



TOWN OF LEDYARD
CONNECTICUT
TOWN COUNCIL

Chairman Linda C. Davis

**MINUTES
PUBLIC HEARING
LEDYARD TOWN COUNCIL
COUNCIL CHAMBERS - ANNEX BUILDING**

PUBLIC HEARING MINUTES

6:15 PM, OCTOBER 28, 2020

- I. **CALL TO ORDER** – Chairman Davis called to order the Public Hearing at 6:15 p.m. regarding the following:
- (1) The transfer of town-owned property located at 332 Colonel Ledyard Highway, Ledyard approximately 96.52+/- acres (Founders Preserve) to the Avalonia Land Conservancy to remain open to the public for passive recreation and to be protected in perpetuity under the Conservancy's care.
 - (2) Proposed amendments to Ordinance #300-011 *"An Ordinance Providing for the Term of Office and Appointment of the Zoning Board of Appeals and Establishing a Fee Schedule for the Town of Ledyard"*

Chairman Davis welcomed all to the Video Conference and she noted that the remote meeting information for the members of the Public to participate in this evening's Public Hearing was available on the Agenda that was posted on the Town's Website - ICompass Meeting Portal.

- II. **PLEDGE OF ALLEGIANCE**
- III. **PROCEDURE OF THE PUBLIC HEARING**

Chairman Davis explained because this Public Hearing was for the transfer of the Founders Preserve and Amendments to Ordinance #300-011, that they would take comments after each item has been presented.

Chairman Davis asked residents wishing to speak this evening to type their name in the Webex Chat Box.

- IV. **CALL OF THE PUBLIC HEARING**

The following call of the Public Hearing was read by Town Council Administrative Assistant Roxanne M. Maher:

**LEGAL NOTICE
TOWN OF LEDYARD
NOTICE OF PUBLIC HEARING**

In accordance with CGS 07-163e the Ledyard Town Council will conduct a Virtual (Video Conference) Public Hearing on Wednesday, October 28, 2020 at 6:15 p.m. to receive comments/recommendations regarding the following:

- (1) The transfer of town-owned property located at 332 Colonel Ledyard Highway, Ledyard approximately 96.52+/- acres (Founders Preserve) to the Avalonia Land Conservancy to remain open to the public for passive recreation and to be protected in perpetuity under the Conservancy's care with the following conditions:
 - 1) The existing 1,800 square foot house and associated land would be subdivided off the land, at Avalonia Land Conservancy's expense.
 - 2) Avalonia Land Conservancy would allow for the continuation of bow hunting on the Founders Preserve Property in accordance with Ordinance #100-018 *"An Ordinance Providing for Archery Hunting on Certain Town-Owned Lands"*.

- 3) Avalonia Land Conservancy will pay for all conveyances and fees regarding the transfer of the property.
 - 4) In the event Avalonia Land Conservancy determines they no longer wish to own or no longer can own the so-called Founders Preserve Property, Avalonia will first offer the property back to the Town of Ledyard as the last owner of record. Such conveyance will be at no cost to the Town, other than customary recording and legal fees. The Town shall have 120 days to accept or reject re-acquisition. The Town shall notify Avalonia in writing of its intent to accept or reject. Should the Town choose not to accept the property back, Avalonia will then have the right to convey the parcel to a third party of their choice.
- (2) Proposed amendments to Ordinance #300-011 *“An Ordinance Providing for the Term of Office and Appointment of the Zoning Board of Appeals and Establishing a Fee Schedule for the Town of Ledyard”*

Interested persons may submit written communications to:
towncouncil@ledyardct.org.

Please join the meeting from your computer, tablet, or smartphone.

The Remote Meeting Participation Information
for the Video Conference and Draft Ordinance
will be provided on the Town’s website at www.ledyardct.org,
located under the Agendas & Minutes tab.

Dated at Ledyard, Connecticut this 15th day of October, 2020.

For the Ledyard Town Council
s/s Linda C. Davis, Chairman

Published on the Town Website: October 15, 2020 (In accordance with the Governor’s COVID-19 Executive Order 7i, Paragraph 19).

IV. PRESENTATION

(1) Transfer Town-owned Property known as the Founders Preserve to Avalonia Land Conservancy

Councilor Dombrowski explained in 2006 the Founders Preserve property was subdivided into a 36-lot subdivision with about 3,000 linear feet or two-thirds of a mile of new road and approximately forty new drainage structures. He stated because the road was never constructed none of the building lots were sold. However, tax bills were generated for 36 approved building lots. He went on to state during the 2007/2008 recession the tax bills accrued, and the Town foreclosed on the Developer for unpaid taxes and took ownership of the Founders Preserve property. He noted there was a 1,800 square foot home on the property, which was being rented to a family for \$1,300 per month and would continue for the near term or until the Town could do something with the property overall, noting that the property was zoned R-60. He stated should the Townspeople approve to transfer the Founders Preserve property to Avalonia Land Conservancy that a conservation split would be done remove the house from the Founders Preserve, at Avalonia Land Conservancy’s expense, so that the transfer would only be the land.

Councilor Dombrowski went on to state the 96.52 +/- acre Founders Preserve Property was bounded to east by Colonel Ledyard Highway and to the west by Pumpkin Hill Road, it included a 20-acre shallow lake, Heron Rookery birds, granite sluiceway from the old Paint Mill, multiple stone cairns, and an earthen dam. He stated the Avalonia Land Conservancy were great stewards of the land and they do a great job with maintaining trails, etc. He stated the proposal being discussed was to transfer the Founders Preserve to Avalonia Land Conservancy to remain in trust and for the land to be kept as open space in perpetuity and open to the public for passive recreation.

