

**Use of Publicly Owned Property Commission Recommendation
1, 5, 9 Brookwood Drive
February 26, 2024**

Pursuant to its role as defined within Article XI Section 75-65, subsection B., the Use of Publicly Owned Property Commission ("CUPOP") reviewed the town owned properties located at 1, 5, and 9 Brookwood Drive, in furtherance of the Commission's duty to make recommendations to the Board of Selectman regarding the "uses, change in uses, or direction of such uses by appropriate commissions or agencies now existing or to be created" for the property. This particular property is classified as a Category 3 property within the 2023 CUPOP Publicly Owned Property List, a category that includes town owned "[l]and and buildings, the uses of which are not under the direction of existing commissions or other agencies of the Town" Article XI, Section 75-65, subsection A (Appendix A).

The properties:

1 Brookwood Drive : 1.41 acres

5 Brookwood Drive: 1.41 acres

9 Brookwood Drive: 1.83 acres

Ownership of the properties was transferred to the Town of Woodbridge by Quit Claim Deed, dated November 30, 1990 for no monetary consideration. (Appendix B). No additional information regarding this particular transaction was located within the online Land Records Database. Past owners include The Woodbridge Estates Incorporated, Jeremy Homes Incorporated, and Sidney and Phyllis Horton. The parcels are subject to restrictions set forth in a Warranty Deed from The Woodbridge Estates to Sidney and Phyllis Horton dated July 18, 1955. Of particular interest to CUPOP was the restriction "[t]hat said lot shall be used solely for and wholly for residential purposes" and the permissible residential purposes listed within. (APPENDIX C)

As part of CUPOP's analysis, the Connecticut Department of Energy & Environmental Protection (DEEP) Geographic Information System (GIS) Wetland Map was reviewed. The map revealed that one hundred percent of the properties located at 1 and 5 Brookwood Drive, and approximately fifty percent of the property located at 9 Brookwood Drive, are comprised of wetlands (APPENDIX D). The strict regulations and protections afforded to wetlands preclude development of the properties located at 1 and 5 Brookwood Drive "solely for and wholly for residential purposes" in compliance with the deed restriction; therefore CUPOP voted unanimously to not change the current use of both 1 and 5 Brookwood Drive. CUPOP voted unanimously to further review the use of 9 Brookwood Drive.

CUPOP noticed the Chairs of the following Town of Woodbridge commissions, committees, and agencies for their input regarding the potential change in use for 9 Brookwood Drive on October 17, 2023 and November 3, 2023 (APPENDIX E):

Chris Sorensen, Agricultural Commission
Karen Kravetz, Fire Commission
Robert Berke, Police Commission
Tim Austin, Conservation Commission (please note the Chair of Conservation is an ex-officio member of CUPOP)
Jeremy Rosner, Economic Development Commission
Susan Davidson, Human Services Commission
Robert Blythe, Inland Wetlands Agency
Andrea Weinstein, Recreation Commission
Robert Klee, Town Planning and Zoning (please note the Chair of TPZ is an ex-officio member of CUPOP)
Susan Jacobs, 2030 Task Force
Chris Dickerson, 2030 Task Force
Kathleen Hunter, Housing Committee
Hillary Drumm, Sustainability Committee
Tom Kenefick, Sustainability Committee

CUPOP received input from Kathy Hunter, Chair of the Housing Committee on October 23, 2023. The Housing Committee recommended for "9 Brookwood Drive [to] be used to promote affordable homeownership opportunities. Providing town owned properties to advance these types of development is in keeping with best practices for promoting affordable housing." (APPENDIX F). The Housing Committee recommendation was the only input CUPOP received in response to the emailed request.

CUPOP requested an advisory opinion from the Woodbridge Inland /Wetlands Agency on whether 9 Brookwood Drive "could be used for another purpose given the amount of wetlands- including but not limited to whether a single family home may be erected on this site" by email, dated January 16, 2024 (Appendix G). CUPOP received an advisory opinion, by email, from Chair Robert Blythe on January 18, 2024 which stated, in part "[g]iven the zoning setbacks, amount and location of the wetlands shown on the wetlands overlay on the GIS mapping for the property...it appears that it would be difficult to fit a structure, well, and septic system on the parcel in order to develop it for residential use." (APPENDIX H).

