



TOWN OF LEDYARD
CONNECTICUT
TOWN COUNCIL

Chairman S. Naomi Rodriguez

MINUTES
PUBLIC HEARING
LEDYARD TOWN COUNCIL
COUNCIL CHAMBERS - ANNEX BUILDING
HYBRID FORMAT

DRAFT

PUBLIC HEARING MINUTES

6:15 PM; MAY 8, 2024

I. CALL TO ORDER – Chairman Rodriguez called to order the Public Hearing at 6:15 p.m. regarding the acceptance of the conveyance/transfer of parcel and easement areas for no compensation, as depicted on plan entitled “*Proposed Boundary Line Adjustments In the Area of Route 12 and Thamesview Pentway, Gales Ferry Connecticut*”; and approved in the Boundary Line Adjustment Application No. ZP#5946.

II. PLEDGE OF ALLEGIANCE

III. PROCEDURE OF THE PUBLIC HEARING

Chairman Rodriguez welcomed all to the Hybrid Meeting. She stated for the members of the Town Council and 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.

Chairman Rodriguez asked those attending remotely to put their name and address in the “Chat” and that they would be called upon during the Public Comment portion of tonight’s meeting.

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 Hybrid Format (In-Person and Video Conference) Public Hearing on Wednesday, May 8, 2024, at 6:15 p.m. to receive comment on the following:

For the Town of Ledyard to accept the conveyance/transfer of the following parcel and easement areas for no compensation as depicted on plan entitled “*Proposed Boundary Line Adjustments In the Area of Route 12 and Thamesview Pentway, Gales Ferry Connecticut*” prepared by CLA Engineers, and as approved by the Director of Planning in the Boundary Line Adjustment Application No. ZP#5946:

- (1) The .04 acres shown as “Parcel C” on above-referenced map, a portion of Thamesview Pentway to be conveyed to the Town from Mr. Noah Cardinal.
- (2) The 259.08 square feet area shown as “Easement Area D” to be conveyed from Mr. Daniel W. Stanavage (1764 Route 12) to the Town for the purpose of snow removal/snow stacking.
- (3) The 685.67 square feet area shown as “Easement Area E” on above-referenced map, to be conveyed to the Town from Mr. Noah Cardinal (2 Thamesview Pentway) for the purpose of snow removal/snow stacking.

Please join the Public Hearing in-person or remotely as follows:

In-person attendance will be at the
Council Chambers, Town Hall Annex Building
741 Colonel Ledyard Highway, Ledyard, Connecticut

Join the video conference meeting from your computer, tablet, or smartphone at:
<https://us06web.zoom.us/j/81299386824?pwd=HdVtW0pd8OH6WXKE7wZpm6bF3klF6b.1>
 or by audio only dial: +1 646 558 8656 Meeting ID: 812 9938 6824; Passcode: 309495

At this hearing interested persons may appear and be heard and written communications will be accepted at towncouncil@ledyardct.org.

A vote regarding the conveyance/transfer of these properties will be held at a Special Town Meeting scheduled for May 8, 2024 at 6:30 p.m.

Dated at Ledyard, Connecticut this 25th day of April, 2024.

For the Ledyard Town Council
 s/s S. Naomi Rodriguez, Chairman

PLEASE PUBLISH: April 25, 2024 & April 29, 2024

V. PRESENTATIONS

Chairman Rodriguez invited Public Works Director/Town Engineer Steve Masalin to present the proposal regarding the conveyance of the property that was being considered this evening.

Public Works Director/Town Engineer Steve Masalin, provided some background stating the proposed conveyance of property/easements presented this evening was the culmination of a few years of effort to benefit both the town and Mr. Stanavage and Mr. Cardinal relative to a parcel along Route 12 where there were some non-conforming pre-existing building issues. He stated the proposal was carefully crafted to eliminate those issues and to provide the area necessary to replace buildings in a conforming way.

