



## Legislation Text

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**File #:** 22-033, **Version:** 1

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### LAND USE

#### **Subject/Application:**

Discussion regarding commercial activity at 576 Lantern Hill Road, relative to the Court's Stipulated Agreement to determine whether the matter was a Zoning issue or a Town legal matter.

#### **Background:**

The property located at 576 Lantern Hill Road is Zoned R-80 and is in the middle of a rural residential area. A number of years ago the property was subdivided. Part of the parcel is located in North Stonington, and part of the parcel is located in Ledyard. The principle structure on the 1.8 parcel was a former milking parlor/barn with no other structures.

In 2013 the 1.8-acre property was sold. Since that time the current property owner has been operating a commercial Landscaping and Snowplowing Business that is advertised in the Yellow Pages and has thirty landscapers that report to barn which is used as a mechanic and equipment workshop.

Neighboring Residents and abutting properties such as Lantern Hill Valley Association and the Keene Land Trust have continued concerns regarding the use of the property for commercial business activities.

The Town has taken legal action against the landowner 5 separate times over the last seven years and has won each time. The original legal action resulted in a *Stipulated Agreement* between the Town and the Property Owner dated October 2016

Please see attached

- 2016 Cease and Desist
- 2016 Permissibility agreement (stipulated agreement)
- 2017 Motion for Contempt #1
- 2019 Motion for Contempt #2
- 2019 Appellate Judgement in favor of the town
- 2020 Motion for Contempt #3
- 2022 letter of support from Lantern Hill Valley Association

Neighboring Residents, including the Lantern Hill Valley Association and the Keene Land Trust have concerns regarding the use of the property for commercial business activity and the barrels of chemicals and oil that are stored outdoors on the property near the wetlands and brook.

#### **Mayor's Recommendation/Comments:**

This is an ongoing issue and one that is expected to be discussed in Executive Session with the ZEO at the coming PZC meeting, with Special Counsel, Carl Landolina from Fahey& Landolina, PC. I expect the ZEO, PZC and Special Counsel to act on this.

### Meeting Action Detail:

#### LUPPW Cmt Meeting 8/1/2022

File #: [22033 <https://ledyardct.legistar.com/LegislationDetail.aspx?ID=5741902&GUID=A941BDE8-07DB-4ABF-B279-4193B0621E9C>](https://ledyardct.legistar.com/LegislationDetail.aspx?ID=5741902&GUID=A941BDE8-07DB-4ABF-B279-4193B0621E9C) Version: 1

Type: Land Use

Title: Discussion regarding commercial activity at 576 Lantern Hill Road, relative to the Court's Stipulated Agreement to determine whether the matter was a Zoning issue or a Town legal matter.

Councilor Paul stated Ms. Day attended the Town Council's June 22, 2022 meeting and provided the background regarding the court ordered Stipulated Agreement pertaining to the commercial activity at 576 Lantern Hill Road which has been on-going since the time the property changed hands in 2013.

The LUPPW Committee noted that the Town has taken the property owner to court several times and has won their case each time resulting in the Stipulated Agreement. Changes to the Stipulated could not be made without going back to the court.

Chairman Dombrowski stated the Planning & Zoning Commission went into executive session at their July 28, 2022 meeting to review the 576 Lantern Hill Road matter. He stated because this was a zoning matter that in accordance with state statute the Town Council had no authority.

The LUPPW Committee agreed that the 576 Lantern Hill Road matter was a Zoning Issue; and therefore, the Town Council had no authority to take any action regarding this land use matter.

Action: Completed