



TOWN OF LEDYARD
CONNECTICUT
TOWN COUNCIL
HYBRID FORMAT

741 Colonel Ledyard Highway
Ledyard, CT 06339

860 464-3203
Roxanne Maher

Chairman Kevin J. Dombrowski

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

Monday, August 1, 2022

6:00 PM

Town Hall Annex Building

- I. CALL TO ORDER – The meeting was called to order by Councilor Paul at 6:01 p.m. at the Town Hall Annex Building Meeting Room.

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

- II. ROLL CALL –

Attendee Name	Title	Status	Location	Arrived	Departed
Gary Paul	Committee Chairman	Present	In-Person	6:00 pm	6:46 pm
John Marshall	Town Councilor	Present	In-Person	6:00 pm	6:46 pm
S. Naomi Rodriguez	Town Councilor	Present	In-Person	6:00 pm	6:46 pm
Kevin Dombrowski	Chairman	Present	In-Person	6:00 pm	6:46 pm
Juliet Hodge	Land Use Director	Present	Remote	6:00 pm	6:46 pm
Michael Marelli	Resident	Present	In-Person	6:00 pm	6:46 pm
Jennifer Day	Resident	Present	In-Person	6:00 pm	6:46 pm
Betsy Graham	Resident	Present	Remote	6:00 pm	6:46 pm
Roxanne Maher	Administrative Assistant	Present	Remote	6:00 pm	6:46 pm

- III. CITIZENS' PETITIONS

Mr. Michael Marelli, 4 Lee Brook Drive, Ledyard, stated he serves as the Conservation Commission Chairman and was also a member of the Agricultural Commission. However, he stated he was present this evening as a private resident to support New Business Item #2 on tonight's agenda regarding Mr. Sean Moriarty's "Ledyard Garden" proposal. He addressed the importance to encourage farming in our community.

Ms. Jennifer Day, 572 Lantern Hill Road, Ledyard, stated she was present this evening to answer any questions the Land Use/Planning/Public Works Committee may have regarding New Business Item #1 concerning the commercial activity at 576 Lantern Hill Road. She noted that since she presented her concerns to the Town Council at their June 22, 2022

meeting about the commercial business that was operating at the residential location, that she has sent additional photographs of the on-going daily commercial activity. She stated the property owner needed to be held responsible for his actions, noting that he was not following the Court Ordered Stipulated Agreement. She asked that the Town's Land Use Attorney take this matter back to court.

Ms. Betsy Graham, 72 A Long Pond Road, Ledyard, stated that she seconded Mr. Marelli's comments regarding Mr. Moriarty's proposed "Ledyard Garden". She went on to address the ongoing commercial business activity at 576 Lantern Hill Road relative to the Court Ordered Stipulated Agreement. She stated it would behoove the Town to take the property owner back to court. She also suggested the Town request the court to allow photographs to be entered as evidence regarding the case.

IV. PRESENTATIONS – None.

V. INFORMATIONAL ITEMS – None.

VI. REVIEW AND APPROVAL OF PRIOR MEETING MINUTES

MOTION to approve the Regular Meeting Minutes of June 6, 2022

Moved by Councilor Rodriguez, seconded by Councilor Marshall

VOTE: 3 - 0 Approved and so declared

VII. OLD BUSINESS

1. Residents concern pertaining to parking of commercial vehicles in residential areas.

Councilor Paul noted in response to some resident's concerns regarding safety pertaining to a large commercial tow truck/flatbed that was parked on a residential street the LUPPW Committee' began discussing the appropriate mechanism to address the issue at their May 2, 2022 meeting. He stated Land Use Director Juliet Hodge drafted a proposed Ordinance that the LUPPW Committee reviewed at the June 6, 2022 and that some additional editorials were made, as presented in the draft dated June 8, 2022 for review and discussion this evening as noted below.

DRAFT: 6/8/2022

Ordinance #600-XXX

AN ORDINANCE
REGULATING PARKING OF COMMERCIAL VEHICLES
ON PUBLIC STREETS IN RESIDENTIAL ZONES AND/OR IN FRONT OF
RESIDENTIALLY USED PROPERTIES

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

Section I: Purpose

To regulate parking of commercial vehicles on public streets/roads in residential zones and/or in front of residentially used properties.

Section 2: Regulations

- A. For the purpose of this Ordinance “commercial or industrial vehicle” means any vehicle the principal use of which is the transport of commodities, merchandise, produce, freight, and any vehicle used primarily in construction, industry, including but not limited to, bulldozers, backhoes, tractors, tow trucks, dump trucks, tractor trailers (cab and/or trailer), or trucks fitted with cranes, air compressors, welders, tanks or similar equipment. “Commercial or industrial vehicle” also includes nonmotorized dumpsters, storage units, open or utility trailers greater than six (6) feet in length and height, and tool lockers; taxicabs, limousines, and/or any passenger vehicle that is greater than eight (8) feet in height marked with a sign, letters, or emblem advertising a commercial enterprise.
- B. No person shall park or store any commercial or industrial vehicle on any public street or roadway within any residential district or in front of any property currently used residentially unless for the purpose of actively loading or unloading materials, or while actively engaged in providing commercial service at the premises; nor shall such vehicles be parked in a residential district or in front of an existing residence outside normal business hours unless on site for an emergency service call.

