



TOWN OF LEDYARD

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Land Use/Planning/Public Works Committee Meeting Minutes

Chairman
Kevin J. Dombrowski

Regular Meeting

Monday, June 5, 2023

6:00 PM

Town Hall Annex - Hybrid Format

Join Zoom Meeting from your Computer, Smart Phone or Tablet:

<https://us06web.zoom.us/j/85656880567?pwd=bkc2bnN0UjBMS01dERXVXhhL3Jtdz09>

Or by Audio Only: Telephone: +1 646 558 8656; Meeting ID: 856 5688 0567; Passcode: 085415

I CALL TO ORDER

The meeting was called to order by Councilor Paul at 6:00 p.m. at the Council Chambers, Town Hall Annex Building.

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

II. ROLL CALL

Present: Gary Paul
S. Naomi Rodriguez
Excused: John Marshall

Juliet Hodge Land Use Director
Scott Johnson, Jr. Parks, Rec & Senior Citizens Director
Dennis Main Avalonia Land Conservancy
Roxanne Main Administrative Assistant

III. RESIDENTS & PROPERTY OWNERS COMMENTS

None.

IV. PRESENTATIONS / INFORMATIONAL ITEMS

None.

V. APPROVAL OF MINUTES

MOTION to approve the Land Use/Planning/Public Works Committee Minutes of May 1, 2023.

Moved by Councilor Paul, seconded by Councilor Rodriguez
VOTE: 2 - 0 Approved and so declared

RESULT: APPROVED AND SO DECLARED

MOVER: Gary Paul

SECONDER: S. Naomi Rodriguez

AYE: 2 Paul and Rodriguez

EXCUSED: 1 Marshall

VII. NEW BUSINESS

1. Public Hearing Legal Notice:

The transfer/conveyance to Avalonia Land Conservancy the following:

- (1) 334 Colonel Ledyard Highway (Vol. 604 Pg 763) 29,752 +/-SF
- (2) 538R Colonel Ledyard Highway (Vol. 99 Pg 139) 3.32 +/- Acres

Moved by Councilor Paul, seconded by Councilor Rodriguez

Discussion: Councilor Rodriguez stated that she supported the transfer of the properties to Avalonia Land Conservancy, noting no discussion was necessary. She stated that she was ready to vote.

Director of Land Use Juliet Hodge stated she had some comments that she would like to share with the LUPPW Committee. She noted her email dated May 31, 2023 regarding the Outback Realty Subdivision Open Space parcel that was part of tonight's discussion relative to the conveyance of property to the Avalonia Land Conservancy. She stated because the GIS map was incorrect that her initial review was that the Outback Subdivision Open Space parcel had not been conveyed to the Town; and therefore, an 8-24 Review of the Planning & Zoning Commission was not necessary. However, she stated the Outback Realty Subdivision, which was approved in November, 2015; and was conveyed to the Town; and therefore an 8-24 Review of the Planning & Zoning Commission would be required. She stated the language in the Motion "*to be used for passive recreation*" was not necessarily the use for an Open Space Subdivision parcel. She questioned whether anyone looked at the usage for this piece of property (29,752 +/- SF).

Ms. Hodge continued by noting that the adjacent parcel, which appeared to be owned

by the Nature Conservancy on the GIS Map, was not owned Avalonia Land Conservancy. She questioned the language in the Motion “*to be used for passive recreation*”

Avalonia Land Conservancy Vice-President Dennis Main stated the Town owned both of the parcels being considered this evening. He stated Avalonia did not have any objection with the Town putting the following restrictions on the parcels: (1) For the property to be open to the public for passive recreation; (2) Avalonia to hold the property in perpetuity. He explained if Avalonia were to go out of business, that Avalonia would first offer the property back to the Town of Ledyard, as the last owner of record. He stated Avalonia Land Conservancy has done 20+ land transfers of open space during the past decade, noting that the language was *boiler plate*.

Ms. Hodge questioned whether the property would revert back to the town. Mr. Main stated that the standard would be for the property to go back to the Town.

Administrative Assistant Roxanne Maher stated the following language was part of the motion the townspeople approved at the October 28, 2020 Special Town Meeting regarding the conveyance of the approximate 96.52 +/- acres Founders Preserve. She noted the minutes from the October 28, 2020 Special Town Meeting were attached to the Agenda packet on-line as a reference for tonight’s meeting

“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”.

Ms. Hodge stated because there was a discrepancy between what the GIS System had, what surveyor had, and what she had in the Planning & Zoning Office, that she would ask that they verify what property the town was conveying to Avalonia Land Conservancy. She

stated that she was not sure which map they were using or what property they were transferring. She stated in reviewing the property with the Attorney that there were some discrepancies regarding the area they were talking about. She noted one of the maps provided in the backup information was totally irrelevant. She stated what was showing on the GIS Map did not match the Founders Preserve Subdivision map that she had in the Planning & Zoning Office.

