



Chairman S. Naomi
Rodriguez

TOWN OF LEDYARD CONNECTICUT

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Land Use/Planning/Public Works

Committee

~ AGENDA ~

Regular Meeting

Monday, May 5, 2025

6:00 PM

Town Hall Annex - Hybrid Format

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/86915573054?pwd=guwVqm6FQvMhfpPsSTqkyFSJvXHZWS.1>

Or by Audio Only: Telephone: +1 646 558 8656; Meeting ID: 869 1557 3054; Passcode: 621771

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 Minutes of April 7, 2025

Attachments: [LUPPW-MIN-2025-04-07](#)

VI. OLD BUSINESS

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

Attachments: [Blight Activity Report-2025-05-05](#)

[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: [LUPPW Cmt Ltr - Johnsoth Noise Ordinance-2024-04-24](#)
[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](#)
[Schroeder- Noise Ordiance-2025-04-07](#)

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

VII. NEW BUSINESS

1. 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 #: 25-1838

Agenda Date: 5/5/2025

Agenda #:

MINUTES

Minutes:

MOTION to approve the Land Use/Planning/Public Works Minutes of April 7, 2025



TOWN OF LEDYARD
CONNECTICUT
TOWN COUNCIL
HYBRID FORMAT

741 Colonel Ledyard Highway
Ledyard, CT 06339

860 464-3203
Roxanne Maher
Administrative Assistant

Chairman S. Naomi Rodriguez

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

Monday, April 7, 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 6:04 p.m. at the Town Hall Annex Building.

Councilor St. Vil welcomed all to the Hybrid Meeting noting 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
Kevin Dombrowski	Town Councilor	Present	In-Person	6:04 pm	6:23 pm
Carmen Garcia-Irizarry	Town Councilor	Present	In-Person	6:04 pm	6:23 pm
Gary St. Vil	Committee Chairman	Present	In-Person	6:04 pm	6:23 pm
S. Naomi Rodriguez	Town Council Chairman	Present	In-Person	6:04pm	6:23 pm
M. Dave Schroeder	Resident	Present	In-Person	6:04 pm	6:23 pm
Roxanne Maher	Administrative Assistant	Present	Remote	6:04 pm	6:23 pm

- III. CITIZENS' PETITIONS

Mr. M. Dave Schroeder, Jr., 290 Whalehead Road, Ledyard, stated in reading the documentation that was attached to the Agenda on the meeting portal pertaining to drafting a new Noise Ordinance that he wanted to draw the LUPPW Committee's attention to and also caution against the document titled "*Noise Ordinance*" draft dated May 7, 2018. He stated that this draft represented a horrible way to formulate a Noise Ordinance, noting that he assume that the draft was rightly rejected at that time.

Mr. Schroeder continued by noting the following in the *Noise Ordinance*" draft dated May 7, 2018 :

- Section 4 Noise Levels

Mr. Schroeder stated that first one needs to remember that when citing CT State limitations in dB for noise levels (or using them as the basis for setting municipal limits), those very same state regulations were clear that compliance with said limitations does not preclude a noise from being considered a nuisance.

- CT Dept of Environmental Protections Regulation
State Statute Sec. 22a-69-1.5. Compliance with regulations no defense to nuisance claim

Mr. Schroeder stated nothing in any portion of these Regulations shall in any manner be construed as authorizing or legalizing the creation or maintenance of a nuisance, and compliance of a source with these Regulations is not a bar to a claim of nuisance by any person.

- <https://eregulations.ct.gov/eReqsPortal/Browse/RCSA/Title 22aSubtitle 22a-69Section22a-69-1.5/>

Mr. Schroeder stated that he would like to point out that there was a recent intense public debate concerning an Application denied by the Ledyard Planning & Zoning mission (PZ#24-8SUP & PZ#24-9CAM) that involved noise emissions and its effect on neighboring properties. He stated for that Application the Town of Ledyard hired its own Independent Consultant to advise the Commission on noise emissions. He stated that the Report (EX#132 24-8SUP24-9CAM HMMH Peer Review CFI Revised 111024) was in the public record, noting that it stated the following:

- Ambient traffic noise of Route 12, Gales Ferry was measured at between 44-47 dBA.
- *"When sound levels exceed 5 dBA above the background L90, the noise will be clearly audible. When sound levels exceed 10 dBA above the background, they will be very audible and are likely to be considered intrusive by many residents."*

- Section 4 Noise Levels of the draft Noise Ordinance dated May 7, 2018

Mr. Schroeder stated the previously drafted Ordinance tried to define what measure of allowable noise at the property line was considered a nuisance. It included a Table showing allowable noise levels (55 dB or 45 db). However, he stated that if they take into account the aforementioned Report, the values in the Table would be completely ineffective (i.e. the baseline definition for allowable noise being used throughout Ledyard would already be considered intrusive by many residents). The danger here was that one sets up the false argument that compliance precludes being a nuisance. Therefore, he stated that the very premise of the draft Ordinance; Section 4; was flawed.

Mr. Schroeder stated the one line contained in Section 4 of 2018 draft Ordinance that should be seriously considered was *"It shall be unlawful for any noise to be emitted beyond the property boundary [sic]."*

- Section 5 Exclusions – Mr. Schroder noted the following as contained in the 2018 draft Noise Ordinance:
 - Warning devices, such as those required by OSHA on vehicles, when heard in continual use, can be extremely annoying. Such noise should not be excluded out of hand. Any such device that requires continuous use over extended periods of operation should be limited by the new ordinance.

Mr. Schroeder stated that it was unclear whether "*fanning noises*" was a spelling error for "*farming noises*", or whether fan noises from say, a data mining center were to be specifically excluded from this Ordinance. He went on to note in any case the 2018 draft Noise Ordinance, as written, would exclude the very type of noise emission that forms the basis for the complaint currently before this Committee. He questioned what was the point of drafting an ordinance that exempts the noise being complained about, when the town's Police Department themselves already stated that such an ordinance was unnecessary.

- Section 6 Exemptions

Mr. Schroeder stated the premise that noise generated by construction equipment during nighttime hours should be exempt, at any level, was preposterous. He stated that the a clause exempting blasting "*provided that a permit for such blasting is obtained from local authorities*" was an end-around tactic both to enable quarry blasting and to whitewash it as an annoyance.

Mr. Schroeder asked the LUPPW Committee to consider his comments as they discuss the adoption of a new Noise Ordinance for Ledyard.

Councilor St. Vil stated that he appreciated the time and effort that Mr. Schroeder put into not only researching this issue, but to also detail and specify his concerns, noting that it was greatly appreciated. Mr. Schroeder questioned whether the LUPPW Committee would be discussing the proposal to draft a Noise Ordinance this evening. Councilor St. Vil stated although he anticipated the LUPPW Committee's discussion regarding the subject to draft a Noise Ordinance to be limited this evening that Mr. Schroder was welcome to stay and listen to the Committee's discussion.

IV. PRESENTATIONS/INFORMATIONAL ITEMS - None.

V. REVIEW AND APPROVAL OF PRIOR MEETING MINUTES

MOTION to approve the Regular Meeting Minutes of March 3, 2025
Moved by Councilor Dombrowski, seconded by Councilor Garcia-Irizarry

VOTE: 3 - 0 Approved and so declared

IV. OLD BUSINESS

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

The LUPPW Committee noted that the Blight Report was provided late this afternoon

Councilor Garcia-Irizarry stated when she drives by Long Cove Road that she sees three or four houses that have a lot of junk in the front yard, noting that the stuff was very close to the road and has been sitting there for months. Therefore, she questioned whether this would be considered "*Blight*".

Councilor Dombrowski stated that what Councilor Garcia-Irizarry described would be a Zoning Matter, noting that it could be blight or it could be a compliance issues. He explained that the Blight Enforcement Officer and Zoning Enforcement Officer was the same person. However, he stated that town staff does not ride around town looking for issues. Therefore, he stated that it would be prudent for residents to file a written complaint, and then the Blight Enforcement Officer would visit the location and determine whether or not it was a zoning matter or a blight issue.