The map below showed the property and easements to be conveyed/transferred as follows:

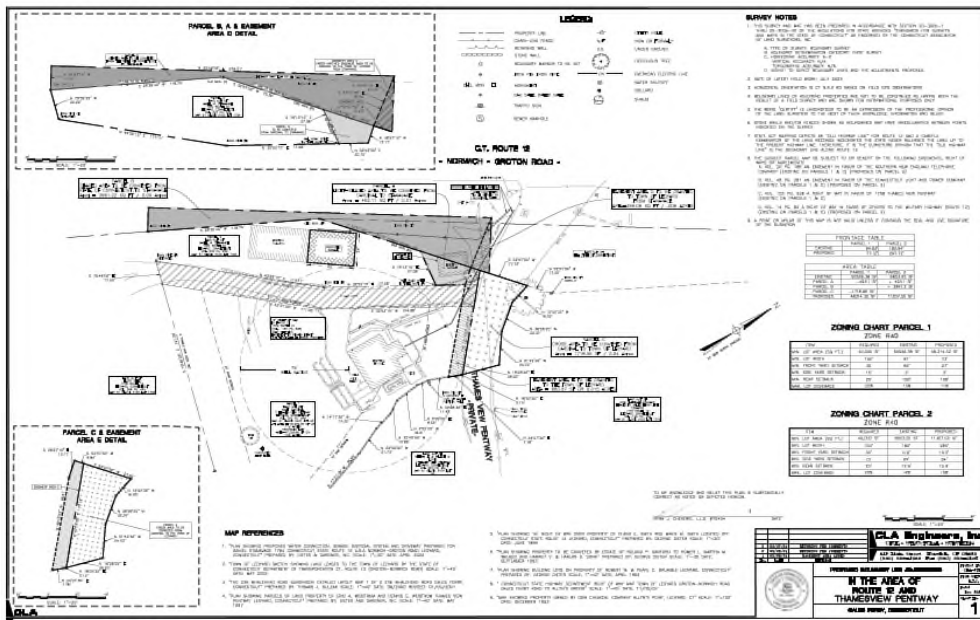
- (1) The .04 acre shown as “Parcel C” on referenced map (see below), was a portion of Thamesview Pentway owned by Mr. Noah Cardinal that would be conveyed to the Town.

This area was a portion of 2 Thamesview Pentway. In accordance with Ordinance: # 300-028 “Town of Ledyard Private Easements And Rights-Of-Way Ordinance” the town has been currently maintaining this area of Thamesview Pentway; therefore, taking ownership of this area would not incur any additional costs to the town.

- (2) The 259.08 square feet area shown as “Easement Area D” owned by Mr. Daniel W. Stanavage (1764 Route 12) would be conveyed to the Town for the purpose of snow removal/snow stacking.

This area was located over a portion of 1764 Route 12, Gales Ferry, and would be used by the Town for the purpose of snow removal/snow stacking.

- (3) The 685.67 square foot area shown as “Easement Area E” on the referenced map, owned by Mr. Noah Cardinal (2 Thamesview Pentway) would be conveyed to the Town for the purpose of snow removal/snow stacking



Mr. Masalin explained that there were a number of components involved which included a lot line adjustment transaction between the State of Connecticut and Mr. Stanavage as the abutting property owner. He noted the lot line adjustment provided a superfluous right-of-way boundary along Route 12, upon which an existing garage at the bottom of Thamesview Pentway belonged to Mr. Stanavage. In addition, he stated that there were some personal-private interests in terms of realigning the property boundaries to account for some overlapping boundary lines between Mr. Stanavage and his neighbor Mr. Noah Cardinal.