Section 3: Violation

Whenever any motor vehicle is found to be parked in violation of Section 2 of this ordinance, the motor vehicle may be removed (towed) at the owner's expense and/or a State of Connecticut Complaint Ticket (a parking ticket) shall be issued by the Ledyard Police Department. Each day that a violation continues shall be deemed a separate offense.

First Offense: \$90 (Infraction)

Subsequent Offense: \$200 (Violation)

Section 4: Payment of Fine

Payment of the fine(s) associated with the issue of any Ticket shall be in accordance with current Connecticut State Statutes.

Section 5: 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 6: 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.

Adopted by the Ledyard Town Council on: _____

Kevin J. Dombrowski, Chairman

Approved/Disapproved on: _____

Fred B. Allyn, III, Mayor

Published on: _____

Patricia A. Riley, Town Clerk

Effective Date: _____

made some additional adjustments to the language in the proposed

- MOTION to recommend the Town Council adopt a proposed “*An Ordinance Regulating Parking of Commercial Vehicles on Public Streets in Residential Zones and/or In Front of Residentially Used Properties*” as contained in the draft dated June 8, 2022.
Moved by Councilor Paul, seconded by Councilor Marshall
Discussion: The LUPPW Committee discussed the proposed Ordinance (see above) and questioned the following:
 - o Process to move the Ordinance forward to the Town Council. It was noted that the Ordinance would move on the Administration Committee for their review before being presented to the Town Council.
 - o Would the Finance Committee also need to be involved with the review process? It was noted that because the fines were set in the Ordinance and that the *Payment of the fine(s) associated with the issue of any Ticket would be in accordance with current Connecticut State Statutes (7-148*)* that it was not necessary for the proposed Ordinance to be forwarded to the Finance Committee.
- VOTE: 3 – 0 Approved and so declared.

RESULT: 3 – 0 RECOMMEND TO APPROVE

MOVER: Gary Paul, Town Councilor

SECONDER: John Marshall, Town Councilor

AYES: Gary Paul, John Marshall, Naomi Rodriguez

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

RESULT: NO ACTION

Next Meeting: 09/13/2022 5:30 p.m.

3. No Update regarding enforcement of regulations to address blight issues

RESULT: DISCUSSED

Next Meeting: 09/13/2022 5:30 p.m.

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

Councilor Rodriguez noted New Business Item #2 on tonight's agenda regarding Mr. Sean Moriarty's "*Ledyard Garden*" proposal. She questioned whether there were any restrictions on the Clark Farm that would require the property to revert back to its original owners if the town were to sell a portion of the property.

Chairman Dombrowski provided some background explaining on September 4, 2007 the Town and the Mashantucket Pequot Tribal Nation signed documents for a land swap regarding the following properties for the consideration of \$1.00:

- Town gave the MPTN Indiantown Park (119 Indiantown Road)
- MPTN gave the Town the Clark Farm(1025 Colonel Ledyard Highway)

Chairman Dombrowski stated the townspeople approved the land swap on May 22, 2007 via the voting machines. He stated currently the Town was leasing a portion of the Clark Farm to Mr. Walter Majcher to grow hay. He stated that he was not aware of any such land restrictions that Councilor Rodriguez was asking about.

RESULT: NO ACTION

Next Meeting: 09/13/2022 5:30 p.m.

5. Security and safety concerns regarding Park on East Street.

Councilor Paul noted the Community Relations cancelled their July 20, 2022 Regular Meeting and held an Informal Conversation with residents at the Park on East Drive. He stated about 15 residents attended the event along with many Town Councilors and Parks & Recreation Director Scott Johnson, Jr. He stated the idea was to discuss important issues regarding safety concerns at the Park. He noted at times the conversation was a bit contentious, but overall, it turned out to be a positive event, noting that they discussed a number of good ideas to bring back to their respective committees and the neighbors were encouraged to continue to talk to each other and to become more involved in the process as well. He stated although the progress has been slow that they have made some headway with the installation of additional lighting and brush removal. He stated they learned a lot about the Park and a lot about each other.

Councilor Rodriguez stated that she agreed that the Informal Conversation with residents at the Park on East Drive on July 20, 2022 was a little heated at times. However, she stated that they were moving in the right direction. She also noted that Parks & Recreation Director Scott Johnson, Jr. stated the Parks & Recreation Commission would hold their September 20, 2022 meeting at the Park on East Drive.

RESULT: CONTINUED

Next Meeting: 09/13/2022 5:30 p.m.

6. Public Act #21-29 “An Act Concerning The Zoning Enabling Act, Accessory Apartments, Training For Certain Land Use Officials, Municipal Affordable Housing Plans And A Commission On Connecticut’s Development And Future”.

