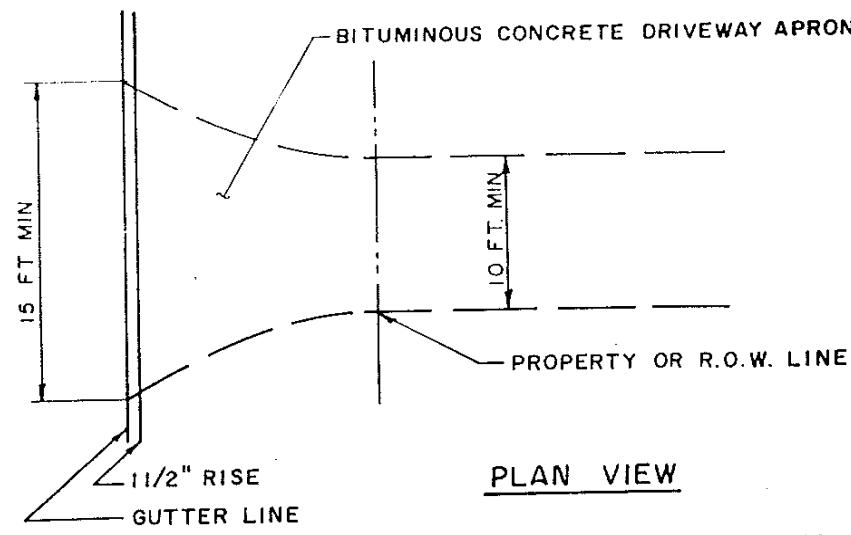


PERMANENT CUL-DE-SAC

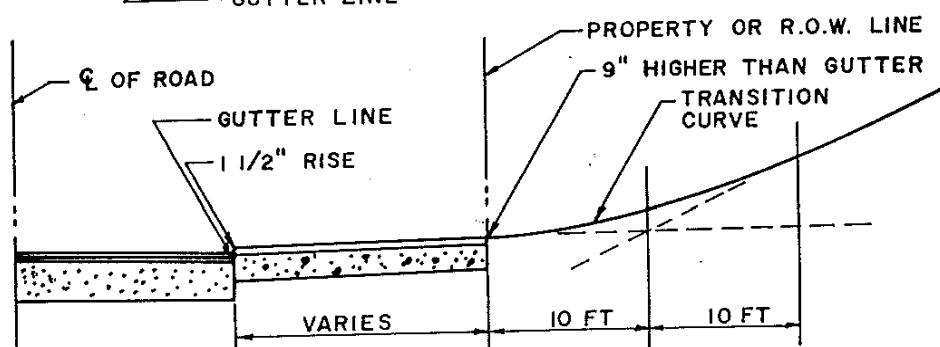
REVISIIONS			
No.	Description	Date	App.

TOWN OF LEDYARD, CT
STANDARD DETAIL CUL-DE-SAC

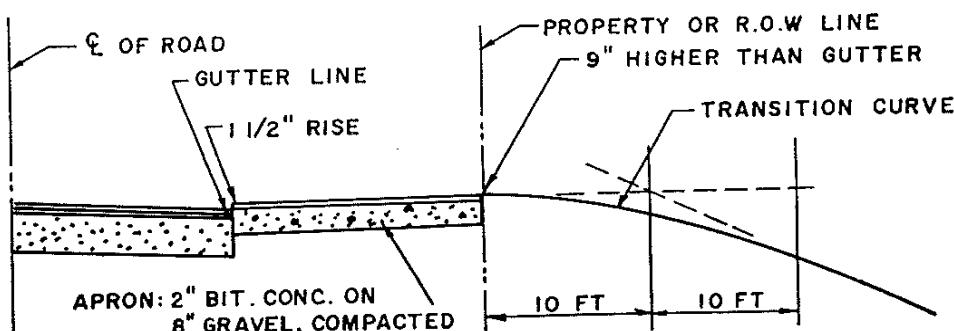
Plate 6 Scale N.T.S.



PLAN VIEW



SECTION - UPHILL DRIVEWAY



SECTION - DOWNHILL DRIVEWAY

REVISIONS			
No.	Description	Date	App

TOWN OF LEDYARD, CT
RESIDENTIAL DRIVEWAY DETAIL FOR
CURBED ROADWAY
Plate 7 Scale N. T. S.

An Ordinance Amending an Ordinance Regulating
the Addition of Any New Street or Highway to the Highway System

Appendix B

Recommended Minimum Placement Temperature for Bituminous Concrete Hot Mix

Base ¹ Temp. °F	Mat Thickness, in. (cm)					
	1/8 (1)	3/16 (2)	1 (2.5)	1 1/2 (4)	2 (5)	3 (7.5) ²
20-32	—	—	—	305	—	285 ³
+32-40	—	—	310	300	295	280
+40-50	—	—	300	295	285	275
+50-60	—	310	290	285	275	270
+60-70	310	300	285	280	270	265
+70-80	300	290	280	275	265	265
+80-90	290	280	275	270	265	260
+90	280	275	270	265	260	255
Rolling time, min.		4	6	8	12	15

¹ Base on which mix is placed. [$1^{\circ}\text{C} = 0.555 (\text{ }^{\circ}\text{F} - 32)$]

² and greater

³ Increase by 15 degrees when placement is on base or subbase containing frozen moisture.