Administrative Assistant Roxanne Maher explained the townspeople already

approved to convey the former Founders Preserve property located at 332 Colonel Ledyard Highway, Ledyard to Avalonia Land Conservancy at the October 28, 2020 Special Town Meeting. However, she provided some background explaining in 2006 the Founders Preserve property was subdivided into a 36-lot subdivision and the property lines were changed at that time to accommodate the proposed Founders Preserve Subdivision. She stated around 2015 the town foreclosed on the property and in 2020 the Townspeople voted to convey the parcel to Avalonia Land Conservancy. However, with the new boundary lines the Developer made for the Subdivision, the property was essentially landlocked. Since 2020 the town has been working to correct (or restore) the boundary lines to their original lines. By correcting the boundary lines the street address of the former Founders Preserve would now become (revert back to) 334 Colonel Ledyard Highway. She stated this request was to transfer approximately 29,752 +/- which would become part of 334 Colonel Ledyard Highway (Founders Preserve, which the townspeople already approved); and 538R Colonel Ledyard Highway (3.23 +/- acres) to Avalonia Land Conservancy.

Ms. Hodge questioned when the property transfer was approved; (1) Where was it approved; (2) Was an 8-24 Review conducted by the Planning & Zoning Commission; (3) How did that happen; and (4) Where was the map. She stated according to the GIS Map the Founders Preserver property was not what was transferred.

Ms. Maher stated the town followed the process to sell, or transfer property in accordance with the Town Charter and State Statutes, and that the Planning & Zoning Commission conducted an 8-24 Review (October 8, 2020) and approved the transfer of the property. She stated that she would provide Ms. Hodge with a copy the Planning & Zoning Commission Minutes. Ms. Hodge stated that the GIS Map was showing something totally different.

Avalonia Land Conservancy Vice-President Dennis Main stated when the townspeople approved to transfer the Founders Preserve to Avalonia Land Conservancy in 2020; it was with the understanding that the Land Conservancy was also going to take 332 Colonel Ledyard Highway off the front of the property, which would leave access into the back of the 96.52 +/- acres. He stated at that time the Assessor's Records was still showing the Founders Preserve Subdivision as though the roads were built and there were 30 - 40 building lots. He stated this was corrected subsequent to the townspeople approving the transfer of the property to Avalonia.

Mr. Main continued to explain that subsequent to the approval to transfer the 96.52 +/- acres Founders Preserve to Avalonia Land Conservancy the town acquired the property at 334 Colonel Ledyard Highway, which solved the issue to provide access to the Founders

Preserve Property. He stated because Avalonia Land Conservancy did not need the entire parcel located at 334 Colonel Ledyard Highway, that approximately 29,752 +/-

would be added back to 332 Colonel Ledyard Highway and the Town could then demolish the house that was in disrepair on 334 Colonel Ledyard Highway and dispose/sell/etc., the remaining portion of the parcel located at 332 Colonel Ledyard Highway.

Ms. Hodge stated that what Mr. Main described has not yet occurred. She stated in reviewing the lot line adjustment the Attorney was questioning the Founders Preserve parcel because the GIS Map was not showing what was on the Founders Preserve Subdivision Map. Therefore, she stated if the Founders Preserve was foreclosed on and sold that would be what she expected that parcel to look like on the GIS Map.

Ms. Maher questioned who had the oversight to make sure the GIS Mapping System was correctly updated. Ms. Hodge stated no one was responsible. Ms. Maher questioned that there was no one on staff who was responsible to oversee that the GIS Mapping System was being correctly updated. She noted at Ms. Hodge's request the Town Council approved (February 10, 2022) a Bid Waiver to Claus Georges, CGIS Mapping, LLC to complete the GIS and Assessor Map updates. Ms. Hodge stated that no one had been doing it that and they were trying get maps to Claus to update as much as they could. She stated that they sent the map of Founders Preserve to Claus and that the map would have reverted back to the original layout, before the Founders Preserve Subdivision occurred, noting that was what they would expect to see on the GIS Mapping System. However, she stated it was not showing; and therefore, she was questioning the map noting that this had to be resolved before the town could move forward. She stated if the Planning & Zoning Commission previously conducted an 8-24 of the parcel, that there would have been a map associated with that.