Chairman Dombrowski stated at their July 28, 2022 meeting the Planning & Zoning Commission approved Application PZ#22-7RA regarding comprehensive revisions to all sections of the Zoning Regulations, which also included proposed Regulations for Accessory Dwelling Units (ADU). He explained the next step in the process was for the Planning & Zoning Commission to vote to forward a recommend to the Legislative Body (Town Council) to Opt-Out of State’s “Act Concerning The Zoning Enabling Act, Accessory Apartments, Training For Certain Land Use Officials, Municipal Affordable Housing Plans And A Commission On Connecticut’s Development And Future”.

The LUPPW Committee noted by Ledyard having their own Accessory Dwelling Unit Regulations (ADU) that the Town would have more flexibility going forward and would not be locked into the State’s Accessory Dwelling Unit (ADU) Regulations.

Chairman Dombrowski stated that he would expect the Planning & Zoning Commission’s recommendation to *Opt-Out of Public Act #21-29* to come before the LUPPW Committee at their September 13, 2022 meeting. He stated to *Opt-Out of the Public Act #21-29 ADU* that it would require a two-thirds vote of the Town Council.

RESULT: CONTINUED

Next Meeting: 09/13/2022 5:30 p.m.

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

VIII. NEW BUSINESS

1. Commercial activity at 576 Lantern Hill Road, relative to the Court’s Stipulated Agreement to determine whether the matter was a Zoning issue or a Town legal matter.

Councilor Paul stated Ms. Day attended the Town Council’s June 22, 2022 meeting and provided the background regarding the court ordered Stipulated Agreement pertaining to the commercial activity at 576 Lantern Hill Road which has been on-going since the time the property changed hands in 2013.

The LUPPW Committee noted that the Town has taken the property owner to court several times and has won their case each time resulting in the Stipulated Agreement. Changes to the Stipulated could not be made without going back to the court.

Chairman Dombrowski stated the Planning & Zoning Commission went into executive session at their July 28, 2022 meeting to review the 576 Lantern Hill Road matter. He stated because this was a zoning matter that in accordance with state statute the Town Council had no authority.

The LUPPW Committee agreed by consensus that the 576 Lantern Hill Road matter was a Zoning Issue; and therefore, the Town Council had no authority to take any action regarding this land use matter.

RESULT: DISCUSSED

COMPLETED

2. Mr. Moriarty's proposal dated July 13, 2022 regarding a Ledyard Garden.

Councilor Rodriguez stated that she read Mr. Moriarty's entire proposal for a "*Ledyard Garden*" and that she liked his idea. However, she expressed concern regarding Mr. Moriarty's proposed location of the Garden at the Nathan Lester House. She stated the area where Mr. Moriarty would like to put the Garden was in the overflow parking lot, which was frequently used during events such as the Holiday Caroling and the July 4th Celebration. She suggested Mr. Moriarty talk with the Historic District Commission and the Agriculture Commission about his proposal.

Councilor Marshall expressed concern about Mr. Moriarty using the Nathan Lester House property for a Garden and then charging the public for the produce he would be growing on the town-owned property. He stated he did not think that this was an appropriate use of the town-owned historic property.

Chairman Dombrowski stated he was intrigued by Mr. Moriarty's Garden proposal; however, he did not believe the Nathan Lester House was going to be a good location for the Garden for a number of reasons, which included Councilor Rodriguez's concern regarding the loss of the overflow parking lot area. He stated that he also had concerns regarding the following:

- Building a Greenhouse on the Nathan Lester House property.
- Building a Storage Shed.
- Using the Nathan Lester House Barn.
- Cost of electricity and water.

Chairman Dombrowski stated in 2017 the Arc of Eastern Connecticut approached the Town to lease property for a Community Supported Agricultural (CSA) program that would involve a Farm Stand. He stated the LUPPW Committee discussed several properties with Arc and he noted that most town-owned open space parcels, including the Clark Farm, were not suitable for the CSA because they did not have water or electricity. However, he stated during the exercise they identified a 1.50-acre parcel on Village Drive that could support such an initiative. He explained when Village Drive was first constructed they had a community well to support the homes in the neighborhood. However, he stated when public water came through the area the residents connected to the water line and the community well was abandoned. Therefore, he stated Mr. Moriarty may want to consider leasing the Village Drive parcel for his proposed "*Ledyard Garden*".

Chairman Dombrowski continued by addressing the process to lease town-owned land, noting that the Planning & Zoning Commission would be required to conduct an 8-24 Review to determine whether it was a suitable use of the property and in accordance with CGS 163(e) the Town Council would be required to hold a Public Hearing.

Councilor Paul stated he found Mr. Moriarty's "*Ledyard Garden*" proposal interesting and that his resume' and farming background was impressive.

The LUPPW Committee agreed to send Mr. Moriarty a letter to invite him to their September 13, 2022 special meeting to explain the process to become involved in a venture with the town and to discuss his interest in perhaps considering a different location for his proposed "*Ledyard Garden*".

RESULT: CONTINUED

Next Meeting: 09/13/2022 5:30 p.m.

3. Business proper to come before the Committee – None.

IX. ADJOURNMENT-

Councilor Rodriguez moved the meeting be adjourned, seconded by Councilor Marshall

VOTE: 3 - 0 Approved and so declared, the meeting was adjourned at 6:46 p.m.

Respectfully submitted,

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