PUBLIC COMMENTS - Item # (1)

Chairman Davis noted the following written communications were submitted for tonight's Public Hearing:

Written Communications:

1. Conservation Commission e-mail dated 10/21/2020 re: Founders Preserve
2. Mr. Treaster e-mail/amended comments dated 10/27/2020 re: Founders Preserve
3. Mrs. Parkinson e-mail dated 10/27/2020 re: Founders Preserve
4. Mr. Whittle e-mail dated 10/28/2020 re: Founders Preserve
5. Ms. Roberts-Pierson dated 10/28/2020 re: Founders Preserve
6. US Fish and Wildlife Service Mr. Maghini e-mail dated 10/28/2020 re: Founders Preserve

Public Comments:

Mr. Alex Dozier, 340 Pumpkin Hill Road, Ledyard, spoke in-favor to transfer the Founders Preserve Property to the Avalonia Land Conservancy.

Mr. Eric Treaster, 10 Huntington Way, Ledyard, stated even though he supported open space and passive recreation such as hiking, and bowhunting, he was opposed to giving away the 96 +/- acre property and its approved subdivision plan to a tax-exempt entity because the land can be put to better uses and because the transfer will, in the long term, be too costly to the town's taxpayers. He stated the proposed property transfer includes an approved 35-lot conservation subdivision plan known as the Founders Preserve. It was the approved subdivision plan that results in the property being surprisingly valuable. He stated the town could receive somewhere around a million dollars if it sells the land on the open market, together with its approved 35-lot subdivision plan. After its sale, the Town could receive around \$23,000 per year in taxes on the undeveloped property. When the land was improved with roads and infrastructure, the property, without homes, would generate about \$46,000 per year in tax revenue. He stated Ledyard needs new housing, and when the subdivision's homes are constructed, the Founder's Preserve would generate over \$200,000 in annual tax revenue, which was a significant amount of money. The development of the property and the construction of its homes would also create dozens of new jobs.

Mr. Treaster went on to note other possibilities for Property as follows:

- (1) Golf Course - With a zoning regulation change, to develop the 96 acres into a golf course. The property has wetlands and a large pond, noting that well-designed golf courses were compatible with challenging topography, ponds, and wetlands. A golf course could include age-restricted high-end housing along its fairways. A well-designed and managed golf course would provide jobs and a continuous stream of revenue for the town.
- (2) Farm - The property could perhaps be sold or leased for development and operation as a farm. The lease or sales agreement could include a provision that the farm is required to allow hiking and bowhunting as an accessory or agritourism use of the property. Its use as a farm would provide annual revenue for the town.
- (3) Server Farm or Data Center - The property could also be marketed and developed as a server farm or a data center, which is allowed in our new Technology Park overlay districts which are allowed to be landed in R60 districts. Data centers and server farms produce substantial amounts of tax revenues with little or no need for town services. Data centers and server farms also create high paying jobs.
- (4) Future Park - Ledyard was growing, and someday it would need more parks. Perhaps the land should be banked for use as a future park, similar to the Colonel Ledyard Park. It was large enough to support parking, sports fields, tennis courts, pavilions, a swimming pool, and playground equipment.

- (5) Schools - Someday the High School will become obsolete, and perhaps the land could be banked for use in support of a future high school. The land could also be developed as an RV campground, which is allowed in R60 districts. Its location near the Goldstar Highway would make it an ideal location. A campground would provide a continuing revenue stream to the town and require only minimal town services. A campground would also create new jobs.
- (6) Ledyard Fair - It may be possible for 20 acres or so of the property's 96 acres to be used for the Ledyard Fair, which the town needs. This would leave 76 acres for a new nature preserve. Mr. Treaster stated the he believed that a new 20-acre fairground and a new 76-acre nature preserve, together, may be more desirable than just a single new 96-acre nature preserve.
- (7) Conservation Subdivision - The land, if sold on the open market, would likely be developed as a conservation subdivision and would probably called Founders Preserve. The Founders Preserve subdivision plan, as required by the zoning regulations, provided for more than 38 acres of contiguous open space. The regulations require the open space in a conservation subdivision to be deeded to the Town or to an appropriate non-profit entity, like Avalonia Land Conservancy, to be managed as a nature preserve in perpetuity. He stated although 38 acres was not 96 acres, that it would still be a significant addition to Ledyard's nature preserves, and \$200,000 is a significant amount of annual tax revenue that would eventually be generated by homes in the development.

Mr. Treaster concluded by stating that he urged the Town not to give the property away to a non-taxpaying entity, and instead consider the alternatives of banking the property for a future use, using part of the property as new fair grounds with the balance set aside as a nature preserve, or selling the property at fair market value. He stated its sale, in addition to adding the sales proceeds to the town's treasury, would almost certainly result in the construction of new housing, the creation of new jobs, an increase in the town's annual tax revenue, and the addition of a new 38-acre nature preserve for public use, which was his first choice and should be given serious consideration. He urged the townspeople to vote "No" on the proposed transfer of ownership to allow time for the Founders Preserve Property to be marketed and to see what happens. He stated if there was not interest in the property after 1-2 years, that the Town could then make a decision to transfer the property to Avalonia Land Conservancy. However, he stated if there was interest in the property, the proposal could then be evaluated so the Public could make an informed decision as to whether the property should or should not be developed.