Mr. Masalin stated the easements were required to maintain the conformity of those two parcels (existing parcel 2 Thamesview Pentway for Mr. Cardinal and parcel 1764 Route 12 for Mr. Stanavage). However, he explained the reason that the easements were given to the town was to provide an area along the edge of Thamesview Pentway for snow removal. He stated because the property boundary lines currently run up to the roadway there was no area to place the snow during plowing. He went on to explain that the pre-existing easements off of Thamesview Pentway that served the lots along Route 12 to the south (1754, 1756, 1758 Route 12) were retained, noting that these lots were referenced on the Plan itself. Therefore, he stated that there would be no changes to access these lots, explaining that the easements would allow the town to acquire a very small section of property over which the entrance of Thamesview Pentway runs. In addition, it would also contribute to the conformity of both 1764 Route 12 (Mr. Stanavage) and 2 Thamesview Pentway (Mr. Cardinal), where frontage would be attained through this transaction.

Mr. Masalin provided additional context stating that currently Thamesview Pentway was one of seven Pentways in town. He stated although the town typically owned no land on the Pentways, the town had some *Grandfathered Liability* regarding public access rights to maintain the Pentways at some level of a town road. He stated in 2018 the town established Ordinance: #300-028 "*Town of Ledyard Private Easements And Rights-of-Way Ordinance*" to address the town's obligation and management of the Pentways regarding what the town would do on behalf of the residents who lived off of Pentways and limits upon the individuals who live on the Pentways.

Mr. Masalin continued by stating that the easement areas being addressed in the proposed conveyance/transfer involved a very small area at the bottom of Thamesview Pentway, which was the entry point to the Pentway, as he mentioned earlier this evening. He stated accepting these easements would give the town some ownership of a part of a Pentway; however, he stated that it would not change the town's obligations in terms of what they do there. He stated last summer (2023) the Town in conjunction with a contractor reconstructed the entire Pentway, including the drainage, noting that the Pentway was now as good as any town road. He stated the town was happy to work with the parties who were seeking to improve the conformity of their lots, noting that it has been in motion for quite a while. He stated the conveyance of these easements would not change anything on the part of the town; or for anyone else who was outside the immediate boundaries of the Plan.

Mayor Allyn, III, stated as Public Works Director/Town Engineer Steve Masalin touched on during his presentation this evening, that the only gain for the Town was to acquire space to put the snow when they snowplow, which the town currently does not have on the lower portion of Thamesview Pentway, stating that it would be beneficial for the town to have snow shelf space during winter snow events.

Chairman Rodriguez noted a letter dated April 15, 2024 in which former Planning Director Juliet Hodge reported that the Planning & Zoning Commission conducted an 8-24 Review at their April 11, 2024 meeting and unanimously endorsed the proposed Property Boundary Line Adjustments and the conveyance of the parcel and easements.

VI. PUBLIC COMMENTS (please limit to three minutes)

Mr. Ryan Allen, 1754 Route 12, Gales Ferry, stated his property was adjacent to the property being addressed this evening. He stated although he may be wrong, that he felt that he had a claim to the property identified as 1764 Route 12. He explained in December 2021 the Estate of Harriett Sonk (1754 Route 12) went up for sale. He stated that he toured the property and in conducting a Deed Search he noticed that it was a Quit Claim Deed, noting that they did not have to disclose much information in a Quit Claim Deed. He stated in reading the deed he discovered that there was an extra parcel which was described in the Multiple Listing Service (MLS). He stated the extra parcel contained 1756 and 1764 Route 12 as being one tract and being all together. He stated that he thought this may have been done when the Sanford's conveyed the property to the Sonk's on October 3, 1961; noting that new zoning laws went into effect on October 13, 1963. Therefore, he stated the parcels 1756 and 1764 was one parcel that was connected by the private driveway.