TOWN OF LEDYARD, CT		
MINIMUM PAVEMENT PLACEMENT TEMPERATURES		
Plate	APPENDIX B	Scale
REVISIONS		
No.	Description	Date



TOWN OF LEDYARD
Department of Land Use and Planning

Elizabeth J. Burdick, Director

741 Colonel Ledyard Highway, Ledyard, CT 06339

Telephone: (860) 464-3215, Fax: (860) 464-0098

Email: planner@ledyardct.org

VIA EMAIL: council@ledyardct.org

January 16, 2025

Naomi Rodriguez, Chairman
Ledyard Town Council
741 Colonel Ledyard Highway
Ledyard, CT 06339

**RE: App. #22-8SUB – 24-Lot Open Space Subdivision, 79 Vinegar Hill Road –
Owner/Applicant, Mr. G.I., LLC – Current Owner, Mt. Kineo Builders for Request for
Referral to Town Council to Accept completed Marty's Way as a Town Road**

Dear Chairman Rodriguez:

The Ledyard Planning & Zoning Commission, at its January 9, 2025 Regular Meeting, voted unanimously to forward a **FAVORABLE REFERRAL** in accordance with Town Ordinance #300-25, Part II, Section 3 & 4 and C.G.S. §8-24 to the Town Council to **ACCEPT** Marty's Way, including its infrastructure, that was approved as part of App. #22-8SUB, Eagle's Landing 24-Lot Open Space Subdivision, 79 Vinegar Hill Road, Ledyard, CT on August 11, 2022, along with the written recommendation of the Director of Public Works, dated December 19, 2024 and all supporting documentation as required by Town Ordinance #300-025, Part II, Sections 3 & 4, including warranty deeds with the following conditions:

1. The warranty deeds shall be reviewed and approved by the Director of Public Works and/or Town Attorney prior to acceptance; and
2. The Applicant shall submit P.E. and Utilities Certification per Section 3.A(1), (2) & (3) prior to acceptance.

Please contact me at (860) 464-3215 with any questions. Thank you.

Sincerely,

Elizabeth J. Burdick

Director of Land Use & Planning

C: Roxanne Maher, Admin. Asst. to Town Council
Fred B. Allyn III, Mayor
Steve Masalin, Director of Public Works
Rob Holfelder, Mt. Kineo Builders
Peter Gardner, Dieter & Gardner
Attorney Harry Heller, Heller, Heller & McCoy
File – Land Use Dept.



TOWN OF LEDYARD
Department of Land Use and Planning
Elizabeth J. Burdick, Director
 741 Colonel Ledyard Highway, Ledyard, CT 06339
 Telephone: (860) 464-3215, Fax: (860) 464-0098
 Email: planner@ledyardct.org

MEMORANDUM

DATE: January 9, 2025
TO: Ledyard Planning & Zoning Commission
FROM: Liz Burdick, Director of Land Use & Planning
RE: **App. #22-8SUB – 24-Lot Open Space Subdivision, 79 Vinegar Hill Road – Owner/Applicant, Mr.G.I., LLC – Current Owner, Mt. Kineo Builders for Request for Referral to Town Council to accept completed Marty's Way as a Town Road**

Pursuant to Town Ordinance #300-25, Part II, Section 3 & 4 (An Ordinance Regulating the Addition of Any New Street or Highway to the Highway System of the Town of Ledyard) and C.G.S. § 8-24, the matter of acceptance of Marty's Way, including its infrastructure, as a Town Road has been forwarded to the Commission by the Public Works Director to make a recommendation to the Town Council.

Section 3.C states "If the Road meets approval and has met requirements set forth in this Ordinance, the Public Works Director shall forward a written recommendation of approval to the Planning and Zoning Commission." Said written recommendation was forwarded to the Town Planner, Liz Burdick for the Commission in a memorandum dated December 19, 2024 following final inspection and receipt of, As-Built Drawings. Road and Open Space Warranty (Quit Claim actual) Deeds to the Town of Ledyard. P.E. & Utilities Certifications pending.

Section 4.B states "If the Planning and Zoning Commission concurs with the recommendation of the Public Works Director, the Commission shall forward its own recommendation of approval, together with any warranty deeds and the written recommendation of the Public Works Director, to the Town Council. No deed shall be conveyed to the Town Clerk until Town Council has taken action to accept the street as a public street."

The following Motion is suggested for any favorable recommendation:

I make a Motion to forward a favorable referral in accordance with Town Ordinance #300-25, Part II, Section 3 & 4 and C.G.S. §8-24 to the Town Council to ACCEPT Marty's Way, including its infrastructure, that was approved as part of Application PZ #22-8SUB, Eagle's Landing 24-Lot Open Space Subdivision, 79 Vinegar Hill Road, Ledyard, CT on August 11, 2022, along with the written recommendation of the Director of Public Works dated December 19, 2024 and all supporting documentation as required by Town Ordinance #300-025, Part II, Sections 3 & 4, including warranty deeds with the following conditions:

1. The warranty deeds shall be reviewed and approved by the Director of Public Works and/or Town Attorney prior to acceptance; and
2. The Applicant shall submit P.E. and Utilities Certification per Section 3.A(1), (2) & (3) prior to acceptance.