Mr. Bill Saums, 333 Pumpkin Hill Road, Ledyard, Town Councilor, stated that Mr. Treaster sent his comments to the Town Council in advance of tonight's meetings (Public Hearing and Special Town Meeting); and therefore, he wanted to responded to Mr. Treaster's comments and share some facts about the property. He stated he had a long history with the Founders Preserve Property and that he has done a lot of work to try to have the property preserved as open space. He continued by noting the following:

- (1) The GIS system still shows the assembled parcel as a subdivision, which was approved on May 25, 2007. The gross acreage, per A-2 survey was 96.32+/- acres.
 - This parcel was previously approved for 35 lots. Included were .7 miles of new road and more than 40 drainage structures the town would be required to maintain.
 - The approved development plan included a road with a private shared driveway over 1,800 feet long, plus other roadways, which the Town would have had to maintain, if the subdivision had been developed.
 - The Developer also proposed affordable housing. The proposal was withdrawn because the site was not conducive for the construction of "several hundred affordable housing units". The wetlands encompassed a great deal of the site. Additionally, public sewer was not present.
 - The housing subdivision was abandoned by the Developer.
- (2) It was highly questionable whether the Founders Preserve Property was worth \$1,000,000.
- (3) After the subdivision was approved the Developer's Attorney commented that the cost to develop each lot would be \$130,000 not including the cost of the houses, which was presumably the reason the Developer chose not to move forward with the project.

- (4) Tax revenue generated from new homes – Over the last 20 years articles from across the country show that the cost to provide services to residential housing, including education, was substantially higher than the tax revenue collected over the last 20 years. Ledyard has a high percentage of residential housing; therefore, their education costs were even higher.
- (5) The Founders Preserve Property included rocky terrain, bolder trains, steep slopes, wetlands, marshes, ponds, historic stone structures and streams.
- (6) The Founders Preserve Property, with its historical significance, including stone cairns, granite sluiceway, 20+ acres of shallow water lake with more than a dozen Blue Heron Rookeries, aquatic habitats, etc. Although the Blue Heron Rookery was no longer protected that their nesting sites were protected, therefore, it was highly unlikely development would receive approval today.
- (7) Campgrounds - There are other areas in town that could be developed as a campground. Given the substantial amount of wetlands on this parcel, the Founders Preserve Property was not well suited for campground. Also, private campgrounds in the area have been closing for years.
- (8) Farm - The Founders Preserve Property was not suitable for farming given the terrain.
- (9) Property Access was through the house at 332 Colonel Ledyard Highway, which would have to be torn down. Therefore, the Town would not be able to recoup lost tax revenue by selling the house.
- (10) Fairgrounds – The Founders Preserve Property was not suitable for a Fair for the same access issues, slope and the exiting wetlands that he already mentioned.
- (11) Schools – The Town has already set aside land for potential school development that had better access and grades, which has also been considered for campgrounds, fairgrounds, and all of the other suggestions Mr. Treaster made earlier this evening. Mr. Saums noted that he was specifically referring to the Clark Farm.
- (12) Golf Course - The Founders Preserve Property was not suitable for a golf course for all of the same issues that have been mentioned (access issues, slope, terrain, and the exiting wetlands). In addition, golf courses were failing and being turned into housing developments all over the country.
- (13) Groton Reservoir System – The Groton Reservoir was located on property that has a long-term lease, and it has not been proven to be a mistake, as Mr. Treaster suggested, in his original letter.

Mr. Saums stated he worked very hard to transfer the Founders Preserve Property to the US Fish and Wildlife Service for a Rabbit Habit. He noted that he also worked with the property owners that would have had to give permission for heavy equipment to carry out the US Fish and Wildlife Service's Plan. He stated none of the abutting landowners were in-favor of that proposal and they were not willing to give permission. He stated for these reasons the Town moved from considering transferring the Founders Preserve Property US Fish and Wildlife Service to the Avalonia Land Conservancy. He concluded by stating that he personally knew that Avalonia Land Conservancy would be a good steward for the land.

Mr. Steve Holyfield, 81 Military Highway, Gales Ferry, stated that Mr. Saums addressed many of the key points he was going to make this evening. He stated he was in-favor of transferring the Founders Preserve Property to Avalonia Land Conservancy. He stated he saw exchange on the internet this morning regarding this issue. He stated he was not in-favor of any development on the Founders Preserve Property given the sensitive nature of the ecosystems they were trying to protect. He stated while he appreciated the residents being mindful of development opportunities, that he feared creating things like golf courses and campgrounds would not be a positive development for the ecosystem there. He stated he has hiked the property and he noted that he agreed that the terrain was rough and rugged and would not be appealing to a developer. He stated Avalonia Land Conservancy would be a great steward knowing that the property would be preserved as open space for their kids and grandkids to enjoy in the future.

Ms. Jamie Vaudrey, 16 Harvard Terrace East, Gales Ferry, stated she was in-favor of transferring the Founders Preserve to Avalonia Land Conservancy. She stated she was a Professor at the University of Connecticut (UConn) and that her research was focused on looking at land use practices and how they impact water quality in our local environment. She

stated she was also a member of the *Governor's Council on Climate Change* noting that she was working on natural and working land. She stated maintaining large blocks of undeveloped land was critical to us. She stated the Founders Preserve Property provided ecosystem services, explaining that it keeps the water levels in our wells high enough, it keeps our water clean, it fills our drinking water and coastal water and it provides services that most do not recognize, such as taking carbon out of the atmosphere and storing it in the ground. She stated they get these benefits from forest and natural land, noting that they do not get these benefits from the turf on our lawns. She stated if they convert even small portions of our land into developed land that they lose a lot of ecosystem services. She stated Connecticut was on a trajectory, as a State, to reduce our carbon footprint and to reduce its greenhouse gasses by 80% by 2050. She stated Governor Lamont was looking at giving credit for preserving natural land and also to taking credit away for transferring those lands into developed lands. Therefore, she stated, as others have mentioned, Avalonia Land Conservancy was a great steward of the land and preserving the Founders Preserve Property would provide a lot of benefits to the residents of Ledyard.