Councilor St. Vil stated that he agreed with Councilor Dombrowski's statements. He stated in reviewing previous Blight Reports that they included things such as dilapidated vehicles, unoccupied or occupied Recreational Vehicles (RV); sofas, mattresses, cushions, etc. He stated if residents see these types of things in people's yards that they should call the Land Use Office to file a Report, explaining that the Land Use Office would then decide whether it was a Blight Issue or a Zoning Compliance Issue, noting that they would then take the appropriate action. Therefore, he stated depending on what the Land Use Office finds that the issue may not show up on the Blight Report, because the situation may be addressed by another enforcement process.

RESULT: DISCUSSED

Next Meeting: 05/05/2025 6:00 p.m.

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

Councilor St. Vil stated that the Historic District Commission was working to seek a Historic Designation for the Spicer Homestead Ruins. He stated that he has not received any updates from the Commission. Therefore, he stated that the LUPPW Committee would continue to keep this on their Agenda.

RESULT: CONTINUE

Next Meeting: 05/05/2025 6:00 p.m.

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

Councilor St. Vil noted the that the LUPPW Committee has already had a lot of discussion regarding this topic. He stated that Land Use Director/Town Planner Elizabeth Burdick has stated that her Office was continuing to work with Prides Corner Nursey Farm on a number of issues regarding improvements that were made to the property/business.

Councilor St. Vil continued by providing some background, noting that the impetus for the resident's request for the LUPPW Committee to consider drafting a Noise Ordinance was because of the activity that was going on at a neighboring property. However, he stated that the resident stated that she had communicated in the past with the neighboring business and that were willing to be a good community neighbor.

Councilor St. Vil noted that following:

- Police Chief John Rich noted that in accordance with Connecticut General Statutes 22a-67 et seq; that complaints regarding noise fall under the jurisdiction of law enforcement. Police Chief John Rich has indicated that there was sufficient remedy in the existing State Statutes to allow the Police Department to effectively deal with noise complaints; noting that an appeals process for any violation of state statute already exists within the courts. Therefore a Noise Ordinance was not necessary.
- Land Use Director-Town Planner Elizabeth Burdick stated that Prides Corner was in the process of obtaining the “*Existing Conditions Survey*” to find out where all of the Greenhouses were located.
- Prides Corner was working to obtain permits for the about new Hoop Houses; and the Town has requested Prides Corner meet the required setbacks for the Hoop Houses.
- Prides Corner stated it will work to keep the noise level down; and has expressed their desire to be good neighbors.

Councilor St. Vil suggested the LUPPW Committee close this issue, unless anyone disagreed.

Councilor Dombrowski stated that he agreed with closing this item out. However, he stated that he wanted to address Mr. Schroeder’s comments. He explained at the request of residents that this was the third time the LUPPW Committee has discussed the subject of possibly drafting a Noise Ordinance. However, he stated that every time the situations have resolved themselves. He commented on the Town Council considering drafting an ordinance to address one incident in town. He noted this resident’s request was a very isolated and specific case, explaining that Prides Corner Nursery Farm was willing to work with the town and their neighbors to alleviate some of the concerns.

Councilor Dombrowski continued by noting previous discussions with Police Chief Rich about noise issues, and he stated as Councilor St. Vil noted, that State Statute grants the Police Department the authority to address noise issues. Therefore, he stated that he believed they could rule out drafting a Noise Ordinance and putting any additional burden on town staff to try to figure it out. He stated when he served on the Planning & Zoning Commission they had four engineers in the room, and nobody could figure out what it was from a noise standpoint, because acoustics were subjective, especially when you talk about nuisance noise. He explained that a “*nuisance noise*” could just be your neighbors mowing their lawn.

Councilor St. Vil stated that the spirit of a Noise Ordinance could get lost in the details. He stated they have existing remedies though the use of State Statutes to address bad actors. He went on to state that he had a high regard for Police Chief Rich’s input. He stated that he also had family members who were sergeants and captains and other town police departments, and they have they have echoed Chief Rich's sentiment. He stated if someone

complained about noise that State Statues gives the Police Department the ability to knock on the door and address the issue. He also noted that Land Use Director-Town Planning Elizabeth Burdick has said that 95% of the issues that she deals with could be addressed through a conversation; and with working with residents, stating that he has seen this work firsthand.

Councilor St. Vil concluded his comments by stating that he had concerns about creating an ordinance to address one situation in town setting a precedent, noting that Prides Corner Nursey Farm was making its best effort to comply and to alleviate the noise issues. Therefore, he suggested the LUPPW Committee draft a letter to Ms. Johnston to let her know that the LUPPW Committee has looked into her concerns, and in their effort to research and consider all options they elevated the situation to Police Chief John Rich and Land Use Director-Town Planner Elizabeth Burdick to find the best approach to help remedy the noise issue she was experiencing.

RESULT: CONTINUE

Next Meeting: 05/05/2025 6:00 p.m.

4. 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 Dombrowski moved the meeting be adjourned, seconded by Councilor Garcia-Irizarry.

VOTE: 3- 0 Approved and so declared, the meeting was adjourned at 6:23 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: 5/5/2025

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.



TOWN OF LEDYARD

Zoning & Wetlands Official's Office

Hannah Gienau, Zoning & Wetlands Official/ Blight Enforcement Officer

Phone: (860) 464-3216 Fax: (860) 464 -0098

zoning.official@ledyardct.org

Blight Activity Report: 04/07/25-05/05/25

Key

GREEN= RESOLVED

YELLOW= IN PROGRESS

BOLD= RECENT UPDATES

Blight Activity Report: 4/10/25-5/8/25

New Cases:

- **370 Pumpkin Hill Rd:** Complaints received on 4-23-25 for discarded household items left in front of the property for several months. A drive by inspection was conducted on 4-23-25 and it was confirmed there was discarded furniture and junk on the curb of the property. **RVC has been drafted and will notify homeowner of town bulk trash pick up is available through public works department.**

➤ **Ongoing/ old cases**

- **51 Kings HWY:** Complaint received on 3-27-25. A site inspection was conducted with the Director of Land Use and Planning, Building Official, and ZEO on 4-7-25. The windows on the second floor were broken and boarded up as well as boarded windows on the first floor. Broken electrical boxes and two AC units were ripped open and stripped of parts. The rear and side of the building had discarded junk and trash of various items including, lawn mower, pool lining, detergent bottles, etc. Siding was observed to have been stripped on one side. The vegetation in the parking lot and around the building was greater than 9" in height. **RVC to be sent and make contact with owners.**
- **33 StonyBrook Rd:** Complaint received on 3-31-25 for large bags of trash on the property and spilled over trash cans that are not cleaned up for months at a time. **Site inspection conducted on 4-15-25 showed two garbage cans on their sides with a large bag of trash on the ground as well as several other pieces of trash. Drafted RVC to make contact with the owner.**
- **10 Whalehead Rd:** Complaint received on 4-8-25. Unregistered motor vehicles. Inspection scheduled 4-14-25. **Inspected property on 4-15-25: Chicken coop observed to be too close to the neighbor's abutting property and no permits are on file. As well as inoperable vehicles in the yard are in poor condition. Additional vehicles were observed however license plates could not be verified/ placed on the vehicles. Additionally, blighted junk and household items were observed. Drafted RVC to make contact with owner.**

- **9 Hickory:** Complaint received on 4-1-25. Overgrown brush and dead tree in yard with an unregistered motor vehicle. Site inspection conducted on 4-8-25. It was observed that there was a dead tree, however our ordinance does not state specifically about dead trees. Will write RVC for overgrown vegetation and junk in the lawn. **RVC to be sent and make contact with owner.**

- **16 West Dr:** Complaint received on 3-25-25 for blighted property and RV that appeared inoperable leaning towards roadway. It was observed the area of the home was in a poor condition due to the fire. Site inspection conducted on 4-3-25. The garage was full if trash and debris. The driveway has a broken toilet as well as other junk and rubbish. The RV was observed and seems to be sinking into the ground towards the roadway and the tires appeared to be deflated. According to doing to the complainant the home has been abandoned for a year at this point. A neighbor had stopped me on my way to the site to give additional information in which the neighbor stated trash blowing into people's yard from the driveway of 16 West Dr. is a nuisance additionally the RV appears to be a safety hazard as it is sinking in the ground towards the roadway. They also stated no one has been to the house since the day of the fire. On 4-3-25 I contacted the Town Of Ledyard Fire Marshal and he stated "They had a fire on 12/23/24 and still probably trying to work it through the insurance process. But with that said there is no reason that the stuff cannot be cleaned up around the exterior of the property. In addition, speaking with neighbors the property was a mess before the fire and was a contributing factor into the fire". **Will write RVC and send out. Clean up has begun at the home as workers were observed by the Building official on 4-16-25.**