C: Steve Masalin, Public Works Director
Fred B. Allyn, Mayor
Naomi Rodriguez, Town Council Chairman
Rob Holfelder, Mt. Kineo Builders
Peter Gardner, Dieter & Gardner



TOWN OF LEDYARD CONNECTICUT
Planning & Zoning Commission

741 Colonel Ledyard Highway
 Ledyard, CT 06339-1551
 PHONE (860) 464-3266 FAX (860) 464-1126
www.ledyardct.org

Tony Capon, Chairman

VIA CERTIFIED MAIL: 7017 1450 0002 0797 1537

August 15, 2022

Mr. G 1 LLC
 55 Trumbull Road
 Waterford, CT 06385

RE: **Application PZ#22 8SUB** of Mr. G. 1 LLC, 55 Trumbull Road, Waterford CT, for a 24 Lot Open Space Subdivision located at 79 Vinegar Hill Road.

Dear Applicant:

At its Regular & Public Hearing Meeting on August 11, 2022, the Ledyard Planning & Zoning Commission **APPROVED** your above-referenced application with the following **CONDITIONS**:

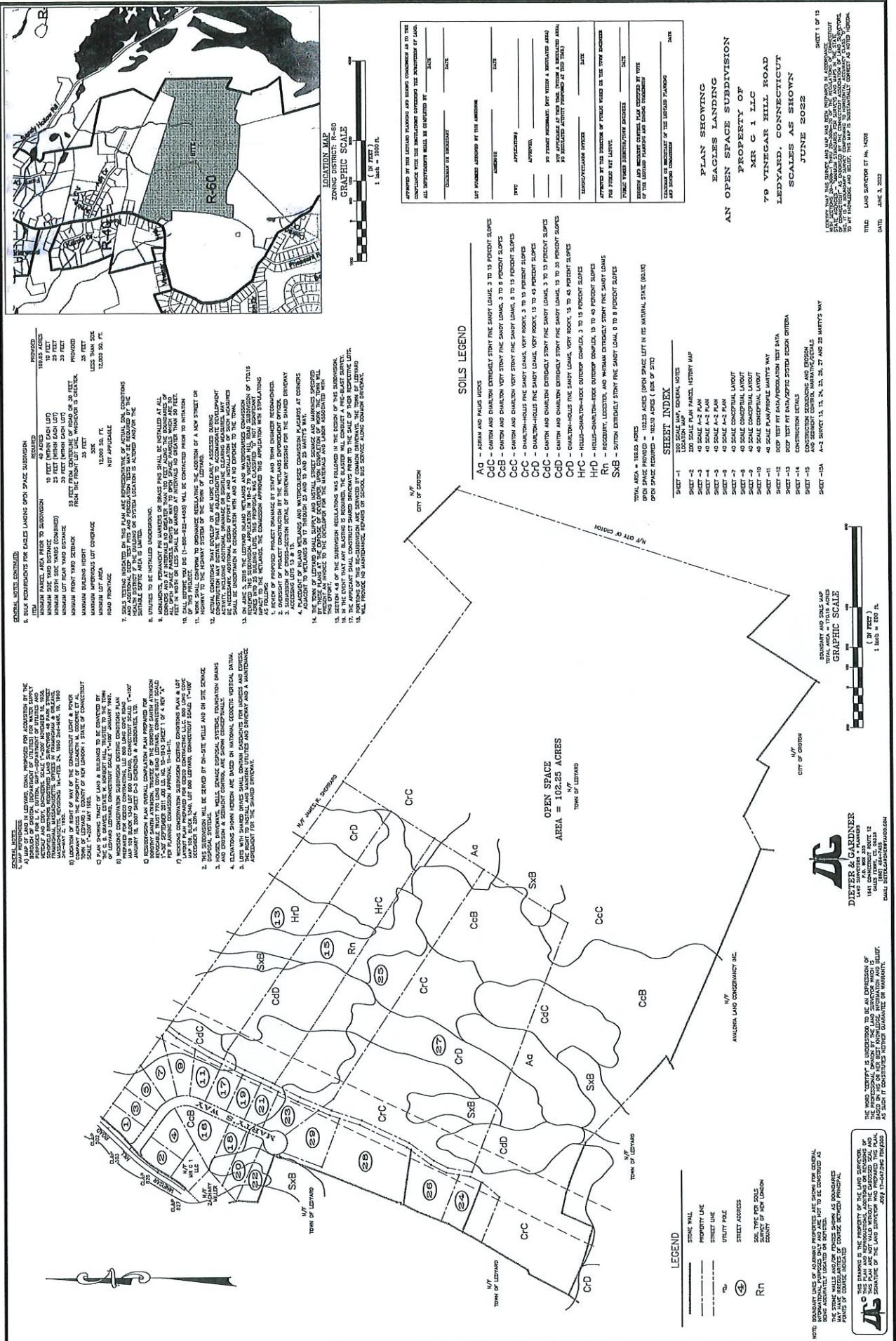
1. Revise the Site Plan to show all driveways serving individual homes as 12 feet wide as required. All shared portions must be 15 ft wide and contained within a 25ft access strip/easement area and comply with all other requirements found in Section 14.8B.
2. Shared Driveways greater than 600ft must have a turn-out.
3. Please correct the Zoning Compliance Table to reflect the current regulations. The table provided is based on the 2012 Regulations.
4. Please reference the most recent IWWC application and approval in the notes.
5. All comments provided by Town Engineer must be addressed prior to the filing of the mylar.
6. All legal documents must be filed for any easements and/or rights of way prior to the sale of any of the lots affected.
7. Bond estimates for the drainage/stormwater management systems must be reviewed and approved prior to the issuance of any zoning permits for individual lot development.