Mr. Nate Woody, 777 Long Cove Road, Gales Ferry, Planning & Zoning Commission Chairman, stated the Planning and Zoning Commission performed an 8-24 Review on the proposed transfer of the Founders Preserve to Avalonia Land Conservancy and they unanimously voted in-favor of the transfer. He stated the conditions of the approval, as prepared by the Town Council, were well conceived and serve to protect the Town in their on-going interest of this parcel. He stated that he would like to see the Town continue to administer Archery Bow Hunting Lottery on the Founders Preserve Property. He stated the Lottery was a good and proven system to ensure safe and fair bowhunting on the property. He stated a minor change to Ordinance #100-018 "*An Ordinance Providing for Archery Hunting on Certain Town-Owned Lands*" should continue to allow the Town to administer the Lottery for a non-town property. He stated preserving the Founders Preserve Property as open space in perpetuity served Ledyard's goals to retain as much of its rural character as possible. He stated the Town has neither the will nor the funds to develop, manage, or protect the 96.32 +/- acres of the Founders Preserve as a public park. Avalonia Land Conservancy has served as a good steward of other pieces of land both in Town and in the surrounding area. Nothing in the transfer of this property prevents the Town from being involved in the preservation of features on the property, but importantly it does not obligate the Town to be involved. Instated the Town was able to remain at arms length for any obligations, while encouraging the work of the Land Trusts to best steward the open space. It was also worth noting that this land transfer does not prevent the involvement of other Organizations to work with Avalonia Land Conservancy to preserve important features on the property. In fact, it was likely that Avalonia Land Conservancy was the best partner to work with any external partners to make sure the Founders Preserve was best managed for both recreation and conservation.

Ms. Anne Roberts-Pierson, 4 Anderson Drive, Gales Ferry, questioned whether any of the written communications would be read at tonight's Public Hearing. Chairman Davis noted the written communications that were received were available on with the Agenda Packet on the ICompass Meeting Portal. She stated that typically she did not read the written communications because they have received several. However, she stated if Ms. Roberts-Pierson had something in her letter that she wanted to share that she would suggest that she verbally share it at this time

Ms. Roberts-Pierson stated a letter from the US Fish and Wildlife Service Mr. Mark Maghini, Chief Division of Realty, was sent to the Town Council late this afternoon noting that Mr. Maghini's letter would help to support her comments this evening. Chairman Davis acknowledged Mr. Maghini's letter noting that it was included on the ICompass Meeting Portal for this Public Hearing.

Ms. Roberts-Pierson stated that she would like to disclose that she was President of Avalonia Land Conservancy from 2008 to 2011 and that she continues to be a lifetime member. In addition, she was on the Ledyard Historic District Commission and the Ledyard Conservation Commission for many years during the time that a former property owner was trying to obtain subdivision approval by the Town (starting in 2004) and ultimately received approval in May 2007. She asked that the Town delay the vote on the transfer of the Founders Preserve Property to the Avalonia Land Conservancy for the following reasons:

1. Avalonia Land Conservancy has not yet voted to accept this property with the four conditions, in the transfer. She stated that she was told that Avalonia Land Conservancy Board of Directors would take this issue up at their meeting only tonight.

2. The voters of the Town of Ledyard were most likely unaware that there was an alternative way to divest itself of this property, make a proper packet of money, and conserve it in perpetuity at the same time.

Ms. Roberts-Pierson stated at stake was the fair market value purchase price of this 96.5 +/-acre property along with *Annual Refuge Revenue Sharing* payments to the municipality in lieu of taxes.

Ms. Roberts-Pierson explained that the US Fish & Wildlife Service (USFWS), who was very interested in the 96.5 +/- acres because of the Great Thicket National Wildlife Refuge (NWR) system, which was signed into being by Congress in October 2016. This parcel was within the official mapping boundaries of the newly established Great Thicket NWR. She stated the US Fish and Wildlife Service visited the Founders Preserve property along with many other conservation organizations including The Nature Conservancy and CT Audubon in 2018. She stated since that time, the Fish and Wildlife Service has been trying to have discussions with the Mayor, starting off with an official letter to the Mayor dated February 26, 2018 and receiving a letter back from the Mayor dated April 9, 2018 asking them to accept his letter as his intent to open discussions. Unfortunately, the Mayor has ignored their outreach since that time.

Ms. Roberts-Pierson stated that she made the Mayor aware that the very first parcel of Great Thicket NWR was purchased by USFWS locally in North Stonington in June 2020, which launched the Great Thicket NWR in the state of Connecticut. In August 2020, the Land & Water Conservation Fund (LWCF) (created by Congress in 1965) was permanently funded by a landmark bill signed into law by Congress. Great Thicket NWR was funded through the LWCF; and that she also made the Mayor aware of this news.

Ms. Roberts-Pierson went on to note that that the Founders Preserve Property had significant cultural, archeological, historic, and ecological/environmental value not only for Ledyard but for our nation. It has significant historic value because of its origins as possibly sacred grounds of Native Americans and as Colonial Sites of the Rogerene Quakers. She stated that certain landscapes were essential to our understanding of history and culture, noting that the Founders Preserve Property was one of those landscapes, a “heritage” landscape.

Ms. Roberts-Pierson stated that it would take substantial resources to properly protect this land if and when it becomes more known to the public. She stated the USFWS now has the federal resources to protect all the values of this property that will interpret this American story for generations to come. She questioned knowing that this opportunity existed, why the Town would want to consider giving this land to a non-profit, however responsible and well-regarded it may be in the community.

Ms. Roberts-Pierson asked that tonight’s vote on the transfer of the Founders Preserve Property be delayed and for the Mayor and Town Council please engage with the following:

Mark Maghini, Chief, Division of Realty, USFWS, 300 Westgate Center Drive, Hadley, MA 01035, office 413-253-8590, cell 413-992-8198.

