



TOWN OF LEDYARD CONNECTICUT TOWN COUNCIL

Chairman Kevin J. Dombrowski

741 Colonel Ledyard Highway
Ledyard, CT 06339-1551
(860) 464-3203
E-Mail Address:
council@ledyardct.org

June 15, 2023

Chairman Tony Capon
Planning & Zoning Commission
37 Silas Dean Road
Ledyard, Connecticut 06339

Dear Chairman Capon:

At our Regular Meeting held on June 14, 2023 the Town Council voted favorably to recommend the Townspeople approve to transfer/convey the following town-owned properties 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, contingent upon the Planning & Zoning Commission's 8-24 Review:

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


Avalonia Land Conservancy will pay for all conveyances and fees regarding the transfer of property.

In accordance with CGS 07-163e and Chapter VII; Section 9 of the Town Charter the Town Council also voted to schedule a Public Hearing and a Special Town Meeting to be held on September 13, 2023.

By way of this letter the conveyance of these town-owned properties are being referred to the Planning & Zoning Commission to conduct an 8-24 Review, as town staff continues to complete the all requirements in preparation for the September 13, 2023 meetings; and to facility the transfer of these properties.

Should you have any questions regarding this referral please feel free to contact me at (860) 867-1660 or email: kjd@ledyardct.org or contact Mayor Allyn, III.

Respectfully Submitted,


Kevin J. Dombrowski
Chairman
Ledyard Town Council

Attachment: Granicus LF #23-1717
cc: Mayor Allyn, III
Land Use Director



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 23-1717

Agenda Date: 6/15/2023

Agenda #: 10.

LAND USE

Subject/Application:

CGS 8-24 Review regarding the following:

The transfer/conveyance of the following town owned properties 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; contingent upon the Planning & Zoning Commission's 8-24 Review:

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

Avalonia Land Conservancy will pay for all conveyances and fees regarding the transfer of property.

Background:

5/31/2023: Since the Townspeople's October 28, 2020 approval to convey the former Founders Preserve property located at 332 Colonel Ledyard Highway, Ledyard approximately 96.52 +/- acres to Avalonia Land Conservancy the boundary lines have been corrected (or restored) to their current boundary lines and the address of the former Founders Preserve was now 334 Colonel Ledyard Highway (formerly 332 Colonel Ledyard Highway) (The Developer had changed the original boundary lines of the property for the planned subdivision, which essentially landlocked the property).

The current request to transfer 334 Colonel Ledyard Highway (29,752 +/- sq. ft.) and 538R Colonel Ledyard Highway (3.23 +/- acres) to Avalonia Land Conservancy would allow for the following:

- (1) A portion of the property (29,753 +/- sq. ft.) where the 1,500 sq foot house (to be demolished) was located on 334 Colonel Ledyard Highway, that will be Subdivided from the property, will go back to 332 Colonel Ledyard Highway and eventually the 1,800 sq foot house located on 332 Colonel Ledyard will be sold at a later time.
- (2) The 29,753 +/- sq. ft portion of that property (currently part of 334 Colonel Ledyard Highway) will be conveyed to Avalonia Land Conservancy to provide frontage and a gravel parking area to provide public access to the former Founders Preserve for passive recreation.
- (3) 538R Colonel Ledyard Highway was adjacent to a large open tract of land The Nature Conservancy recently acquired. Therefore, it would make sense to convey this property to Avalonia Land Conservancy providing a contiguous open space, as Avalonia were great stewards of the land and they do a great job with maintaining trails, etc.

Additional Background Information:

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.

Because the road was never constructed none of the building lots were sold. However, tax bills were generated for 36 approved building lots. The property was zoned R-60.

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. 332 Colonel Ledyard Highway included one 1,800 square foot, which was being rented to a family for \$1,300 per month and the plan was to continue to rent the house for the near term; or until the Town could do something with the property overall.

The 96.52 +/- acre formerly known as the 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. (Please see attached documentation)

Special Town Meeting 10/28/2020 : The Townspeople voted to approve to transfer the transfer 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.

Land Use Director/Town Planner:
(type text here)

Meeting Action Detail:

Town Council Meeting 06/14/2023:

File #: [23-1717](#) Version: 1

Type: Land Use

Moved: Paul **Seconded:** Rodriguez

Title:

MOITON to recommend the Town approve to transfer/convey the following town-owned properties 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, contingent upon the Planning & Zoning Commission's 8-24 Review:

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| (2) | 538R Colonel Ledyard Highway | (Vol. 99 Pg 139) | 3.32+/- Acres |

Avalonia Land Conservancy will pay for all conveyances and fees regarding the transfer of property.

In addition, set a Hybrid (In-Person & Video Conference) Public Hearing date on September 13, 2023 at 6:15 p.m. to be held in the Council Chambers, 741 Colonel Ledyard Highway, to receive comments and recommendations regarding the transfer/conveyance of the following town owned properties 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; in accordance with CGS 07-163e:

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Avalonia Land Conservancy will pay for all conveyances and fees regarding the transfer of property.

Also, set a Hybrid (In-Person & Video Conference) Special Town Meeting on September 13, 2023 at 6:30 p.m. to be held in the Council Chambers, 741 Colonel Ledyard Highway, to consider, discuss and vote upon the following:

"Shall the Town of Ledyard transfer/convey the following town owned properties 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:

- | | | | |
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Avalonia Land Conservancy will pay for all conveyances and fees regarding the transfer of property?.

Action: Approved and so Declared

Minute Note:

Moved by Councilor Paul, seconded by Councilor Rodriguez

Discussion: Mayor Allyn, III provided some background, noting that he would expect all to be in order by September, 2023 to present the proposal to the townspeople.

Chairman Dombrowski asked that the proposal be forwarded to the Planning & Zoning for an 8-24 Review.

VOTE: 7 - 0 Approved and so declared.

Action: Approved and so Declared

Land Use/Planning/Public Works Committee Meeting 06/05/2023:

File #: [23-1717](#) Version: 1

Type: Land Use

Moved: Paul Seconded: Rodriguez

Title:

MOTION to recommend the Town approve to transfer/convey the following town-owned properties 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, contingent upon the Planning & Zoning Commission's 8-24 Review:

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Avalonia Land Conservancy will pay for all conveyances and fees regarding the transfer of property?.

Action: Recommend to Approve

Minute Note:

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.

Action: Recommend to Approve