Please contact me with any questions. Thank you.

For the Commission,

Michelle Gagnon-Smith
 Land Use Office, Town of Ledyard

cc: File



TOWN OF LEDYARD

Memorandum:

RECEIVED

DEC 19 2024

Land Use Department

To: Liz Burdick, Town Planner**From:** Steve Masalin, Public Works Director *SM***Date:** December 19, 2024**Re:** 79 Vinegar Hill Road Subdivision (Appl. PZ#22-8SUB) – Marty's Way

I have inspected the physical infrastructure associated with the subject subdivision and road. I find that the requirements of the Town's road and drainage ordinances have been met and consider the road complete for purposes of present acceptance.

This constitutes my written recommendation for road acceptance per Part II, Section 3 of the Road Ordinance, pending receipt of any remaining required completion certification documentation from the applicant.

- C. The Planning and Zoning Commission may grant preliminary approval of the proposed street, taking into account comments of the Director of Public Works, the Director of Planning, and other agencies that have reviewed the plans. The Commission shall establish a performance security in an amount adequate to cover all costs and all aspects of construction, as required by this Ordinance.
- D. Performance security shall consist of a certificate of deposit or a savings pass book, made out jointly in the names of the applicant and the Town of Ledyard. A withdrawal slip payable to the Town of Ledyard shall be provided with any savings pass book. A joint account in both names shall be required. Other forms of collateral, including letters of credit, are unacceptable and shall not be received by the Town as performance security.
- E. The Applicant shall deposit the required performance security established by the Commission with the Town Treasurer prior to final filing of subdivision plans with the Town Clerk. No construction shall begin until the applicant has provided the Town Treasurer with the required performance security. Furthermore, no construction shall begin until plans submitted by the applicant have received written certification from the Planning and Zoning Commission Chairman, and have been filed with the Town Clerk in accordance with Town of Ledyard's Subdivision Regulations.

Section 3. Final Approval of Public Works Director

- A. Whenever any street or road section is completed, the applicant shall furnish the Public Works Director with a certificate from a licensed Connecticut engineer certifying that:
 - (1) The work has been completed according to the plan submitted and in accordance with all specifications herein stated; and
 - (2) The drainage system has been completed in accordance with the Town Drainage Ordinance.
 - (3) If public utilities have been installed, a letter from the respective utility company indicating that the utilities have been completed and accepted shall be submitted.
- B. A mylar "as-built" plan and profile of the road and storm drains shall be submitted, together with two (2) blue and white prints. The plans shall be at a scale of 1"=40'; with the profiles at 1"=4'. The plan view shall show all waterlines, valve boxes, water services and curb boxes, electrical system facilities, telephone system facilities, boundary monuments, front lot pins and other public improvements. The "as-builts" are to be certified as accurate by a Registered Engineer and/or Land Surveyor.
- C. If the road meets approval and has met requirements set forth in this Ordinance, the Public Works Director shall forward a written recommendation of approval to the Planning and Zoning Commission.

Section 4. Final Approval by the Planning and Zoning Commission

- A. Upon recommendation of approval of the street by the Public Works Director, the applicant shall give the Planning and Zoning Commission a warranty deed conveying the street, related drainage easements, any applicable rights-of-ways, open space or other easements, to the Town of Ledyard. Deeds transferring property to the Town shall specify actual road dimensions and boundaries in feet to the nearest hundredth, and compass direction to the nearest second.

Sec. 8-24. Municipal improvements. No municipal agency or legislative body shall (1) locate, accept, abandon, widen, narrow or extend any street, bridge, parkway or other public way, (2) locate, relocate, substantially improve, acquire land for, abandon, sell or lease any airport, park, playground, school or other municipally owned property or public building, (3) locate or extend any public housing, development, redevelopment or urban renewal project, or (4) locate or extend public utilities and terminals for water, sewerage, light, power, transit and other purposes, until the proposal to take such action has been referred to the commission for a report. Notwithstanding the provisions of this section, a municipality may take final action approving an appropriation for any proposal prior to the approval of the proposal by the commission pursuant to this section. The failure of the commission to report within thirty-five days after the date of official submission of the proposal to it for a report shall be taken as approval of the proposal. In the case of the disapproval of the proposal by the commission the reasons therefor shall be recorded and transmitted to the legislative body of the municipality. A proposal disapproved by the commission shall be adopted by the municipality or, in the case of disapproval of a proposal by the commission subsequent to final action by a municipality approving an appropriation for the proposal and the method of financing of such appropriation, such final action shall be effective, only after the subsequent approval of the proposal by (A) a two-thirds vote of the town council where one exists, or a majority vote of those present and voting in an annual or special town meeting, or (B) a two-thirds vote of the representative town meeting or city council or the warden and burgesses, as the case may be. The provisions of this section shall not apply to maintenance or repair of existing property, buildings or public ways, including, but not limited to, resurfacing of roads.



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 25-1320

Agenda Date: 2/3/2025

Agenda #: 2.