Andrew C. French, Project Leader, Silvio O. Conte National Fish & Wildlife Refuge, Stewart B. McKinney National Wildlife Refuge, John Hay National Wildlife Refuge, 103 Plumtree road, Sunderland, MA 01375, Cell: 413-313-8682, Fax: 413-548-9725. Refuge Website: www.fws.gov/r5soc

Ms. Roberts-Pierson thanked the Town Council for listening and asked the Town to be as mindful as financially savvy about the future of this property as we can be. She stated shortly after she submitted her letter to the Town Council this afternoon that US Fish and Wildlife Service Mr. Mark Maghini, Chief Division of Realty, also put forth a letter to the Town Council which seemed to have removed the idea to purchase the Founders Preserve Property. She stated that she would assume that the US Fish and Wildlife Service has removed the idea to purchase the property because the Town was offering to give the land away to Avalonia Land Conservancy and that they were now reluctant to come forward with funding to purchase the property. She noted that US Fish and Wildlife Service was talking about a conservation easement and an engagement with the Town or the potential owner of the property. Ms. Roberts-Pierson stated that it was inappropriate for the Town to vote on the transfer of the Founders Preserve Property this evening, with the information from US Fish and Wildlife Service. She stated that it would be smart for the Town Council to work with the US Fish and Wildlife and would with Avalonia Land Conservancy to figure out what would be best for the Town of Ledyard noting that there was a lot at stake. She suggested the Town Council delay the vote until such time as discussions have been had.

Chairman Davis addressed Ms. Roberts-Pierson's suggestion to delay the vote this evening, explaining that the Town Council has already voted to forward the proposed transfer of the Founders Preserve Property to Avalonia Land Conservancy, with the conditions that were read earlier this evening during the *Call of the Public Hearing*, to the townspeople to vote on at a Special Town Meeting. She stated it would be up to the townspeople during the Special Town Meeting, that was scheduled after this Public Hearing, to make such a determination.

Mr. Mike Cherry, 5 Whippoorwill Drive, Gales Ferry, noted that he was currently a Member of the Planning & Zoning Commission and that he also served as the Chairman of the previous Planning Commission during the time the Founders Preserve Subdivision was being considered and was approved. He stated that he echoed Councilor Saums' comments and that he would also echo part of Ms. Roberts-Pierson's comments. He noted that he remembered Ms. Roberts-Pierson's comments during the Subdivision Public Hearing. He stated at that time they were all looking at how to preserve the significant cultural, archaeological, and historic regions of the Founders Preserve Property. He stated this was a once in a lifetime opportunity to preserve a segment of land in Ledyard that not only talks to the history of the Rogerene Quakers, but also to the findings on the Property that predated written history from indigenous people that lived there at one time. He stated that all this has been verified by the State Archaeological and Cultural Preservation Office, noting that an *Archaeological Management Plan* was on file with the Town. He stated for all these reasons, along with the environmental benefits and wildlife that inhabit the property that he could not think of another property in Ledyard that should be preserved. He concluded his remarks by stating that he strongly supported this land transfer.

Ms. Lynda Shaw, 330 Colonel Ledyard Highway, Ledyard, stated she lived next door to the Founders Preserve Property, and that while she was in-favor of preserving the Founders Preserve for all of the important reasons others have talked about this evening, that she had the following questions should the Founders Preserve Property be transferred to Avalonia Land Conservancy:

- Where would the public access to the Property be located.
- Who would be responsible to maintain the Property access areas.
- What would happen to the Property after the house located at 334 Colonel Ledyard Highway was sold.

Councilor Saums addressed Ms. Shaw's questions as follows:

- Where would the public access to the Property be located.

There were two areas to access the Founders Preserve:

1. Private Pentway, known as "Paint Mill Pentway" – This was a private road owned by the people who live there.
2. Cranwood Homeowners Association Parcel – This was about 20 acres located behind the Cranwood Subdivision on Pumpkin Hill Road.

Councilor Saums stated in speaking to the owners of the Paint Mill Pentway and the Cranwood Homeowners Association, that neither resident groups would permit the US Fish & Wildlife Service to use their property to bring in heavy equipment to remove trees, etc. He stated for these reasons the Town turned their attention away from the US Fish and Wildlife Service for a Rabbit Habitat and toward transferring the Founders Preserve to Avalonia Land Conservancy.

Councilor Saums stated since the Town foreclosed on the property and took ownership about 3 years ago the Town was a property owner on the Pentway (Town). He explained that once the Founders Preserve was transferred to Avalonia Land Conservancy they would become an adjacent owner on the Pentway; and therefore, could give permission or people to access the Founders Preserve Property. He stated access to the Founders Preserve has been available to the public during the past three years ago; noting that there has been very little traffic on the Pentway. He noted in conversations with Avalonia Land Conservancy they indicated that they would create a small parking area at the end of the Paint Mill Pentway. He stated that this was currently the only legal access to the Founders Preserve Property unless the house at 334 Colonel Ledyard Highway was torn down.

- Who would be responsible to maintain the Property access areas.

Councilor Saums stated that Avalonia Land Conservancy would maintain the access areas.

- What would happen to the Property after the house located at 334 Colonel Ledyard Highway.

Councilor Saums stated, as mentioned in the Property Transfer Proposal the house would be divided off of the Founders Preserve using a Conservation split, so the Town could sell the house to recover some of the tax revenue that was lost that triggered the Property Foreclosure.

Ms. Maria Engel, 331 Pumpkin Hill Road, Ledyard, stated her property was adjacent to the Founders Preserve Property. She stated although she does support business development in Ledyard that in the case of this property that she was present to express her support to transfer the land for conservation.