- **16 Nutmeg Dr:** Complaint received on 2/06/25 for blight. The complainant stated they have been dealing with this issue for two years. The owners of 16 Nutmeg do not properly secure their trash and it will eventually blow onto their lawn and migrate to the neighbor's yards. Chief Rich of the Ledyard Police Department also reached out with police reports responding to trash in the yards and in the road. A drive by inspection was conducted on 3/13/25. Several pieces of junk and discarded items appeared to be in the front yard however not in large volumes. The complainant provided multiple examples of blight including trash bags stacked in front of the garage and their empty packages with their address on it blown into the neighbor's yards. An RVC has been drafted and waiting for review. RVC send 4-7-25 will follow up on or about 4-15-25. **Phone call from the owner on 4-15-25 stated they will schedule a follow-up inspection however; they have agreed to keep the trash secured when they travel for work and will secure the cans on or before trash pick up day. It was explained that the trash if blown over needs to be picked up and maintained properly.**

- **29 Military HWY:** Complaint received on 1/8/25. The complainant detailed violations with someone taking residence in an RV and the property had junk as well as large machinery that has become a "playground" for children and was dangerous. Contact with owner was made

shortly after to discuss the complaints and how to resolve zoning and blight violations. A Site inspection was conducted on 2/12/25. The broken window had been replaced, one unregistered RV had been removed, majority of the junk had been cleaned up from the front of the property. A small pile of junk was observed next to the dumpster. It was suggested to the owner they can call the town for a bulk trash removal pick up. They agreed to this suggestion. Bulk trash picked up. Closed.

- **11 Allyn Lane**- complaint received 3/24/24- Several inspections conducted by previous ZEO, no contact was made via RVC or other documentation. However the resident of the home is under a power of attorney and will need to contact them to begin clean up. Blighted driveway and yard had not been cleaned up. **Will follow up with current caretaker of the property to begin junk removal process.**
- **11 Sunset Ave**- Complaint received August 2024. Overgrown vegetation. Will follow up and **continue to monitor and wait until the weather is warmer to reevaluate.**
- **1 Mull Berry**- **Complaint received in March 2024.** Complaint for abandoned or inoperable vehicles and equipment on property. **Found contact information, will call owner for vehicle removal.**
- **26 Lake St:** Ongoing blight case started in with junk and trash on the front of the property. Previous ZEO report stated junk had been removed but to reach full compliance the lawn will need to be mowed. Will follow up with drive by inspection on 2/24/25. Junk has been removed off the property and appears to be in good order. Complaint received on March 12, 2025. Site inspection conducted on 4-10-25 for blighted rear property of home. Junk and discarded items were observed on the fence on the eastern portion of the property and along the back side of the house against the wall. The roof appeared to be in poor condition as well as the fascia and soffit of home had a hole. Additionally, greater than 30% of paint was chipped on the structure. Will follow up with an RVC and update the file as this is an ongoing case for several years. **Drafted RVC.**
- **229 Avery Hill Rd:** Blight complaint has been ongoing for several years, 2021 was sent due to overgrown vegetation. An additional RVC was sent in August of 2024 for overgrown vegetation. **A drive by inspection was conducted on 4-23-25. The yard was in good condition and no blight violations were observed at the property. Closed.**
- **143 Gallup Hill:** complaint received August 2024 for Overgrown vegetation. **Will Continue to monitor as weather warms.**
- **5 Town Farm Rd-** Complaint received October 2024-Homeowner made blight complaint prior in October. It was deemed not blight at the time. The homeowner came into the Land

Use office 01/07/25 to make an additional complaint that rats are now present in her garage.
Will review with LUD to determine next steps.

- **5 Long Pond Rd:** Complaint received via phone call on 1/28/25 to the property has a lot of junk in the yard with several unregistered vehicles, including an old semi-trailer. **Will contact owner for a meeting with the Land Use Director and ZEO for compliance. Also zoning violations present. Sent follow up email to set up a meeting. No response yet. Will convene with LUD for next steps.**
- **43R Long Pond Rd:** Complaint received on 1/28/25 by the same complainant for 5Long Pond. The property has a lot of junk that continues to stack up on the property over time. A site inspection was conducted on **2/12/25, the property was observed to have a lot of junk and garbage visible from the Cider Hill Rd way but hidden on the other side of Long Pond. There also appears to be an RV but it could not be determined if it had registered plates. RVC drafted and awaiting review**
- **1777 Rt 12:** Ongoing blight case for several years. The homeowner passed away and the property was put into an estate. Various amounts of junk, debris, and discarded items were visible from the roadway. In addition, the home and shed on the property were in poor condition. Recently the property was bought and clean up has begun on the property. **Closed.**

Site inspections:

- 1/02/25-59 kings- Zoning compliance inspection/ pre-construction meeting
- 1/06/25- 6 Hilltop dr.- zoning violation drive by inspection
- 1/09/25- 59 kings- Zoning compliance inspection/ pre-construction meeting
- 1/09/25- CZC 1881 Rt 12.
- 1/09/25- 576 Lantern Hill Rd.
- 1/23/25-59 kings- Zoning compliance inspection/ pre-construction meeting
- 1/27/25-9 Crocker Hill – Zoning site inspection
- 1/27/25- 29 Military HWY- Blight violation complaint
- 1/29/25- 6 Hilltop Dr.- zoning violation site inspection
- 1/30/25-59 kings- Zoning compliance inspection/ pre-construction meeting
- 2/03/25- 79 Chirsty Hill- Zoning violation site inspection
- 2/06/25-59 kings- Zoning compliance inspection/ pre-construction meeting
- 2/12/25- 29 Military HWY- Blight site inspection
- 2/13/25-59 kings- Zoning compliance inspection/ pre-construction meeting
- 2/27/25- 59 kings- Zoning compliance inspection/ pre-construction meeting
- 2/27/25- 355 Pumpkin Hill Site inspection CZC

- 3/04/25- 10 Erin's Way- E&S inspection - Failed
- 3/04/25- 17 Marty's Way- zoning compliance inspection – not ready for CZC need final grading and proper ground E&S controls in place
- 3/04/25- 23 Overlook- Zoning violation inspection.
- 03/06/25- 59 Kings HWY- weekly pre-construction meeting/ zoning compliance.
- 03/13/25- 59 Kings HWY- weekly pre-construction meeting/ zoning compliance
- 03/13/25- 10 Erin's Way- E&S controls inspection - Passed
- 03/18/25- 29 Military HWY- Zoning & Blight compliance
- 03/18/25- 7 Hurlbutt Rd- Gales Ferry Landing, updating floor plan and occupancy of businesses
- 03/18/25- 58 Christy Hill Rd- Zoning Violation Inspection
- 03/18/25- 750 Colonel Ledyard Highway- Zoning Violation Inspection
- 03/18/25- 7 Hurlbutt Rd- Gales Ferry Landing- determining what new businesses are currently in the building and updating floor plans.
- 03/27/25-59 Kings HWY- weekly pre-construction meeting/ zoning compliance.
- 03-31-25- 33 Fanning Rd- Blight inspection
- 04-03-25-16 West Dr. -Blight Inspection
- 04-7-25- 33 Stony Brook- Blight inspection- need reinspection couldn't find access
- 04-7-25-51 Kings HWY- Blight inspection
- 4-10-25- 26 Lake St- Blight
- 4-10-25-59 Kings HWY- weekly pre-construction meeting/ zoning compliance.
- 4-10-25-22 August Meadows- Zoning violation- living in RV.
- 4-15-25- 33 Stonybrook Rd- Blight
- 4-15-25- 14 Whalehead Rd- Rooster complaint and inoperable and junk vehicle
- 4-16-25- 9 Winfield Way- Chicken coop installed without permits as well as a rooster on the property
- 4-16-25: 124 Indian Town Rd- Pool demolished and will not be replaced- added to file
- 4-17-25 59 Kings HWY- weekly pre-construction meeting/ zoning compliance.
- 4-21-25- 401E Shewville Rd- Zoning Permit Site conditions/ inspection
- 4-21-25- 7 Quail Meadow Ln- Complaint of high fence going up.
- 4-23-25 3 Quakertown meadows- Cert. of Zoning compliance- shed. Close out permit.
- 4-23-25 437 Colonel Ledyard HWY- Hand delivered RVC for STR violation.
- 4-23-25 370 Pumpkin Hill Rd- Blight complaint.
- 4-30-25 59 Kings HWY

■

RECEIVED FOR RECORD

2019 OCT 28 AM 11:10

Ordinance #300-012 (rev-1)

AN ORDINANCE
CONCERNING BLIGHT AND PUBLIC NUISANCE
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 person or entity

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 at public auction.