LAND USE

Subject/Application:

MOTION to accept Village Drive Extension into the Town's Road Inventory in accordance with Ordinance #300-025 "*An Ordinance Regulating the Addition of Any New Street or Highway to the Highway System of the Town of Ledyard*"; including its infrastructure, that was approved as part of Application PZ#21-10RESUB, Fire Side Farm 4-Lot Resubdivision, 34 Villag Drive, Ledyard, Connecticut, on December 19, 2021, along with written recommendations of the Director of Public Work's dated December 19, 2024, and all supporting documentation, including warranty deeds with the following conditions:

- (1) The warranty deeds shall be reviewed and approved by the Director of Public Works and/or Town Attorney prior to acceptance; and
- (2) The Applicant shall submit P.E. and Utilities Certification per Section 3.A(1) (2) &(3) prior to acceptance.

Background:

In accordance with Section 6 (A) of Ordinance #300-025 "*An Ordinance Regulating the Addition of Any New Street or Highway to the Highway System of the Town of Ledyard*"

Section 6. Town Council Acceptance

A. After compliance with the provisions of Section 8-24 of the General Statutes, the Town Road Ordinance, and the Town Drainage Ordinance, as they may be amended, **the Town Council may, pursuant to Section 12a-48 of the General Statutes, accept such street as a public street.** Any entry of such acceptance shall be made in the records of the Town Clerk.

Please see attached document provided by Land Use Director.

Land Use Director/Town Planner:

(type text here)



TOWN OF LEDYARD
Department of Land Use and Planning

Elizabeth J. Burdick, Director

741 Colonel Ledyard Highway, Ledyard, CT 06339

Telephone: (860) 464-3215, Fax: (860) 464-0098

Email: planner@ledyardct.org

VIA EMAIL: council@ledyardct.org

January 16, 2025

Naomi Rodriguez, Chairman
Ledyard Town Council
741 Colonel Ledyard Highway
Ledyard, CT 06339

RE: Application #PZ21-10RESUB Fire Side Farm 4-Lot Resubdivision, 34 Village Drive Owner: Anthony Silvestri & 16 Reuven Drive, Ledyard, CT Owners: Mario Luis Mendez & Susan Ponta; Applicant: James Bernardo, Land Surveying, LLC, Zone R-40, 12.42 Acres for request for referral to Town Council to accept completed Extension of Village Drive as a Town Road

Dear Chairman Rodriguez:

The Ledyard Planning & Zoning Commission, at its January 9, 2025 Regular Meeting, voted unanimously to forward a **FAVORABLE REFERRAL** in accordance with Town Ordinance #300-25, Part II, Section 3 & 4 and C.G.S. §8-24 to the Town Council to **ACCEPT** Village Drive Ext., including its infrastructure, that was approved as part of App. #2210RESUB, FIRE Side Farm 4-Lot Resubdivision, 34 Village Drive & 16 Reuven Drive, Ledyard, CT on December 9, 2021, along with the written recommendation of the Director of Public Works, dated December 19, 2024 and all supporting documentation as required by Town Ordinance #300-025, Part II, Sections 3 & 4, including warranty deeds with the following conditions:

1. The warranty deeds shall be reviewed and approved by the Director of Public Works and/or Town Attorney prior to acceptance; and
2. The Applicant shall submit P.E. and Utilities Certification per Section 3.A(1), (2) & (3) prior to acceptance.

Please contact me at (860) 464-3215 with any questions. Thank you.

Sincerely,

Elizabeth J. Burdick

Director of Land Use & Planning

C: Roxanne Maher, Admin. Asst. to Town Council
Fred B. Allyn III, Mayor
Steve Masalin, Director of Public Works
Anthony Silvestri, Applicant/Owner
File – Land Use Dept.



TOWN OF LEDYARD
Department of Land Use and Planning

Elizabeth J. Burdick, Director

741 Colonel Ledyard Highway, Ledyard, CT 06339

Telephone: (860) 464-3215, Fax: (860) 464-0098

Email: planner@ledyardct.org

MEMORANDUM

DATE: January 9, 2025
TO: Ledyard Planning & Zoning Commission
FROM: Liz Burdick, Director of Land Use & Planning
RE: **Application #PZ21-10RESUB Fire Side Farm 4-Lot Resubdivision**, 34 Village Drive Owner: Anthony Silvestri & 16 Reuven Drive, Ledyard, CT Owners: Mario Luis Mendez & Susan Ponta; Applicant: James Bernardo, Land Surveying, LLC, Zone R-40, 12.42 Acres for request for referral to Town Council to accept completed Extension of Village Drive as a Town Road.

Pursuant to Town Ordinance #300-25, Part II, Section 3 & 4 (An Ordinance Regulating the Addition of Any New Street or Highway to the Highway System of the Town of Ledyard) and C.G.S. § 8-24, the matter of acceptance of Village Drive Ext., including its infrastructure, as a Town Road has been forwarded to the Commission by the Public Works Director to make a recommendation to the Town Council.

Section 3.C states "If the Road meets approval and has met requirements set forth in this Ordinance, the Public Works Director shall forward a written recommendation of approval to the Planning and Zoning Commission." Said written recommendation was forwarded to the Town Planner, Liz Burdick for the Commission in a memorandum dated December 19, 2024 following final inspection and receipt of, As-Built Drawings. Road and Open Space Warranty (Quit Claim actual) Deeds to the Town of Ledyard. P.E. & Utilities Certifications pending.