Ms. Pamela Ball, 674 Shewville Road, Ledyard, stated she only learned about the proposal to transfer the Founders Preserve to the Avalonia Land Conservancy today on social media. She stated that she found Ms. Roberts-Pierson's comments interesting. She stated she would prefer to see this Property remain in its natural state. She stated she did not know enough about the proposals to voice her opinion on whether the Founders Preserve should be transferred to Avalonia Land Conservancy or to the US Fish and Wildlife Service. She stated she would not like to see the Founders Preserve Property be developed; and that it should remain as a treasure for the Town.

Ms. Mary E. Graham, 72 A Long Pond Road, Ledyard, stated that she supported keeping the Founders Preserve Property as native land and that it not be developed. She stated it would be wonderful if the property could be incorporated into the Great Thicket Refuge, because it would become part of a national program. She stated Avalonia Land Conservancy was a wonderful steward and that she fully supported any projects they take on.

Mr. Scott Engle, 331 Pumpkin Hill Road, Ledyard, stated his property abuts the Founders Preserve Property. He stated his educational background was in Wildlife Science and Natural Resource Management. He stated the Founders Preserve Property was a true treasure for the Town, and as Mr. Saums and others have stated this evening, there was a large Blue Heron Rookery on the upper pond as well as beavers that have inhabited the area along with kingfishers and waterfowl population that migrates to the area. He stated based on the access, slope and wetlands area on the property that he would question the value and logistical aspects to develop the property. He stated Ms. Roberts-Pierson raised some good points earlier this evening, noting that he knew that the US Fish and Wildlife Service walked the Founders Preserve Property as a potential habitat for the New England Cottontail Rabbit. He also noted that Avalonia Land Conservancy was also great stewards of the land and that he supported protecting the property in perpetuity and not for development.

Ms. Caryn Oresky, 1 West Drive, Gales Ferry, noted that she learned about the proposal to transfer the Founders Preserve to Avalonia Land Conservancy thru an article published in the New London Day Newspaper on October 25, 2020. She stated she supported the proposal to conserve by the Property. She stated the Founders Preserve Property would be a treasure for our future and our children noting the importance of protecting the wildlife, clean air and clean water.

Ms. Julie Dupont-Woody, 777 Long Cove Road, Gales Ferry, stated she was currently serving as Avalonia Land Conservancy President. She provided clarification regarding comments made earlier this evening that the Avalonia Land Conservancy Board of Directors has not voted on the transfer of the Founders Preserve Property. She explained that the Board of Directors could not vote on this transaction until they received a favorable referendum from the Town approving to transfer the Property to their Organization. However, she stated that Avalonia Land Conservancy's Town Committee and Acquisitions Committee fully supported the transfer of the Founders Preserve Property to their Organization. She stated that Avalonia Land Conservancy was aware of the extraordinary value of the Property for habitat, clean water and for passive recreation. She stated Avalonia Land Conservancy was open to working with other outside organizations if the opportunity exists to do so. She stated Avalonia Land Conservancy has been a great partner to the Town to preserve valuable open space. She stated Avalonia Land Conservancy has worked with the Town on many other land preservation initiatives and that they looked forward to working with them on this land transfer as well.

Ms. Debora Vessels, 1065 Colonel Ledyard Highway, Ledyard, stated she supported the transfer of the Founders Preserve Property to Avalonia Land Conservancy to be preserved in perpetuity for all citizens in our area to enjoy.

Mr. Paul Maugle, 827 Colonel Ledyard Highway, Ledyard, stated he was not opposed to the transfer of Founders Preserve Property. However, he stated, as Ms. Roberts-Pierson discussed earlier this evening, that he would prefer that the Town use the US Fish and Wildlife Service as the receiver of the property because of the long term beneficial impact on the Town of Ledyard. He stated with the US Fish and Wildlife they would have income, and the best in terms of conserving the resources that were present on the land. He stated Ledyard had 40 square miles of land, and of those about 2 square miles were in water. He stated while working on the Plan of Conservation and Development (POCD) in September 2019 he found that Avalonia Land Conservancy owned about 433 acres of land in Ledyard at this present time. He stated with the addition of another 100 acres that Avalonia Land Conservancy would own about one square mile of Ledyard's 38 square miles. He stated the Town should ask themselves how much of their land they want to put into a non-profit organization, noting that the US Fish and Wildlife Service would have a long-term income. He stated it may behoove Ledyard to consider limiting non-profits to owning 2 square miles of the Town's 38 square miles. He stated he supported the transfer of the Founders Preserve Property, whether it be to Avalonia Land Conservancy or the US Fish and Wildlife Service, noting that his preference was the US Fish and Wildlife Service.

Councilor Saums stated that he also met with US Fish and Wildlife Service Mr. Mark Maghini. He explained when he mentioned preserving the historic stone structures on the Founders Preserve Property that Mr. Maghini said do not use the word "*structures*" with the Federal Government. He went on to explain that Mr. Maghini stated that the US Fish and Wildlife Service was required to remove all *structures*. He stated this conversation along with the US Fish and Wildlife Service's plan to remove large parts of the forest from the natural habitat with large equipment was of great concern to him.

Ms. Anne Roberts-Pierson, 4 Anderson Drive, Ledyard, stated the US Fish and Wildlife Service has not had substantive discussions with the Town about exactly what they would do; or would not do; or share the limit of what they could do. She stated if they were to hear the types of things the US Fish and Wildlife Service could do that they would be surprised in terms of their purchasing power and what they could accomplish. She stated that she did not believe that there were only two areas where they could access the Founders Preserve Property (Paint Mill Pentway or through Cranwood Subdivision). She stated there could be access to the Property though Colonel Ledyard Highway without having to destroy the house at 334 Colonel Ledyard Highway. She stated the US Fish and Wildlife Services have legal and financial resources that the Town or Avalonia Land Conservancy would never have. She stated would also like to directly hear from the US Fish and Wildlife Service about any structural deterioration. She stated having a National Wildlife Refuge in your Town was a marvelous opportunity that it would open up other federal opportunities.