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

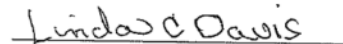
If any section, or part of a section, of this Ordinance shall be held by a court of competent jurisdiction to be invalid, such holding shall not be deemed to invalidate the remaining provisions hereof.

Section 16. Violation

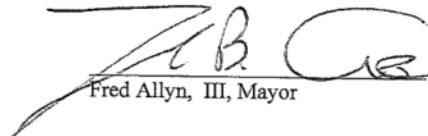
Section 17. Effective Date

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

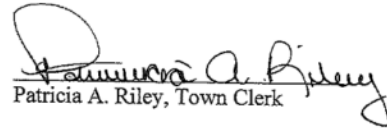

Linda C. Davis, Chairman

Approved/Disapproved on: 10/24/2019


Fred Allyn, III, Mayor

Published on: October 31, 2019

Effective Date: November 21, 2019


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: 5/5/2025

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.

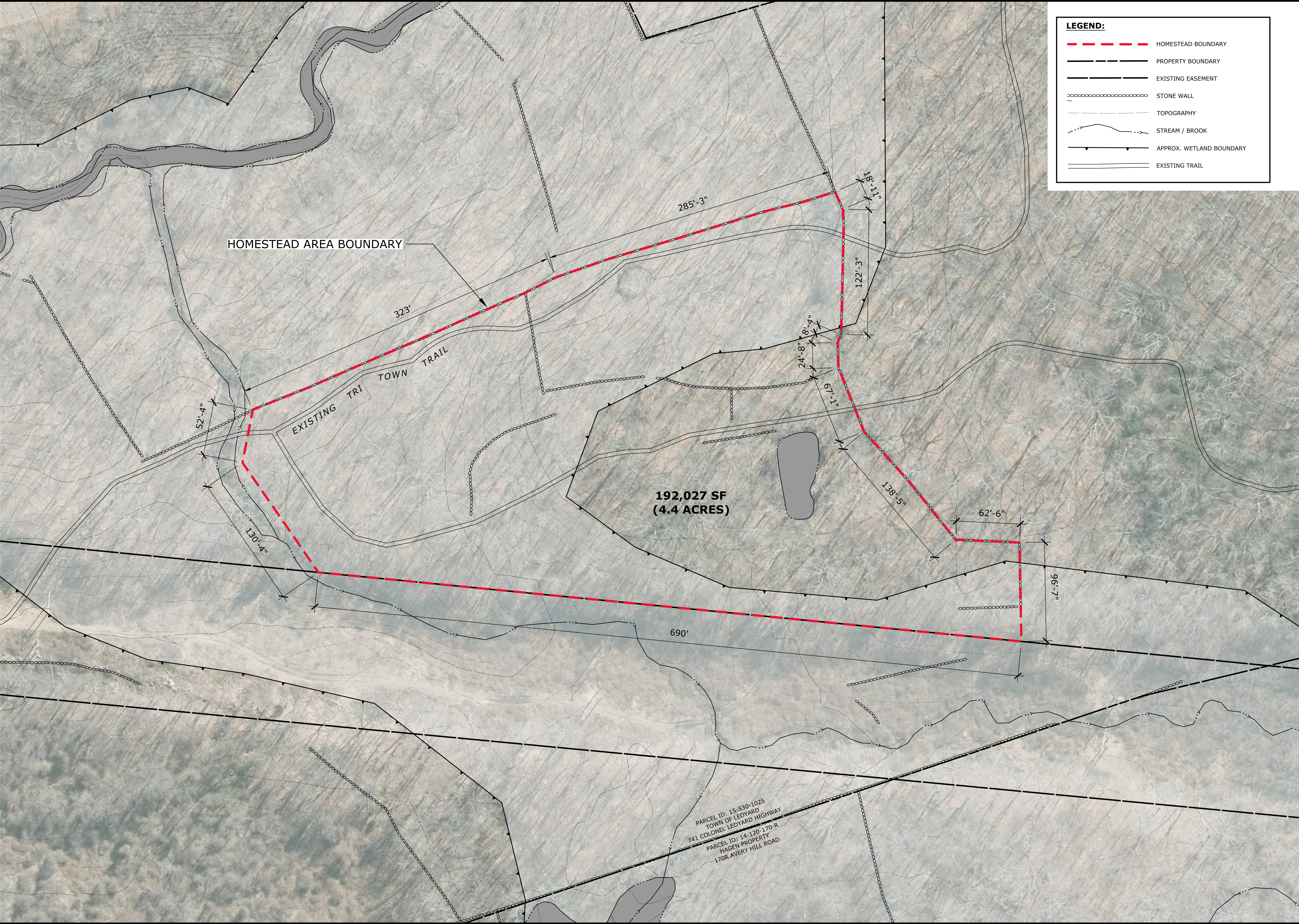
2022 Completion of contracted archeology research by Sara Holmes, PhD. Verifying that site is Spicer Homestead settled circa 1670. Study was funded by Community Foundation grant to Tri Town Trail Association. Report shared with Town officials and copies donated to Bill Library and Preston Library. Ledyard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



LEGEND:

- HOMESTEAD BOUNDARY
- PROPERTY BOUNDARY
- EXISTING EASEMENT
- STONE WALL
- TOPOGRAPHY
- STREAM / BROOK
- APPROX. WETLAND BOUNDARY
- EXISTING TRAIL

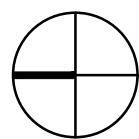
**TRI TOWN TRAIL
PHASE 2**

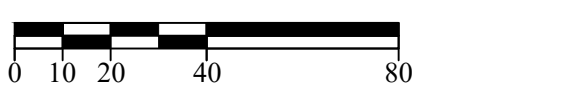
Ledyard, CT

**LANDSCAPE
KENT+
FROST
ARCHITECTURE**
1 HIGH STREET
MYSTIC, CT 06355
860.572.0784
kentfrost.com

**PRELIMINARY
REVIEW**

Revisions	Date

 NORTH

 0 10 20 40 80

**HISTORIC
HOMESTEAD AREA**

Scale	1" = 40'
Date	June 17, 2024
K+F Project No.	2023001
Drawing No.	

L-1.0

**192,027 SF
(4.4 ACRES)**

HOMESTEAD AREA BOUNDARY

EXISTING TRI TOWN TRAIL

PARCEL ID: 15-530-1025
TOWN OF LEDYARD
741 COLONEL LEDYARD HIGHWAY
PARCEL ID: 14-120-170-R
HAGEN PROPERTY
170R AVERY HILL ROAD

Pequot Trail - Hellgate Hiking

[trailforks.com/trails/pequot-trail-hellgate/](#)

United States > Connecticut > New London County > Preston

Pequot Trail - Hellgate BlueBlazes / hike trail

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

Add a photo

3.6 miles
Distance

258 ft
Climb

-343 ft
Descent

281 ft
High Point

Status ✓

no votes yet

completed

check-in

save

Details

Activities:

Hike
Trail Running

Riding Area:

Preston
Connecticut

Ref Number:

BlueBlazes

Difficulty Rating:

Blue

Hiking SAC Scale:

T1 Hiking

Trail Type:

Singletrack

Direction:

Both Directions

Little-used blue trail. The northern section follows power lines and a helpful neighbor mows a section of the that otherwise would be choked with briars. The high point of the trail is on part of the parcel deeded to the Mohegan Sachem Uncas. The old road that passes through a rocky slot has been known as Hellgate since Colonial times. Please respect areas that are posted by staying on the trail.