Ms. Maher questioned whether Ms. Hodge thought that the GIS Map issue would be resolved by the September 13, 2023 Special Town Meeting. Ms. Hodge stated that she would hope so. Ms. Maher stated if the Map Issue would be resolved that she did not see any reason the LUPPW Committee could not proceed with the Motion as presented this evening. She noted if everything was not in-place for the Special Town Meeting that the meeting could be cancelled. Ms. Hodge stated the Planning & Zoning Commission was not done on their end with regard to conducting the 8-24 Review, noting that they would be cutting it close. Ms. Maher stated that once the LUPPW Committee acted on the Motion that it would be forward to the Planning & Zoning Commission to conduct an 8-24 Review. Ms. Hodge stated the Maps and Survey should match and be in place before the townspeople vote to convey the property. She stated that she had a note from the former Planner "*Not to allow the property to be transferred until the proper channels were gone thru.*"

Councilor Rodriguez stated that they were talking about conveying 29,752 +/- SF of land to be added to the Founders Preserve Property. Ms. Hodge stated that she did not know what happened in 2020; or what was approved. Therefore, she stated that she wanted to wait for the property survey to be completed, noting that she met with

Attorney Rob Aveena and Surveyor Eric Seitz last week.

Mr. Main stated 332 Colonel Ledyard Highway had an original lot description which was basically a rectangle and because parcel had a house on it, that portion would remain with the town at that time. He stated the October 28, 2020 approval to convey the 96.52 +/- acres Founders Preserve to Avalonia Land Conservancy, was made up of two original parcels. He stated in addition, Avalonia Land Conservancy would be receiving an additional 5-acres, which was a land-locked parcel that abutted the Founders Preserve Property and was being transferred to the Land Conservancy from an Estate. He stated the additional 29,752 +/- SF of land from 334 Colonel Ledyard Highway would provide Avalonia Land Conservancy access to the Founders Preserve.

Ms. Hodge questioned who was conducting the 8-24 Review. Ms. Maher stated if the LUPPW Committee acted on the motion, as presented this evening, that a request would be forwarded to the Planning & Zoning Commission to conduct the 8-24 Review, noting this was the practice the town has used in the past. Ms. Hodge stated they would have to wait for Attorney Rob Aveena and Surveyor Eric Seitz to finish their work before the Planning & Zoning Commission could conduct the 8-24 Review. Therefore, she stated do not send a request for the Planning & Zoning Commission to conduct the 8-24 Review tomorrow, because it would not work. Councilor Rodriguez questioned when Attorney Rob Aveena and Surveyor Eric Seitz would have the survey completed. Ms. Hodge stated when she met with Attorney Rob Aveena and Surveyor Eric Seitz that they wanted to talk about an issue that she brought up regarding the garage. Therefore, she stated that she did not know when the survey would be completed, noting that she was not in-charge. Ms. Maher suggested Ms. Hodge discuss with the Mayor the details regarding when the map and survey would be completed and the other issues that she raised this evening. She noted that Mayor Allyn, III, requested this item be included on the tonight's LUPPW Committee's Agenda to get the process started, noting that it would take some time, which was the reason the Special Town Meeting was not going to be held until September 14, 2023.

Mr. Main stated that he saw the map revisions from Surveyor Eric Seitz, and that he believed the map would answer all of Mr. Robert Aveena's questions.

Councilor Rodriguez stated the Motion has been made and seconded this evening. She stated this was June, and she commented that if all the work has not been completed by September 14, 2023 that the Public Hearing and Special Town Meeting could be cancelled. Therefore, she stated that she was comfortable with voting on the motion as presented this evening. Councilor Paul stated he agreed with Councilor Rodriguez, noting that he would like to see the conveyance of these parcels and the transfer of the Founders Preserve move along.

VOTE: 2 - 0 Approved and so declared.

RESULT: RECOMMENDED FOR APPROVAL

MOVER: Gary Paul

SECONDER: S. Naomi Rodriguez

2. Discussion and possible action to revise “Resolution Administrative Control of Town-Owned or Town-Leased Property”.

Councilor Paul explained that he asked that “*Resolution Administrative Control of Town-Owned or Town-Leased Property*” dated November 12, 2008 be included on tonight’s agenda because he was confused regarding what “Administrative Control” meant, noting the following:

Administrative Control:

“Having the authority to grant permissions for temporary use of the property by groups or individuals; and having the authority to make minor improvements or enhancements to the property which will not change the overall character or use of the property; and having the responsibility to maintain the property in such a way that its present uses may be continued; and having the responsibility to protect the Town from civil or criminal liability in connection with the property”.

“....the Town Council or the Town Meeting retains the responsibility for deciding when any Town owned real property shall be permanently altered, capitally improved, used for totally different purposes, leased, or transferred; subject only to the stipulations and approvals which State or Federal laws may require”.

Land Use Director Juliet Hodge stated the only Commission that can say anything about use, either temporary or otherwise was the Planning & Zoning Commission.