Mr. Mike Cherry, 5 Whippoorwill Drive, Gales Ferry, addressed comments regarding the access to the Founders Preserve Property. He stated when the Planning Commission was considering the Subdivision in 2006 that they learned that the property abuts open space that was managed by the Groton Open Space Association (GOSA). In addition there was an open space pathway at the southeast corner of the property, there was access from Heather Glen Lane in Ledyard and from a dead end in Groton that abuts the Founders Preserve Property. Therefore, he stated there was opportunity for the property owner to provide access to the Founders Preserve Property.

Mr. Eric Treaster, 10 Huntington Way, Ledyard, asked whether there was an opportunity to continue the Public Hearing and to delay the vote until there has been an opportunity to communicate with the US Fish and Wildlife Service. He asked whether the Mayor could proactively make contact with the US Fish and Wildlife Service. He stated if they could delay the vote until more information could be obtained the taxpayers would be able to make a better decision.

Chairman Davis stated the townspeople could vote to defeat the proposal to transfer the Founders Preserve Property to Avalonia Land Conservancy at the Special Meeting that was scheduled following this Public Hearing. She stated Town Meetings were different from a Zoning Commission Public Hearings, where they can continue the meeting.

Mr. Steve Martic, 59 R-2 Long Pond Road, South, Ledyard, stated he was in-favor of not developing the Founders Preserve Property. He stated that he agreed with Mr. Treaster's comments, noting that based on the public comments this evening, it appears that there were other options on the Table that should be explored further before a decision was made regarding the Founders Preserve Property tonight.

Ms. Pamela Ball, 674 Shewville Road, Ledyard, addressed the comments made regarding the Paint Mill Pentway and providing parking at the end of the Pentway. She stated that she lives on a Pentway and that she would be unhappy if suddenly there was a lot of traffic on the Pentway that she had to maintain. She stated the reason people live on Pentways was because they liked their privacy. She stated in deciding what to do with the Founders Preserve Property that they should also consider the residents who live on Pentway.

Chairman Davis stated hearing no further comments on the Founders Preserve Property that they would move onto the second item on tonight's Public Hearing.

(2) ***Proposed amendments to Ordinance #300-011 "An Ordinance Providing for the Term of Office and Appointment of the Zoning Board of Appeals and Establishing a Fee Schedule for the Town of Ledyard"***

Councilor Saums provided some background explaining that in preparing for the Fiscal Year 2020/20201 Budget the Finance Committee, in a memo dated January 23, 2020, requested the Land Use Fee Schedules be reviewed to ensure that they were comparable to area towns and in-keeping with current state statutes. He stated a number of the Fee Schedules were outdated noting that some had not been updated since 2007, while others were updated as recently as 2015, noting that while they did not want to miss out revenue that the town should be getting that they also did not want to price their fees out of line with area towns.

Councilor Saums explained the proposed Amendments to Ordinance #300-011 "*An Ordinance Providing for the Term of Office and Appointment of the Zoning Board of Appeals and Establishing a Fee Schedule for the Town of Ledyard*" was to include language to provide for a Fee Schedule, to be consistent with the format of the Town's other Land Use Ordinances. He stated the Zoning Board of Appeals Fee Schedule would be an Appendix to the Ordinance which would enable the Fee Schedule to be updated as needed, without having to change the Ordinance.

DRAFT: 6/10/2020

Ordinance #300-011 (*rev-1*)

AN ORDINANCE
PROVIDING FOR THE TERMS OF OFFICE
AND APPOINTMENT OF THE ZONING BOARD OF APPEALS
AND ESTABLISHING A FEE SCHEDULE
OF THE TOWN OF LEDYARD

Be it ordained by the Ledyard Town Council that there is an *Ordinance Providing for the Terms of Office and Appointment of a Zoning Board of Appeals for the Town of Ledyard* in accordance with Connecticut General Statutes Chapter 124; Section 8-5.

Section 1. Authority and Duties

The Zoning Board of Appeals shall have all the powers and duties as prescribed by CGS Chapter 124 inclusive, and not inconsistent with the Town Charter.

Section 2. Membership

The Zoning Board of Appeals shall consist of five (5) regular members and three (3) alternate members who shall be electors of the town; and shall not be members of the Zoning Commission.

Such board and such panel of alternates shall be appointed for a six (6) year term by the Town's Chief Executive Officer.

Members shall commence to serve their terms immediately upon appointment and shall serve until their successor has qualified or they have been reappointed or removed by the Chief Executive Officer.

Appointment and removal of any member of the Zoning Board of Appeals shall be as provided for in Chapter IV, Section 9, of the Town Charter.

Any member of the Board who is absent from three (3) consecutive regular meetings and any intervening duly called special meetings shall be considered to have resigned from the Board. The vacancy shall be filled as herein before provided. Additionally, the Board may vote to waive the requirements of this section in each case where illness or other extenuating circumstances make it impossible for a member to meet the attendance requirements of this action.

It shall be the responsibility of the Chairman of the Zoning Board of Appeals to notify the Chief Executive Officer when a member has not properly performed his/her duties.

Any vacancy in such board, including any vacancy in the panel of alternates, shall be filled for the unexpired portion of the term, by the chief executive officer.

Section 3. Establishment of Fee Schedule

In accordance with CGS Section 8-1c the Zoning Official with the approval of the Zoning Board of Appeals and Town Council, is hereby authorized to, and shall, establish a schedule of fees for the zoning board of appeals review of applications, appeals of decisions of order of zoning enforcement officer; certification of location approvals (DMV) with public hearing, certification of location approvals (DMV) without public hearing. Said fee schedule, as may be amended from time to time, is hereby incorporated in this Ordinance as though fully set forth herein. The fee schedule shall be determined to reasonably defray the municipal costs of administering the State of Connecticut General Statutes and the Zoning Regulations and publishing the public hearings and decisions of the Zoning Board of Appeals and shall be reviewed annually by the zoning official or other municipal agent with the approval of the Zoning Board of Appeals and Town Council be amended if deemed necessary or desirable by the official and board.