Directions to pequot-trail-hellgate trailhead (N1 536400, -72 030390)

Pequot Trail -... Trail Reports

no reports have been added for Pequot Trail - Hellgate yet, add a trail report

72°F
Mostly cloudy

Search

11:16 AM
5/28/2024

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 from 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 ½ (15 ½?) 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 ½ 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.

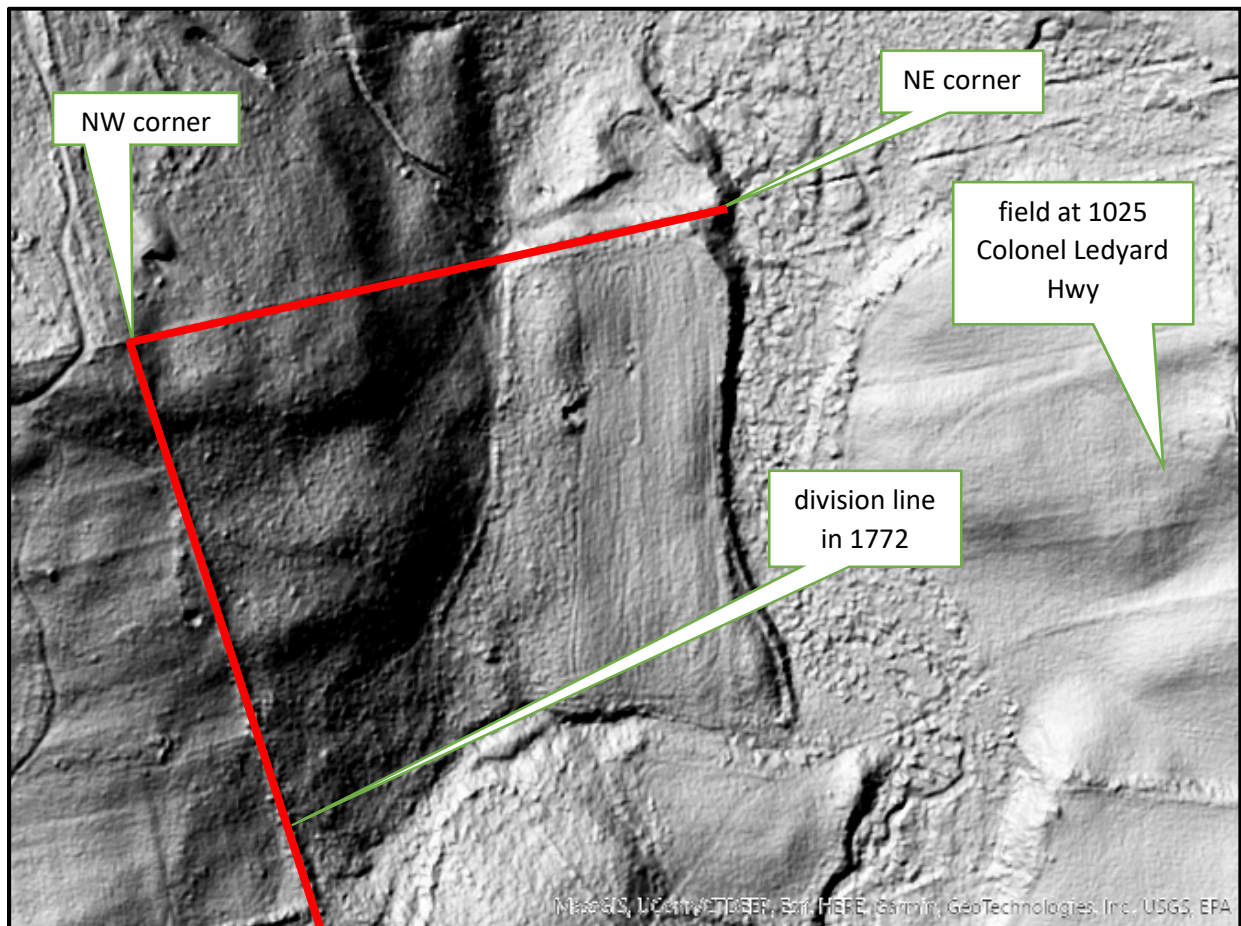


Fig 1. LIDAR of northern bound established for Cyrus Spicer's division of his father Hon. M. John Spicer's estate in 1772 measuring 55 rods in length beginning at the northeast corner at the brook just above or at the newly installed TTT bridge. Also note two anomalies or depressions visible in the middle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

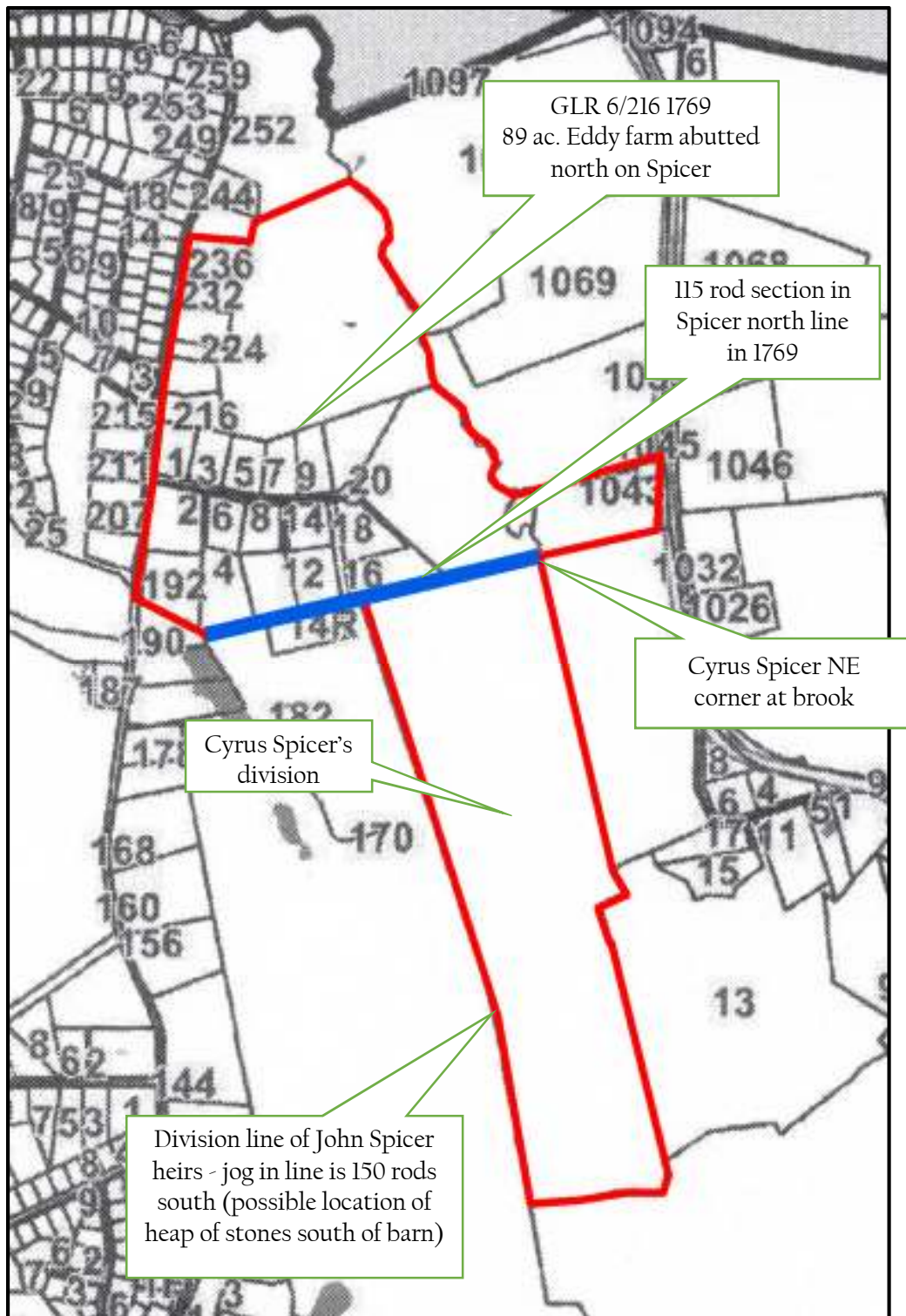


Fig. 2 Mark-up of Ledyard GIS property map. (<https://www.mapsonline.net/ledyardct/>)