Mr. Allen went on to explain that he made a Purchase Sales Agreement for and that he went to the Real Estate Closing with the Closing Attorney. He stated the Deed was presented and he made it clear that he was not going to sign at the closing, unless the Deed was conveyed as it was written, noting that he had emails regarding the matter. He stated everyone agreed, the Seller's Attorney's agreed, and the property was conveyed to him. However, he stated a few hours later that day he received a phone call saying that there was a mistake, they did not intend to convey that property, and that the Seller's Attorney would be doing a Corrected Deed. He stated when the Corrected Deed was performed, the tract of land 1764 Route 12 that he had agreed to purchase was removed from the Deed, and that this was recorded in Land Records. Therefore, he stated he did not understand how this could happen, and how that could go forward. He stated that he would be looking at his options regarding 1764 Route 12 going forward. He concluded by stating that he would answer questions.

Mayor Allyn, III, stated that he was not a legal expert, he was not an attorney, and he was not a professional title searcher. However, he stated that he looked at Mr. Allen's Corrected Deed for 1764 Route 12, Gales Ferry, and he stated it looked like what was identified as Parcel 3-Tract 2; which he believed to be referencing the 0.17 acres of 1756 Route 12; however, he stated that he may be wrong. Mr. Allen stated that he believed Mayor Allyn's understanding was wrong. He stated the Deed for 1764 Route 12, as it stands right now, referenced the Administrative Deed from October 3, 1961, noting that it was not even referencing the Quit Claim Deed from 2013, which was different, stating that the parcel was described as one-tract of land being all the same. He stated the current Deed was referencing the Administrative Deed and not the Quit Claim Deed.

Mr. Allen continued by stating that the town may be interested in the easement to plow the snow because of the heavy trucks that would be coming out of the Cashman development, that would need space to turn. He stated as it was alluded to this event that there was no place to put the heavy snow, which would cause problems at the intersection with trucks trying to turn left to go up the state road. He stated that he believed that this was a concern that the town has been addressing for a while. He stated trees were removed from the private driveway that it damaged the road, noting that there was a giant pothole he drives through every day because of what was done during this process.

Chairman Rodriguez stated that there was no relation between Mayor Allyn, and Mr. Ryan Allen noting that the names were spelled differently.

Chairman Rodriguez requested clarification from Mr. Allen questioning whether he was referring to the 259.08 square foot area shown as "Easement Area D" on the Plan. Mr. Allen stated that he was talking about the Deed all together regarding his property (1764 Route 12, Gales Ferry) and how it was conveyed; and how the Deed was corrected to take that property away. He stated that he felt that he still had a right to that property. He stated for personal reasons he has not acted. Mayor Allyn questioned the date that Mr. Allen purchased the property. Mr. Allen stated the Real Estate Closing was on January 26, 2022; however, he stated that he had the Purchase -Sales Agreement from December, 2021. He stated in between that time, that part of that parcel was sold to Mr. Daniel Stanavage, commenting that he did not know how someone could out purchase a Purchase-Sales Agreement that was in-place. He stated that it would be like having a Purchase-Sales Agreement for your house and then halfway through the transaction, your neighbor buys your

backyard. He stated that he did not know how that would work. He stated he had the emails in which he was very clear in stating that he was not going to sign at closing unless the property was conveyed "As-is". He stated at the closing they told him that it was conveying "As-is" but in the end it did not convey "As-is". He stated because it was a Quit Claim Deed they did not have to tell him anything, noting that he could have been taking on a property that had a lot of problems. Therefore, he stated it was not in the best interest of the Seller to disclose what they were; or were not selling.

Chairman Rodriguez noted that based on Mr. Allen's comments that she would like clarification regarding the following:

- (1). The easement area on Thamesview Pentway would be used for Cashman's snow removal.

Mayor Allyn, stated that was not the intent of the easement, noting that when the Town goes up Thamesview Pentway to plow snow they have nowhere to go, stating that further up the Pentway before the dogleg to the right that there was a retaining wall that was right up to the road. Councilor Dombrowski stated the town was only plowing Thamesview Pentway, noting that Route 12 was a State road and was plowed by the State. He stated the easements to the town on Thamesview Pentway had nothing to do with the Cashman Property.

