



TOWN OF LEDYARD

Department of Land Use and Planning

Elizabeth J. Burdick, Director

741 Colonel Ledyard Highway, Ledyard, CT 06339

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

Email: planner@ledyardct.org

MEMORANDUM

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

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

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

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

The following Motion is suggested for any favorable recommendation:

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

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

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



TOWN OF LEDYARD CONNECTICUT
Planning & Zoning Commission

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Nate Woody, Chairman

VIA CERTIFIED MAIL: 7017 1450 0002 0796 8520

December 15, 2021

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

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

Dear Mr. Bernardo,

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

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

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

Please contact me with any questions. Thank you.

For the Commission,

Nancy Woodlock
Land Use Office, Town of Ledyard

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

Memorandum:

RECEIVED

DEC 19 2024

Land Use Department

To: Liz Burdick, Town Planner

From: Steve Masalin, Public Works Director *sm*

Date: December 19, 2024

Re: 34 Village Drive Subdivision (Appl. #544) – Village Drive

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

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

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

Section 3. Final Approval of Public Works Director

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

Section 4. Final Approval by the Planning and Zoning Commission

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

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

Section 5. ~~Release of Performance Security~~

- A. The Planning and Zoning Commission may, upon written notification to the Town Treasurer, and after the recommendation of both the Public Works Director and the Director of Planning, order the release of any performance security or maintenance security required by this Ordinance. The Planning and Zoning Commission shall not release any amount greater than that necessary to complete unfinished portions of the streets approved under this Ordinance.
- B. Upon failure of the applicant to complete street improvements in accordance with all specifications herein stated or as shown on approved plans, and after the maximum time for completion of such improvements afforded the applicant under State Law has passed, the Planning and Zoning Commission shall revoke necessary portions of the performance security so that the Town of Ledyard may complete the al the remaining improvements in compliance with this Ordinance.

Section 6. ~~Town Council Acceptance~~

- A. After compliance with the provisions of Section 8-24 of the General Statutes, the Town Road Ordinance, and the Town Drainage Ordinance, as they may be amended, the Town Council may, pursuant to Section 12a-48 of the General Statutes, accept such street as a public street. Any entry of such acceptance shall be made in the records of the Town Clerk.
- B. Acceptance shall be effective upon filing of the warranty deed for the street and related easements with eh Town Clerk.
- C. No Street shall be officially opened to the public until it has been accepted as a public street pursuant to this section and it has met the requirements of this Ordinance.

PART III. ~~Liability Insurance~~

Section 1. ~~Contractor Certificate of Insurance~~

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

Section 2. ~~Indemnification~~

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

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