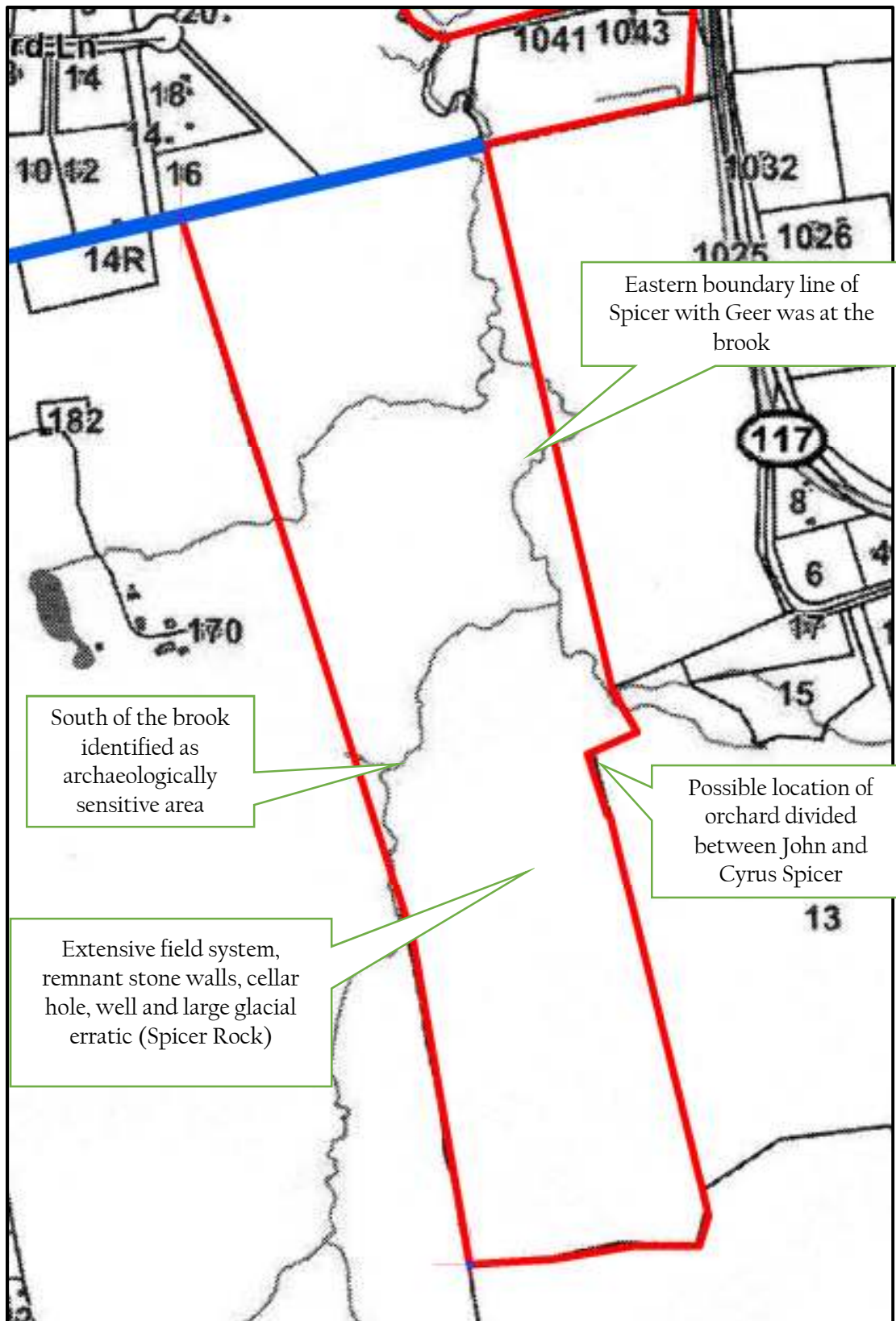




Fig. 4 TTT map marks location of “Spicer Rock”. Note wall east of the rock that zigs and zags with approximately a 10 rod sections of wall, possibly the location of John Spicer’s orchard.

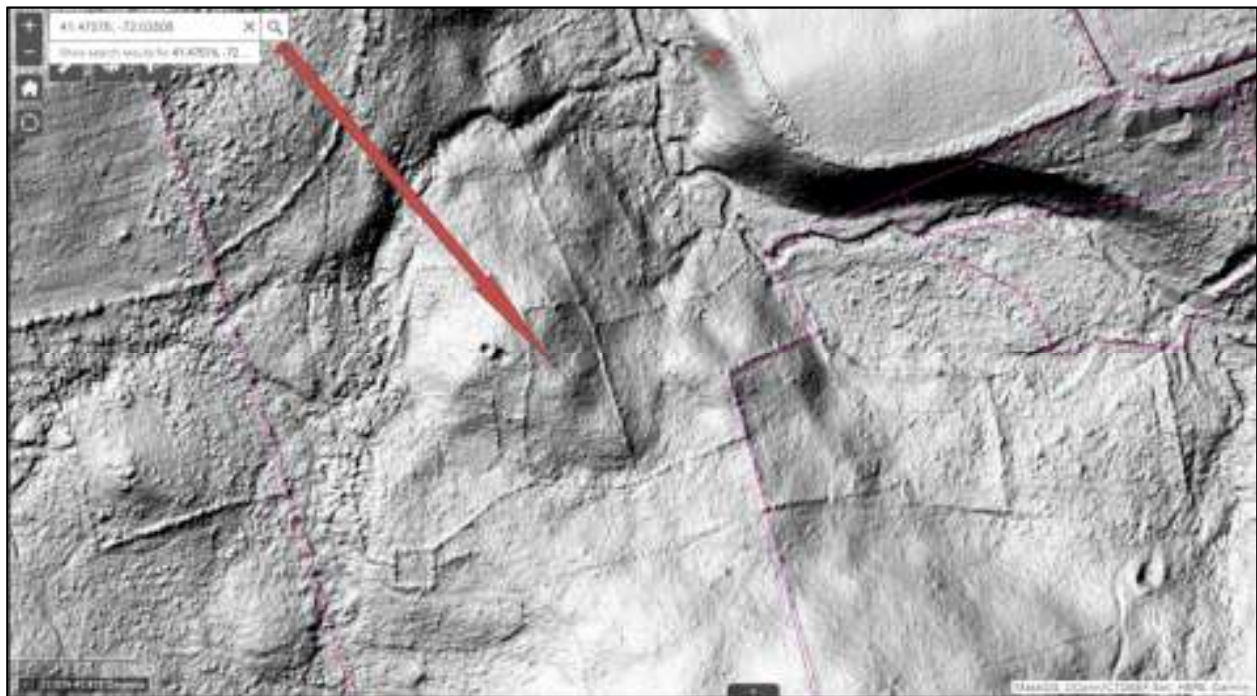


Fig. 5 TTT LIDAR image mark-up of location of “Spicer Rock”, with visible section of zig zagging wall to the east and identifies extensive walled in field system.



"SPICER BRIDGE" 2021

built by volunteers, funded by
THE COMMUNITY FOUNDATION OF EASTERN CONNECTICUT



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.

Decatur 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: 5/5/2025

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)



Chairman S. Naomi Rodriguez

TOWN OF LEDYARD CONNECTICUT

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339-1551
(860) 464-3203
towncouncil@ledyardct.org

April 24, 2025

Ms. Susan Johnston
10 Linden Lane
Ledyard, Connecticut 06339

Dear Ms. Johnston:

Thank you for your August 13, 2024 email and for attending the Land Use/Planning/Public Works Committee's September 9, 2024 meeting to discuss your concerns regarding the noise coming from Prides Corner Nursery Farm; and requesting the Town consider the adoption of a Noise Ordinance.

In researching your concerns regarding the noise from the construction of greenhouses, the operation of equipment, loud music; and the hours of weekend operations coming from the business adjacent to your property, the Land Use/Planning/Public Works Committee elevated your concerns to Police Chief John Rich, and to Land Use Director/Town Planner Elizabeth Burdick to discuss and consider the town's options to best address your situation.

In accordance with Connecticut General Statutes 22a-67 et seq; complaints regarding noise fall under the jurisdiction of law enforcement. Police Chief John Rich has indicated that there is sufficient remedy in the existing state statutes to allow the Police Department to effectively deal with noise complaints; noting that an appeals process for any violation of state statute already exists within the courts.