Such schedule shall supersede any specific fees set forth in the general statutes, or any special act. A copy of the approved fee schedule shall be filed with the Town Clerk.

Section 4 3. Conflict with Other Laws or Regulations

If any section of this ordinance shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect the entire ordinance.

Section 5 4. 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 5 Effective Date

This Ordinance shall take effect on the twenty-first (21st) day after publication in accordance with Chapter III, Section 5 of the Charter of the Town of Ledyard.

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

Linda C. Davis, Chairman

Approved / Disapproved on: _____

Fred B. Allyn, III, Mayor

Published on:

Effective Date:

Patricia A. Riley, Town Clerk

Revisions: Ordinance #4 “*Ordinance Providing for the Terms of Office and Method of Election or Appointment of the Zoning Board of Appeals of the Town of Ledyard*”; Adopted: October 23, 1961; Amended and Adopted: August 23, 1972; Amended and Adopted: April 13, 1976; Amended and Adopted (Ordinance #4-1) February 27, 2013; Effective: March 25, 2013; *Amended and Adopted (Ordinance #300-011) September 25, 2019; Effective October 23, 2019.*

History:

The Twenty-fourth Town Council (2017- 2019) Ordinance Update Initiative: Renumbered Ordinance #4-1 “*Ordinance Providing for the Terms of Office and Method of Election or Appointment of the Zoning Board of Appeals of the Town of Ledyard*” to Ordinance #300-011.

2013: Section 2 “Membership” changed the members of the Zoning Board of Appeals from being elected to being appointed by the Chief Executive Officer and the language was also updated to provide consistency between the Town Charter and the Ordinance.

2019: Section 2 “*Membership*” language was added regarding attendance. Section 4 “Cancellation” was removed, based on Attorney’s recommendation, the History paragraph indicates that the previous Ordinance has been updated and was therefore, being replaced/cancelled. Section 5 “*Severability*” and Section 6 “*Effective Date*” were added to be consistent with Town Ordinance format.

2020: Added new Section 3”Establishment of Fee Schedule” and renumbered remaining sections accordingly.

PUBLIC COMMENTS (2)

Mr. Paul Maugle, 827 Colonel Ledyard Highway, Ledyard, stated he was a member of the Inland Wetlands and Water Courses Commission (IWWC) and that the IWWC voted on the proposed IWWC Fee Schedules and forwarded the Fee Schedule to the Town Council for approval. However, he stated that he thought some of the proposed Zoning Board of Appeals Fees were absorbent such as \$500.00 to file an Appeal noting that it does not cost nearly that much to publish the legal notices in the newspaper.

Mr. Mike Cherry, 5 Whippoorwill Drive, Gales Ferry, Planning & Zoning Commission Member addressed Mr. Maugle’s comment regarding the Zoning Board of Appeals Fee Schedule. He reviewed the Appeals Process noting that the ZBA was required to publish two legal notices in the newspaper prior to the Public Hearing and required to publish one legal notice in the newspaper after the decision was made. Therefore, he stated they were required to publish three legal notices, noting that \$500.00 was barely enough to cover those costs.

Mr. Nate Woody, 777 Long Cove Road, Ledyard, Planning & Zoning Commission Chairman, stated that Mr. Cherry’s comments regarding the cost for the publication of legal notices regarding an Appeal was correct. He stated the Land Use Department has reviewed the Fee Schedules to make sure they were all in-line with the actual costs.

Mr. Kevin Dombrowski, 139 Meetinghouse Lane, Ledyard, Town Councilor, provided clarification, stating that the purpose of tonight’s Public Hearing was to address the proposed Amendments to Ordinance #300-011 “*An Ordinance Providing for the Term of Office and Appointment of the Zoning Board of Appeals and Establishing a Fee Schedule for the Town of Ledyard*”. He explained that during the process to review and update the Land Use Fee

Schedules that the LUPPW Committee found that the only place the Zoning Board of Appeals (ZBA) Fees were listed was on the Application Form. Therefore, he stated the LUPPW Committee recommended Ordinance #300-011 “*An Ordinance providing for the Term of Office and Appointment of Zoning Board of Appeals*” be updated to provide language for the ZBA Fee Schedule. He noted the June 10, 2020 draft Ordinance Amendment included language similar to the other Land Use Ordinances regarding the Fee Schedule. He went on to explain that the Fee Schedule would be a separate document (Appendix) noting that Section 3 stated “ *The Fee Schedule may be amended from time to time, and would be incorporated in this Ordinance as though fully set forth herein.Such schedule shall supersede any specific fees set forth in the general statutes, or any special act.*”

Councilor Dombrowski stated the Town Council would vote on the proposed Amendments to Ordinance #300-011 “*An Ordinance Providing for the Term of Office and Appointment of the Zoning Board of Appeals and Establishing a Fee Schedule for the Town of Ledyard*” and also separately vote on the updated Land Use Fee Schedules at their Regular Meeting scheduled for later this evening.

IV. PUBLIC COMMENTS – Public Comments were Addressed after each subject was discussed. Please see above.

V. ADJOURNMENT

Hearing no further public comment, Chairman Davis adjourned the public hearing at 7:18 p.m.

Transcribed by Roxanne M. Maher
Administrative Assistant to the Town Council

I, Linda C. Davis, Chairman of the Ledyard Town Council,
hereby certify that the above and foregoing is a true and correct
copy of the minutes of the Public Hearing held on October 28, 2020

Attest: Linda C. Davis
Linda C. Davis, Chairman