Section 4.B states "If the Planning and Zoning Commission concurs with the recommendation of the Public Works Director, the Commission shall forward its own recommendation of approval, together with any warranty deeds and the written recommendation of the Public Works Director, to the Town Council. No deed shall be conveyed to the Town Clerk until Town Council has taken action to accept the street as a public street."

The following Motion is suggested for any favorable recommendation:

I make a Motion to forward a favorable referral in accordance with Town Ordinance #300-25, Part II, Section 3 & 4 and C.G.S. §8-24 to the Town Council to ACCEPT *Village Dr. ext. 16* Marty's Way, including its infrastructure, that was approved as part of Application PZ #21-10RESUB, Fire Side Farm 4-Lot Resubdivision, 34 Village Drive, Ledyard, CT on December 9, 2021, along with the written recommendation of the Director of Public Works, dated December 19, 2024 and all supporting documentation as required by Town Ordinance #300-025, Part II, Sections 3 & 4, including warranty deeds with the following conditions:

1. The warranty deeds shall be reviewed and approved by the Director of Public Works and/or Town Attorney prior to acceptance; and
2. The Applicant shall submit P.E. and Utilities Classification per Section 3.A(1), (2) & (3) prior to acceptance.

C: Steve Masalin, Public Works Director
Fred B. Allyn, III, Mayor
Naomi Rodriguez, Town Council Chairperson
Anthony Silvestri, Applicant/Owner
File – Land Use Dept.



TOWN OF LEDYARD CONNECTICUT Planning & Zoning Commission

741 Colonel Ledyard Highway
Ledyard, CT 06339-1551
PHONE (860) 464-3266 FAX (860) 464-1126
www.ledyardct.org

Nate Woody, Chairman

VIA CERTIFIED MAIL: 7017 1450 0002 0796 8520

December 15, 2021

James Bernardo
James Bernardo Land Surveying, LLC
102A Spithead Rd.
Waterford, CT 06385

RE: Application #PZ21-10RESUB Fire Side Farm 4-Lot Resubdivision, 34 Village Drive Owner: Anthony Silvestri & 16 Reuven Drive, Ledyard, CT Owners: Mario Luis Mendez & Susan Ponta; Applicant: James Bernardo, Land Surveying, LLC, Zone R-40, 12.42 Acres.

Dear Mr. Bernardo,

At its Regular & Public Hearing Meeting on December 9, 2021, the Ledyard Planning & Zoning Commission **APPROVED** your above-referenced application with the following **CONDITIONS**.

1. Surety estimates for the road and driveway construction; soil and erosion control measures; pipe extension under driveway; all monumentation and final site stabilization must be provided prior to the filing of the mylars.
2. All bonding shall be in place prior to the start of the road or driveway construction and the issuance of any Zoning Permits for individual lot construction.
3. All proposed new grading must be shown for all driveways.
4. Provide Indemnification note on final plans and deeds Per 14.8C
5. Draft Legal descriptions/documents for all new and modified existing lots, easements, driveway and utility maintenance agreement and Open Space must be updated, reviewed and approved before the mylars are filed.
6. The existing construction trailer must be removed prior to the filing of the mylars unless a zoning permit is secured.