The Land Use Department Staff has met with the owners of Prides Corner Nursery Farm and are actively working with them to obtain compliance with the Building Codes and the Town's Zoning Regulations. Ms. Burdick reported the following actions were underway:

- Prides Corner is in the process of obtaining the "*Existing Conditions Survey*" to find out where all of the Greenhouses were located.
- Prides Corner is working to obtain permits for the about thirty new Hoop Houses; and the Town has requested Prides Corner meet the required setbacks for the Hoop Houses.
- Prides Corner stated it will work to keep the noise level down; and has expressed their desire to be good neighbors.

Based on state statute the Land Use/Planning/Public Works Committee encourages you to take the following steps if excessive noise from the neighboring business continues:

- 1) Contact Police Chief Rich by email at Chief.rich@ledyardct.org; to discuss the matter.
- 2) Contact Director of Land Use Elizabeth Burdick at planner@ledyardct.org. Ms. Burdick and the Land Use Department Staff are continuing to work with the property owner from a compliance position in an effort to help alleviate some of the noise.

Based on the provisions provided in Connecticut General State Statute 22a-67 et seq; we found that a remedy to address your situation currently exists; and therefore, a local town Ordinance to address Noise Issues was not needed.

Should you have any additional questions regarding this matter; or have any other concerns please, do not hesitate to contact me at (860) 980-0656 or GSVil@ledyardct.org.

Sincerely,



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

Attachment

cc: Police Chief John Rich
Town Planning Elizabeth Burdick

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

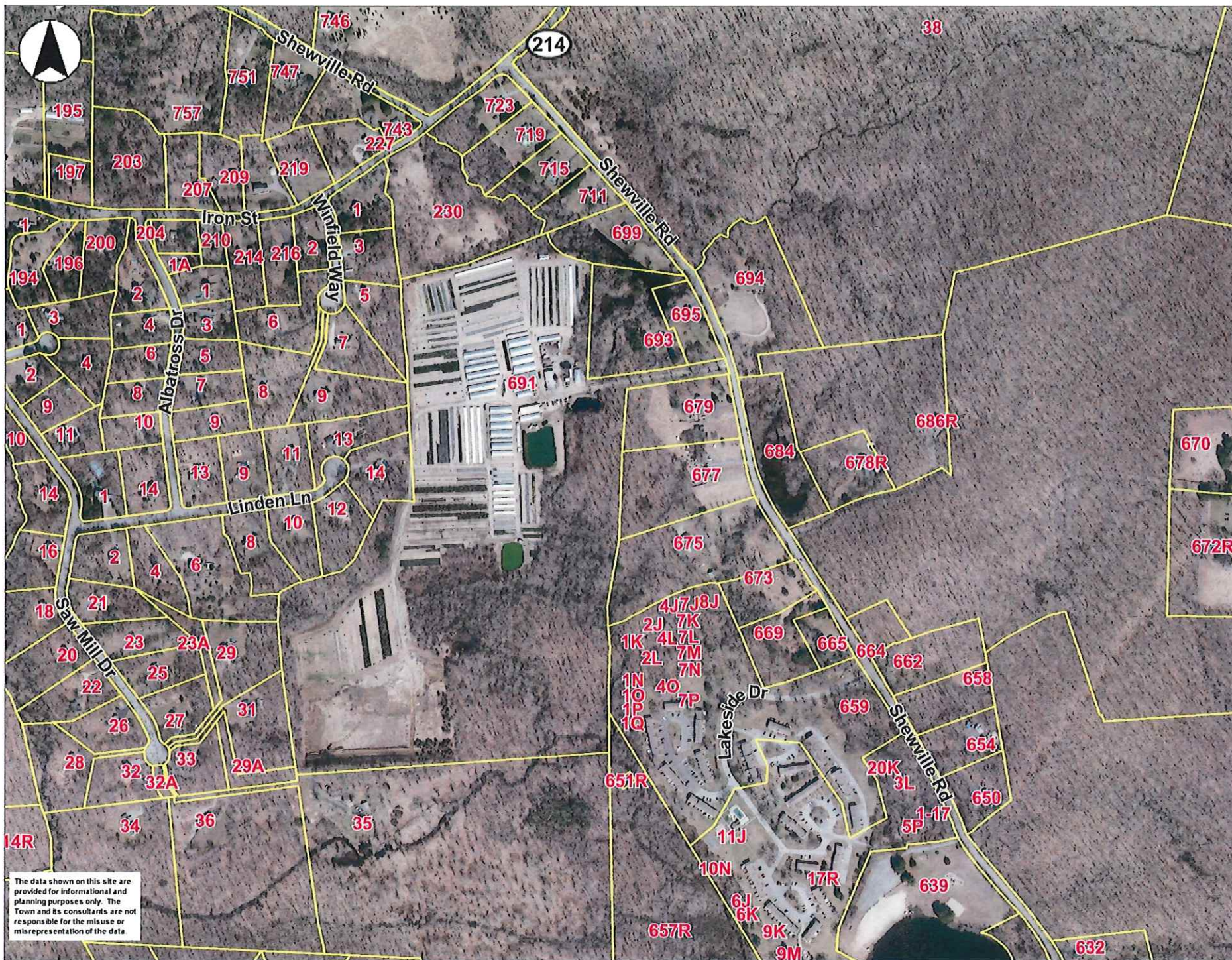
Please contact me if you have any questions regarding this request.

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





Parcels w/Orthos
Leader Line
CT Highways
Interstate
US Highway
State Highway
Town Boundary

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



John J. Rich
Chief of Police

Ledyard Police Department



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.

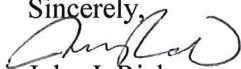
As you are aware, the current discussion which led to the proposed ordinance involves a single residence in Ledyard to which the department has responded 15 times since January 1, 2017. Nine of these responses were for incidents involving animals, and five were noise complaints.

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, hoopouses 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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Fairfield Police Department

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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 ...



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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**.



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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)

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Noise Ordinance (PDF)

10Noise from **equipment** ofthe Town or **State** constructing or ... or regulations ofthe **State** ofConnecticut or to **use** or **operate** said noise source after such.



Coventry, CT (.gov)

<https://www.coventry-ct.gov> › ViewFile › Item PDF

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> › planning-zoning › pages › n...

Noise & Permitted Hours

Permitted Day Time Noise GenerationMonday - 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)

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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

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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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1 2 3 4 5 6 7 8 9 10 [Next](#)

06335, Ledyard, CT - [From your IP address](#) - [Update location](#)

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.

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

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).

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

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.

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

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.)

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

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.)

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

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 indicted 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

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 Sl. 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 micronewtons 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:

<u>Emitter's Zone</u>	<u>Receptor's Zone</u>			
	Industrial	Commercial	Residential/Day	Residential/Night
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:

<u>Emitter's Zone</u>	<u>Receptor's Zone</u>			
	Industrial	Commercial	Residential/Day	Residential/Night
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:

<u>Emitter's Zone</u>	<u>Receptor's Zone</u>			
	Industrial	Commercial	Residential/Day	Residential/Night
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 HORNS: 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 thereof 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
Land Use/Planning/Public Works Committee

April 7, 2025

Dear Committee Members,

Reading over the attached documentation listed in the Public Record for your discussion today on drafting a new Noise Ordinance for Ledyard, I would like to draw your attention to - and caution against - the document titled **Noise Ordinance Draft from 2018-07-05 -Council-Admin-PC**. This draft represents a horrible way to formulate a Noise Ordinance, and (I assume) was rightly rejected at that time.

From the 2018 draft:

Section 4 Noise Levels

Firstly, one needs to remember that when citing CT-state limitations in dB for noise levels (or using them as the basis for setting municipal limits), those very same state regulations are clear that **compliance with said limitations does not preclude a noise from being considered a nuisance**:

- **CT Dept of Environmental Protections Regulation**

- **Sec. 22a-69-1.5. Compliance with regulations no defense to nuisance claim**

- *Nothing in any portion of these Regulations shall in any manner be construed as authorizing or legalizing the creation or maintenance of a nuisance, and compliance of a source with these Regulations is not a bar to a claim of nuisance by any person.*

- https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title_22aSubtitle_22a-69Section_22a-69-1.5/

- I would point out that there was a recent intense public debate concerning an application denied by the Ledyard P&Z Commission (PZ#24-8SUP & PZ#24-9CAM) that involved noise emissions and its effects on neighboring properties. For that application, the Town of Ledyard hired its own independent consultant to advise the Commission on noise emissions. The resulting report (EX#132 24-8SUP24-9CAM HMMHPeerReview GFI Revised 111024) is in the public record. It states that:

- Ambient traffic noise of Rt 12 was measured at between 44-47 dBA.
 - "When sound levels exceed 5 dBA above the background L90, the noise will be clearly audible. When sound levels exceed 10 dBA above the background, they will be very audible and are likely to be considered intrusive by many residents."