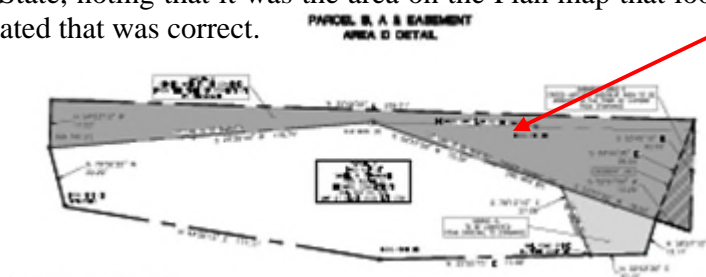
Mayor Allyn suggested that Mr. Allen speak to a Land Use Attorney if he believed that he had a claim, noting that those present this evening were not attorneys and they could not fix the problem that Mr. Allen may have. Mr. Allen stated that he recognized that; however, he stated he wanted the town to be aware of his concern if they were conveying the property.

Councilor Brunelle stated that she may not be correct; however, it was her understanding that the look back period for property title-ownership was 40- years, noting that Mr. Allen's property title goes back 60-years; therefore, he should mention this to his Attorney.

- (1) 1764 Route 12, Gales Ferry – Chairman Rodriguez stated the GIS System listed Mr. Stanavage as the property owner. She questioned who was the owner of the 1764 Route 12, Gales Ferry.

Mr. Daniel Stanavage, 33 Chapman Lane, Mystic, owner of 1764 Route 12, Gales Ferry, stated that Mr. Allen was part of a listing of a separate house, noting that the garage was never listed because it had so many infringements and problems, which was the reason they have been working through all these steps through the Planning & Zoning Office. He explained the State owned across the front of the property, and a corner of the garage. He stated the property was never disclosed to Mr. Allen as being for sale, it was never listed as being for sale, noting that Mr. Allen was digging for straws because his Attorney made a mistake. He stated that Mr. Allen's issue was with the Attorney who made the mistake, not him. Mr. Stanavage stated that he paid for the property and owned it before Mr. Allen closed on his property. He stated that Mr. Allen knew that he bought a house on a hill that was far away from 1764 Route 12. He stated because there was a mistake in the Deed when they transferred the property, which he had no part of; that Mr. Allen was fishing and was trying to get something for nothing. He stated the land was sold prior to Mr. Allen closing on his property, noting that the land was never listed, it never appeared in the Multiple Listing Services (MLS), stating that it never showed up anywhere. He stated the Attorney made a mistake on the Deed, and that Mr. Allen was trying to take advantage of that, noting that the issue was between Mr. Allen and his Attorney. He stated this issue had nothing to do with him, nothing to do with Mr. Noah Cardinal; and nothing to do with the transactions presented this evening. He stated that he wanted to clarify the statements that were made; and that he would answer questions.

Chairman Rodriguez stated that Mr. Stanavage bought the property located in front of the garage from the State, noting that it was the area on the Plan map that looked like a bow tie. Mr. Stanavage stated that was correct.



Chairman Rodriguez went on to note by Mr. Stanavage purchasing the property in front of the garage from the State that the non-conforming parcel has become a conforming parcel. Mr. Stanavage stated that was correct; and he explained that Mr. Cardinal, who was also present this evening, was also making his property conforming; plus the Town would be getting a snow belt and the right-of-way. Chairman Rodriguez stated that she previously served on the Planning & Zoning Commission, noting that she was familiar with reading the maps, noting that Ledyard had a number of non-conforming lots and therefore, she understands the purpose of these property transactions. Mr. Stanavage stated that area was a messy corner, explaining at one time a road came through, then the road was moved, noting that the State was cooperating because they also wanted to fix that corner as well.

Chairman Rodriguez asked if Mayor Allyn, had anything to add. Mayor Allyn stated he saw the maps when they came in; and that he knew that the south-westerly corner of the garage was actually on state land. He noted the bowtie on the map was the land that Mr. Stanavage would acquire making it a conforming lot.