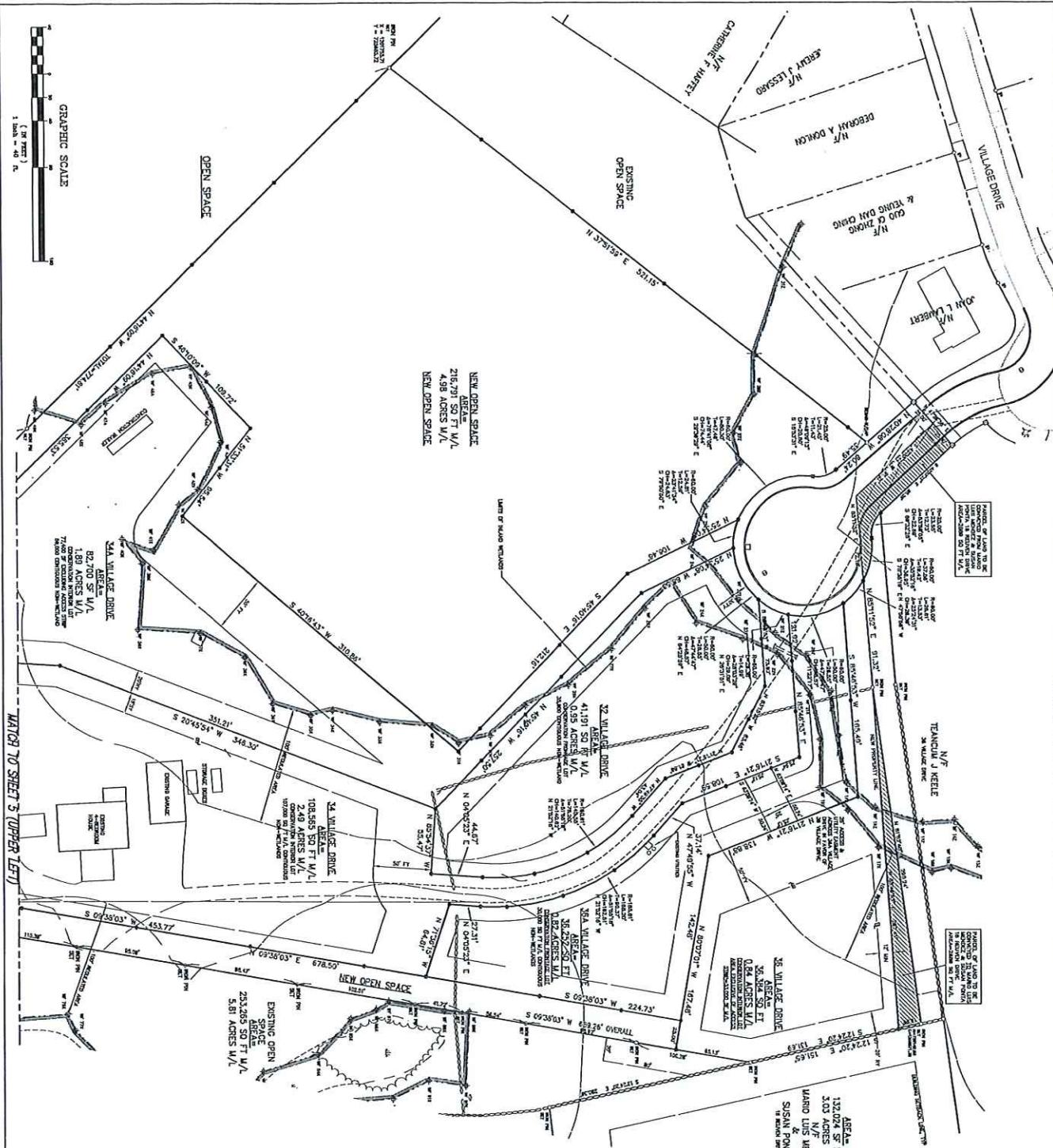
Please note that this approval is subject to a 15-day appeal period following publication of the legal notice of decision in The Day on December 16, 2021. The appeal period ends on December 31, 2021.

Please contact me with any questions. Thank you.

For the Commission,

Nancy Woodlock
Land Use Office, Town of Ledyard

cc: Owners: Anthony Silvestri 34 Village Dr. Ledyard, CT 06339 & Mario Luis Mendez & Susan Ponta 16 Reuven Dr., Ledyard, CT 06339



NOTE:
THOSE LOTS CONTAINING INLAND WETLANDS MAY BE SUBJECT TO FURTHER
REVIEW AND APPROVAL BY THE TOWN OF LEDYARD INLAND WETLANDS AND
WATERCOURSES COMMISSION PRIOR TO THE SUBMISSION OF A ZONING AND
BUILDING PERMIT. LHD APPROVALS FOR INDIVIDUAL LOTS ARE ALSO
REQUIRED.

LOT LAYOUT PLAN
FIRE SIDE FARM
RESUBDIVISION

RESOLD DIVISION
FOR PROPERTY LOCATED AT
34 VILLAGE DRIVE & 16 REUVEN DRIVE
TOWN OF LEDYARD - COUNTY OF NEW LONDON - CONNECTICUT

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS MAP IS
SUBSTANTIALLY CORRECT AS NOTED ON HERON.

James Bernardo 10-14-2021
Date

TOWN OF LEDYARD

Memorandum:

RECEIVED

DEC 19 2024

Land Use Department

To: Liz Burdick, Town Planner**From:** Steve Masalin, Public Works Director *SM***Date:** December 19, 2024**Re:** 34 Village Drive Subdivision (Appl. #544) – Village Drive

I have inspected the physical infrastructure associated with the subject subdivision and road. I find that the requirements of the Town's road and drainage ordinances have been met and consider the road complete for purposes of present acceptance.

This constitutes my written recommendation for road acceptance per Part II, Section 3 of the Road Ordinance, pending receipt of any remaining required completion certification documentation from the applicant.

- C. The Planning and Zoning Commission may grant preliminary approval of the proposed street, taking into account comments of the Director of Public Works, the Director of Planning, and other agencies that have reviewed the plans. The Commission shall establish a performance security in an amount adequate to cover all costs and all aspects of construction, as required by this Ordinance.
- D. Performance security shall consist of a certificate of deposit or a savings pass book, made out jointly in the names of the applicant and the Town of Ledyard. A withdrawal slip payable to the Town of Ledyard shall be provided with any savings pass book. A joint account in both names shall be required. Other forms of collateral, including letters of credit, are unacceptable and shall not be received by the Town as performance security.
- E. The Applicant shall deposit the required performance security established by the Commission with the Town Treasurer prior to final filing of subdivision plans with the Town Clerk. No construction shall begin until the applicant has provided the Town Treasurer with the required performance security. Furthermore, no construction shall begin until plans submitted by the applicant have received written certification from the Planning and Zoning Commission Chairman, and have been filed with the Town Clerk in accordance with Town of Ledyard's Subdivision Regulations.