Councilor Paul noted that the Resolution stated “....the Town Council or the Town Meeting retains the responsibility for deciding when any Town owned real property shall be permanently altered, capitally improved, used for totally different purposes, leased, or transferred; subject only to the stipulations and approvals which State or Federal laws may require”. Therefore, he stated a Commission could go to the Town Council, as the Legislative Body and Financial Arm, to seek approval to make changes to a property.

Ms. Hodge noted on the Town-owned/Town-leased Property List that the LUPPW Committee has been working to update, that there was an Open Space Subdivision parcel that was listed as a “vacant lot” and in the Note Column it stated, “*Recommend the Mayor Sell*”. She stated the town could not just sell a property, unless they went back to the Subdivision. Administrative Assistant Roxanne Maher noted that this issue was discussed at the LUPW Committee’s May 1, 2023 meeting. She explained that the note “*Mayor to Sell*” was only a note and not a change in the

administrative assignment of the property. The suggestion/notes were pertaining to small slivers of land, because an adjacent property owner may be interested in buying the parcel, which would put the property back on the tax rolls and remove it from the town's responsibility. She stated to sell any town-owned property that they would have to follow the process outlined in the Town Charter and follow State Statute as they did earlier this evening when they addressed New Business Item #1 (see above). She stated the Mayor was aware that he could not just sell town-owned property. Ms. Hodge stated all of the Open Space Subdivision properties needed to be changed and identified as such (i.e. vacant; not building, etc.).

Councilor Paul stated the LUPPW Committee was tasked to assign the Administrative Control for the properties and not to assign names to the properties.

Councilor Paul asked the LUPPW Committee to review the "*Resolution Administrative Control of Town-Owned or Town-Leased Property*" to discuss at their July 3, 2023 meeting as to whether any clarification or revisions were needed.

RESULT: CONTINUE

3. Any other New Business proper to come before the Committee.
None.

VI. OLD BUSINESS

1. Continued discussion and possible action to periodically review the list of town owned property; and update accordingly for the "Assignment of Administrative Control".

Councilor Rodriguez questioned whether Conservation Commission Chairman Michael Marelli has seen the latest draft of the Assignment List of the Town-Owned or Town-Leased properties. Mr. Marelli stated that he has not seen the latest draft noting that his list ended at Spout Run. Administrative Assistant Roxanne Maher stated that she would send Mr. Marelli the most recent draft of the List, noting that this has been a work in-process, explaining that List has been being updated after each of the LUPPW Committee's meetings.

The Group (LUPPW Committee, Director of Parks, Recreation, & Senior Citizens Scott Johnson Jr., Land Use Director and Conservation Commission Michael Marelli) reviewed the List of properties and agreed on additional updates.

Administrative Assistant Roxanne Maher noted that she would update the List to include the changes agreed on this evening and send a draft dated June 5, 2023 to everyone to review.

Councilor Paul stated that the LUPPW Committee would continue their work on the “*List of Assignment of Administrative Control of Town-Owned and Town-Leased Property*” at their July 3, 2023 meeting.

RESULT: CONTINUE

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

Director of Land Use Juliet Hodge stated that she has been working with Zoning Enforcement Officer Mr. Alex Samalot to address the list of outstanding Blighted Properties. She stated three Citations were issued to the following property owners noting that the costs to remedy the blighted properties were \$69,000; \$13,000, & \$1,000:

- 11 Colonel Ledyard Highway
- 22 Anderson
- 528 Colonel Ledyard Highway, was not picking up their mail.

Ms. Hodge stated two of the property owners have contacted the Planning & Zoning Office to schedule an appointment. She stated that they would continue to work to keep the list moving, noting that she thought that they would be able to see some progress in addressing the blighted properties.

RESULT: CONTINUE

3. Status update regarding security and safety concerns regarding Park on East Drive

Councilor Rodriguez stated that she spoke to one of the Residents and she noted that everything seemed fine at the Park.

Councilor Paul stated that he checked with Police Chief John Rich and that there have been no issues reported. He stated with the warmer weather that they anticipated the activity at the Park on East Drive would increase.

Parks, Recreation & Senior Citizens Director Scott Johnson, Jr. stated once the new Combined Parks, Recreation & Senior Citizens Commission was in-place that they would be scheduling a meeting to be held at Park on East Drive. He stated he would keep the LUPPW Committee informed when the meeting date has been set.

RESULT: CONTINUE

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

IV ADJOURNMENT

Councilor Rodriguez moved the meeting be adjourned, seconded by Councilor Paul.

VOTE: 2 - 0 Approved and so declared, the meeting was adjourned at 7:36 p.m.

Respectfully submitted,

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

DISCLAIMER: Although we try to be timely and accurate these are not official records of the Town.