Councilor Dombrowski questioned the date Mr. Stanavage purchased the property. Mr. Stanavage stated that he did not have that with him this evening. However, he stated that he purchased the property before Mr. Allen purchased his property. Councilor Dombrowski stated according to the Record of Sale on the Geographic Information System (GIS) Mr. Stanavage purchased the property in 2013. Mr. Stanavage stated that Mr. Allen bought a listing of a house on a hill noting that there was no garage shown, there was nothing in the picture, and nothing listed, noting that there was a mistake by the Attorney. He stated that Mr. Allen's grief was with the Attorney and that he needed to sue the Attorney.

Chairman Rodriguez thanked Mr. Stanavage for his comments.

Ms. Joanne Kelley, 12 Thamesview Pentway, Gales Ferry, stated that she has lived on the Thamesview Pentway for 45-years. She stated when she bought her home the Pentway was a dirt road and she was told that the road belonged to all the homeowners, noting that it was private, and equally owned by all of them. However, she stated somehow the Pentway now belonged to #7 Thamesview Pentway, which was a house that was recently built, noting that she does not know how that happened. She stated in attending a Planning & Zoning Commission meeting for another topic that she recently learned about the transactions that were being presented this evening. She stated in all the years she has lived on Thamesview Pentway they have never had a problem with the snow falling back into the road after it was plowed. She stated that it seemed strange that the Town would now have a right-of-way coming off Route 12, however, the rest of the road going up the hill and around the corner, which was where she lived, would still be privately owned. She stated that she did not know if this would impact people relative to real estate transactions. She stated this was very confusing noting that the map references the property that abuts her property, which was Item #4 on the Map, under Map References. She stated the property behind her house was surveyed in May, 1997, which was when they put their driveway in. She noted that she was recently doing spring clean-up around her property by the driveway she mentioned and noticed that someone had tied a new orange survey ribbon to her lilac bush, and the rebar marker disappeared. Therefore, she stated that she would like to know whether anything has been done as far as surveying up the street. She stated she was concerned about where the rebar marker may have gone, she also noted a mistake on the Plan Map under Survey Notes "*8C Volume Page and Right-of-Way in-favor of 1758 Thamesview Pentway*" She stated there was no such address. Mr. Ryan stated that *1758 Thamesview Pentway* his address, noting during the 1980's they changed his address to *1764 Route 12, Gales Ferry*. Ms. Kelley stated that she assumed it was a harmless mistake, noting that it did not mean anything. She stated she watched the Planning & Zoning Commission's April 11, 2024 meeting video today, noting at the end of the meeting former Planner Juliet Hodge commented: "*I know it looks crazy, hard to explain, not sure how it came to be, we are basically cleaning up a mess....Its adjacent to commercial property and it could be changed to commercial zoning to benefit of the person who owned the garage (Mr. Stanavage).*" Ms. Kelley stated that this statement may explain some benefit that was going on here, that they were not being made aware of. Therefore, she stated that she wanted full transparency about what was going on with the property because she was concerned about her property rebar marker missing and the new surveyor ribbon tied to her lilac bush, stating that was not her property boundary line.

Chairman Rodriguez asked if Public Works Director/Town Engineer Steve Masalin, could respond to Ms. Kelley's concerns.

Public Works Director/Town Engineer Steve Masalin address Ms. Kelley's concerns as follows:

