



TOWN OF LEDYARD
CONNECTICUT
TOWN COUNCIL
HYBRID FORMAT

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Ledyard, CT 06339

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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 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