- Draft Section 4 tries to define what measure of allowable noise at the property line is considered a nuisance. It includes a table showing allowable noise levels (55 dB or 45 db). But if we take into account the aforementioned report, the values in this table would be completely ineffective (ie. **the baseline definition for allowable noise being used throughout Ledyard would already be considered intrusive by many residents**). The

danger here is that one sets up the false argument that compliance precludes being a nuisance. Therefore the very premise of draft Section 4 is flawed.

- The one line of this draft section that should be seriously considered is "It shall be unlawful for any noise to be emitted beyond the property boundary [sic]."

Section 5 Exclusions

- Warning devices, such as those required by OSHA on vehicles, when heard in continual use, can be extremely annoying. Such noise should not be excluded out of hand. Any such device that requires continuous use over extended periods of operation should be limited by the new ordinance.
- It is unclear whether "fanning noises" is a spelling error for "farming noises", or whether fan noises from say, a data mining center are to be specifically excluded from this ordinance?
- In any case, this draft as written would exclude the very type of noise emission that forms the basis for the complaint currently before this Committee! What is the point of drafting an ordinance that exempts the noise being complained about, when the town's Police Department themselves already state such an ordinance is unnecessary?

Section 6 Exemptions

- The premise that noise generated by construction equipment during nighttime hours should be exempt, at any level, is preposterous.
- I would submit that the clause exempting blasting "provided that a permit for such blasting is obtained from local authorities" is an end-around tactic both to enable quarry blasting and to whitewash it as an annoyance.

Please consider the above arguments as you discuss the adoption of a new Noise Ordinance for Ledyard. Thank You.

Sincerely,
Milton Schroeder
290 Whalehead Road

Excerpt from:
EX #132¹¹ 24-85UP24-9CAM HMMH Peer Review
GFI Revised 11/10/24¹¹
Concerning RSG Sound Study

HMMH
700 District Ave, Suite 800
Burlington, Massachusetts 01803
781.229.0707
www.hmmh.com

MEMORANDUM

To: Elizabeth Burdick
Town of Ledyard
From: Scott R. Noel
Michael McCarter
Date: November 10, 2024
Subject: Peer Review of Noise and Air Quality Analyses for Gales Ferry Intermodal Facility
Reference: HMMH Project No. 24-0268A

Harris Miller Miller & Hanson Inc. (HMMH) has completed our peer review of the noise, air quality, and toxicology analyses performed for the proposed Gales Ferry Intermodal Facility on Route 12 in Ledyard, Connecticut. HMMH reviewed the following materials, which were provided to the Town of Ledyard (Town):

- "Cashman Gales Ferry Intermodal, LLC Industrial Regrading Sound Study" – Report prepared by RSG and dated September 2024 (RSG Study; Section 1 below).
- "Gales Ferry Project Vibration Impact Analysis" – Report prepared by Sauls Seismic and dated October 1, 2024 (Sauls Seismic Study; Section 2 below).
- "Analysis of Rock Blasting Adjacent to WCPA Water Main and Eversource Transmission Line Supports at the Gales Ferry Industrial Site" – Report prepared by Aimone-Martin Associates, LLC and dated September 11, 2024 (Aimone-Martin Associates Study; Section 2 below).
- "Air Emissions Modeling Results, Gales Ferry Intermodal" – Report prepared by Verdantas and dated September 30, 2024 (Verdantas Study; Section 3 below).
- "Planning and Zoning Hearing 10-24-24" – Letter from Mr. Phil Fiore, dated October 24, 2024 (Fiore Letter; Section 4 below)

HMMH conducted a site visit to the property and surrounding communities on September 5, 2024, during which we reviewed the areas on the project site where materials would be removed and the processes that would be used for the excavation and removal. We also toured the surrounding residential communities in the Town of Ledyard to review land uses, proximity, and terrain in the area.

1. RSG Study

HMMH has found the RSG Study to be comprehensively and largely conservatively prepared, addressing all pertinent state noise regulations. The ambient background noise monitoring program was conducted adequately, including 9 to 14 days of continuous noise monitoring at four sites along the project's property line in different directions. The noise prediction model and the modeling approach were sufficiently detailed; they appear to account for all significant noise sources in the different phases of the excavation project and the sound propagation paths to the surrounding homes that could be potentially impacted by noise.

However, the report states that no residential properties would exceed the Connecticut state noise limit of 61 A-weighted decibels (dBA), and Figure 17, representing Phase 5 of the project, shows the 61 dBA noise contour on the residential parcel with condominiums on Pheasant Run across Route 12 from the project's active area. The contour also comes very close to the adjacent parcels off

Elizabeth Burdick
11/10/2024
Page 2

Thames View Pentway. Predicted noise levels are very near the noise limit and in close proximity to the residential areas leave no margin for error in the modeling or variability in the noise emissions of the equipment actually used on site. Therefore, HMMH suggests that additional noise mitigation be included to prevent these potential exceedances of the Connecticut noise limits. We suggest that noise predictions in residential areas should be no more than 56 dBA to ensure compliance.

Additionally, the report confusingly labels the noise monitoring locations with different names in different places. On Figure 2, they are labeled North, South, East, and West. But in the text and tables, they are labeled Entrance, House, River and Woods. Those names should replace the directional names shown in Figure 2.

Audibility of the Excavation in Residential Areas

The existing noise monitoring locations were conducted at the Gales Ferry property lines and not in the affected residential communities. The East/Entrance location is located very close to Route 12 and therefore captured higher sound levels than Thames View Pentway homes, most of which are set farther back from Route 12. The Pheasant Run Condominiums are best represented by the South/Woods location, which showed a daytime average L90 value of 44 dBA. The North/House and South/Woods sites are likely to best represent the background sound levels for most of the Thames View Pentway homes, with daytime average L90 values of 44 and 47 dBA.

When project sound levels exceed 5 dBA above the background L90, the noise will be clearly audible. When project sound levels exceed 10 dBA above the background, they will be very audible and are likely to be considered intrusive by many residents. The Pheasant Run Condominium community is at an elevation more than 130 feet above the developed part of the project site, so the area will have clear sound paths from the operation to the homes during much of the excavation process. Many of the homes on Thames View Pentway are also elevated and will also have clear sound paths to the much of the excavation operations.

The noise contours shown during most of the phases of the excavation operation range from 50 to 60 dBA, with many of the phases showing levels in the 55 dBA range. With background levels in the mid-40s dBA, the excavation noise at many of the nearby homes will be continuously audible for most of the duration of the project and will very intrusive for considerable periods of time.

Given the extended duration of this project, HMMH strongly suggests that modifications to the project's plans be implemented to reduce the projected noise levels at the nearby homes to be no more than 5 dBA above the background L90s for the entire duration of the project. Predictions of 50 dBA or less in the communities mentioned above would largely accomplish this objective.

2. Sauls Seismic Study and Aimon-Martin Associates Study

HMMH has found the Sauls Seismic Study and the Aimon-Martin Associates Study to be comprehensively prepared including most of the applicable regulatory criteria and guidelines. We agree with the findings in the Aimon-Martin Associates study that blasting would not cause issues for the utility infrastructure, specifically the transmission line and water main.

The Sauls Seismic Study indicates that there would be no exceedances of the applicable regulatory criteria and guidelines identified in the study. HMMH agrees with this finding for general construction using heavy equipment such as compactors; however, for blast vibration we suggest that consideration be made to more conservative damage criteria, such as those provided in the Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment Manual (FTA 2018). These thresholds identify that structural damage may occur when vibration levels are as low





TOWN OF LEDYARD

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Ledyard, CT 06339-1511

File #: 22-095

Agenda Date: 5/5/2025

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)



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