Section 3. Final Approval of Public Works Director

- A. Whenever any street or road section is completed, the applicant shall furnish the Public Works Director with a certificate from a licensed Connecticut engineer certifying that:
 - (1) The work has been completed according to the plan submitted and in accordance with all specifications herein stated; and
 - (2) The drainage system has been completed in accordance with the Town Drainage Ordinance.
 - (3) If public utilities have been installed, a letter from the respective utility company indicating that the utilities have been completed and accepted shall be submitted.
- B. A mylar "as-built" plan and profile of the road and storm drains shall be submitted, together with two (2) blue and white prints. The plans shall be at a scale of 1"=40'; with the profiles at 1"=4'. The plan view shall show all waterlines, valve boxes, water services and curb boxes, electrical system facilities, telephone system facilities, boundary monuments, front lot pins and other public improvements. The "as-builts" are to be certified as accurate by a Registered Engineer and/or Land Surveyor.
- C. If the road meets approval and has met requirements set forth in this Ordinance, the Public Works Director shall forward a written recommendation of approval to the Planning and Zoning Commission.

Section 4. Final Approval by the Planning and Zoning Commission

- A. Upon recommendation of approval of the street by the Public Works Director, the applicant shall give the Planning and Zoning Commission a warranty deed conveying the street, related drainage easements, any applicable rights-of-ways, open space or other easements, to the Town of Ledyard. Deeds transferring property to the Town shall specify actual road dimensions and boundaries in feet to the nearest hundredth, and compass direction to the nearest second.

B. If the Planning and Zoning Commission concurs with the recommendation of the Public Works Director, the Commission shall forward its own recommendation for approval, together with any warranty deeds and the written recommendation of the Public Works Director, to the Town Council. No deed shall be conveyed to the Town Clerk until the Town Council has taken action to accept the street as a public street.

Section 5. Release of Performance Security

A. The Planning and Zoning Commission may, upon written notification to the Town Treasurer, and after the recommendation of both the Public Works Director and the Director of Planning, order the release of any performance security or maintenance security required by this Ordinance. The Planning and Zoning Commission shall not release any amount greater than that necessary to complete unfinished portions of the streets approved under this Ordinance.

B. Upon failure of the applicant to complete street improvements in accordance with all specifications herein stated or as shown on approved plans, and after the maximum time for completion of such improvements afforded the applicant under State Law has passed, the Planning and Zoning Commission shall revoke necessary portions of the performance security so that the Town of Ledyard may complete the remaining improvements in compliance with this Ordinance.

Section 6. Town Council Acceptance

A. After compliance with the provisions of Section 8-24 of the General Statutes, the Town Road Ordinance, and the Town Drainage Ordinance, as they may be amended, the Town Council may, pursuant to Section 12a-48 of the General Statutes, accept such street as a public street. Any entry of such acceptance shall be made in the records of the Town Clerk.

B. Acceptance shall be effective upon filing of the warranty deed for the street and related easements with the Town Clerk.

C. No Street shall be officially opened to the public until it has been accepted as a public street pursuant to this section and it has met the requirements of this Ordinance.

PART III. Liability Insurance

Section 1. Contractor Certificate of Insurance

No Work shall be started on the public improvements associated with an approved subdivision or street until the Contractor has filed with the Public Works Director a *Certificate of Insurance* with the limits of liability equal to; or exceeding the current required Town coverages cited in Section 3 below.

Section 2. Indemnification

Insurance Policies shall include the provision that the Contractor indemnifies and saves harmless the Town of Ledyard and its agents from all suits and actions of every name and description brought against said Town or any office of said Town, for or on account of any injuries or damages received or sustained by any person in consequence of, or resulting from any work performed by said Applicant, his servants or agents, or of, or from, any negligence in guarding such work or of, or from any acts of omission of said applicant, his servants or agents.

Sec. 8-24. Municipal improvements. No municipal agency or legislative body shall (1) locate, accept, abandon, widen, narrow or extend any street, bridge, parkway or other public way, (2) locate, relocate, substantially improve, acquire land for, abandon, sell or lease any airport, park, playground, school or other municipally-owned property or public building, (3) locate or extend any public housing, development, redevelopment or urban renewal project, or (4) locate or extend public utilities and terminals for water, sewerage, light, power, transit and other purposes, until the proposal to take such action has been referred to the commission for a report. Notwithstanding the provisions of this section, a municipality may take final action approving an appropriation for any proposal prior to the approval of the proposal by the commission pursuant to this section. The failure of the commission to report within thirty-five days after the date of official submission of the proposal to it for a report shall be taken as approval of the proposal. In the case of the disapproval of the proposal by the commission the reasons therefor shall be recorded and transmitted to the legislative body of the municipality. A proposal disapproved by the commission shall be adopted by the municipality or, in the case of disapproval of a proposal by the commission subsequent to final action by a municipality approving an appropriation for the proposal and the method of financing of such appropriation, such final action shall be effective, only after the subsequent approval of the proposal by (A) a two-thirds vote of the town council where one exists, or a majority vote of those present and voting in an annual or special town meeting, or (B) a two-thirds vote of the representative town meeting or city council or the warden and burgesses, as the case may be. The provisions of this section shall not apply to maintenance or repair of existing property, buildings or public ways, including, but not limited to, resurfacing of roads.



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 22-096

Agenda Date: 2/3/2025

Agenda #: 3.

AGENDA REQUEST GENERAL DISCUSSION ITEM

Subject:

Any other New Business proper to come before the Committee.

Background:

(type text here)

Department Comment/Recommendation:

(type text here)