- **Ownership of the Thamesview Pentway** – Mr. Masalin stated that he would be happy to turn everything over to those who owned the road. Ms. Kelley stated the town should take ownership of the whole road, noting that they did a beautiful job on the Pentway. Mr. Masalin noted that earlier this evening he explained the purpose of Ordinance: #300-028 “Town of Ledyard Private Easements And Rights-of-Way Ordinance” that was adopted in 2018; to protect both parties interest, noting that both the town's obligations were defined and the obligations of those who lived on the Pentways were defined.
- **Construction of additional homes on the Pentway** – Mr. Masalin stated that building new homes was under the Planning & Zoning's jurisdiction. He stated homes have been built all the way up Thamesview Pentway, noting that probably every lot would have a home built on it. He stated #7 Thamesview Pentway, as Ms. Kelley mentioned, was the owner of record for most of the Pentway, explaining that somehow their parcel was a building lot with a tail going in two different directions, that occupied most of the Pentway. He stated at the top of the Pentway that Lots #9 & #11 would be built on shortly, explaining that Planning & Zoning controls that process.
- **Maintenance of Pentways** – Mr. Masalin stated the town would continue to maintain Thamesview Pentway along with the other six Pentways in town, equally for all those who live on the road. He stated Ordinance: #300-028 “Town of Ledyard Private Easements And Rights-of-Way Ordinance” addressed snowplowing and the need for a snow shelf. He stated the per the Ordinance the town claimed 10-feet on either side of the road; explaining that the easements that were being addressed this evening would formalize that in a way that was more defined. Therefore, he stated as Mayor Allyn, III, mentioned, the easements were for normal snowplowing. He stated although the area has not had a large snowstorm in a few years that with higher snowfall amounts that they would need more room on a narrow road such as Thamesview Pentway. He stated the snow would not be coming from anywhere else except the road.

Chairman Rodriguez again asked for anyone attending remotely, to please put their name and address in the “Chat”; and they would be called upon to speak.

Mr. Eric Treaster, 10 Huntington Way, Ledyard, questioned the following:

- (1) **Tax Implications** – Mr. Treaster asked whether the town would gain or lose any tax revenue. Mayor Allyn, III, stated the easement area that would be conveyed to the town was 0.0006 of an acre. Therefore, he stated the tax implication was less than negligible.
- (2) **Title Search**- Mr. Treaster questioned whether the town conducted a Title Search to make sure the title was clear. Mr. Stanavage stated CLA Engineers, who was the same Engineering Firm the Town uses, conducted the Title Search before the Plan was drafted. He stated that a Title Search was done for both the Town's Plan and his Plan.

Mr. Ryan Allen, 1764 Route 12, Gales Ferry, addressed Mr. Stanavage's comment that the property was not listed, noting that the property was listed on the Multiple Listing Service (MLS) and that it described an extra parcel with the property. He stated the only extra parcel was that parcel, noting that it just happened to be that parcel was 1756 & 1764 Route 12. He stated although it was listed on the MLS that it was hard to see it, noting that because it was a Quit Claim Deed that they did not have to disclose that. He stated the only additional parcel besides 1754 was that parcel that was adjacent to his house which had both 1756 & 1764, stating that it was two tracts of land not one.

Mr. Daniel Stanavage, 33 Chapman Lane, Mystic, owner of 1764 Route 12, Gales Ferry, stated that he wanted to provide clarification regarding Mr. Allen's comments. He stated that Mr. Allen had two lots on the hill, the one that his house was on and the one that was next to it. He suggested Mr. Allen look at the Map and he noted that he would see that there were two lots. He stated Mr. Allen's house and the lot next to it was listed; stating that it had nothing to do with his garage, and nothing to do with anything at the bottom of the hill. He stated the Listing stated a house with an additional parcel and that was

exactly what Mr. Allen had. He stated he was very familiar with Mr. Allen's property, noting that he was going to buy that property, which had a house with an additional lot next to it.

VII. ADJOURNMENT

Chairman Rodriguez noted that no one was signed up in the Zoom "Chat". She stated hearing no further public comment, that the Public Hearing was adjourned at 6:46 p.m.

Chairman Rodriguez stated that they would move to the Special Town Meeting that was scheduled to follow tonight's Public Hearing, at which residents would have the opportunity to vote on the proposed conveyance of easements to the town.

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

I, S. Naomi Rodriguez, 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 May 8, 2024.

Attest: _____
S. Naomi Rodriguez, Chairman