The Woodbridge Conservation Commission, under newly elected co-chairs Sharon de Kadt and Diana McCarthy- Bercury, provided written input for CUPOP's review on February 6, 2024. The Conservation Commission recommended "that due to the environmental significance of this property and the presence of wetlands and the inability to develop, the Board of Selectman consider preserving the parcel for open space." (APPENDIX I). Although the Conservation Commission made the additional recommendation to establish a conservation easement in perpetuity on 9 Brookwood

Drive, CUPOP did not entertain a motion on this issue. CUPOP unanimously agreed that the current wetland protection regulations in place sufficiently protect the property. An easement is not necessary and would only hinder the Town's ability to revisit the use of this property in the future should conditions change.

The significant amount of wetlands within 9 Brookwood Drive prohibit the Town from using the property for its restricted purpose, "solely for and wholly for residential purposes." Therefore CUPOP voted unanimously to not change the use of 9 Brookwood Rd, and the property will remain a Category 3 property within the Town Owned Property List with the residential restriction noted.

APPENDIX A

ARTICLE XI
Publicly Owned Property Commission ²¹

§ 75-62. Establishment.

There is hereby created the Publicly Owned Property Commission.

§ 75-63. Purpose.

The Commission shall be responsible for making recommendations on the proper usage of all publicly owned property in the Town of Woodbridge.

§ 75-64. Membership. ²²

The Board of Selectmen shall appoint six members. In addition there shall be two ex officio members, one selected by the Town Plan and Zoning Commission and one selected by the Conservation Commission from their respective memberships.

§ 75-65. Duties and powers.

- A. The Commission shall classify all publicly owned property or property affected with a public interest in the following categories:
- (1) Land and buildings dedicated to open space or other use under the terms of grants-in-aid conditions;
 - (2) Land and buildings, the uses of which are now under the direction of existing commissions or other agencies of the Town;
 - (3) Land and buildings, the uses of which are not under the direction of existing commissions or other agencies of the Town;
 - (4) Land and buildings to which the Town has the option to purchase and/or right of first refusal.
- B. It shall be the duty of the Commission to study the uses of all such land and buildings from time to time and to study and recommend to the Board of Selectmen the acquisition, by purchase or otherwise, uses, changes in uses, or direction of such uses by appropriate commissions or agencies now existing or to be created, with such expert advice, research, resources and assistance as it shall deem appropriate to such duties.
- C. All such Town agencies and commissions administering, using or affecting such land and buildings shall report to the Commission as required by it.

APPENDIX B

THIS IS A LEGAL INSTRUMENT AND SHOULD BE EXECUTED UNDER SUPERVISION OF AN ATTORNEY

QUIT-CLAIM DEED

JANE B. SHWEKY
of 1746 Tuttle Avenue, Wallingford, Connecticut 06492

for ~~consideration~~ ~~paid~~ ~~granted~~ no monetary consideration (\$0.00) paid, grants to

THE TOWN OF WOODBRIDGE
of Woodbridge Town Hall, Woodbridge, Connecticut 06525

with QUIT-CLAIM COVENANTS

All that certain piece or parcel of land described in Schedule A
attached hereto and incorporated herein by reference.

*No Conveyance Tax collected

Patty P. Schuch
Town Clerk of Woodbridge

Signed this 30th day of November, 1990.

Witnessed by:

Carol S. Bartman
Carol S. Bartman

STATE OF CONNECTICUT, COUNTY OF ~~NEW HAVEN~~ ss:
The foregoing instrument was acknowledged before me this
1988 by*

of ~~NEW HAVEN~~
corporation, on behalf of the corporation.

Signature of Person Taking Acknowledgment
~~STUART A. MARGOLIS~~
Title or Rank ~~Commissioner of the Superior Court~~
*Insert name and title of officer as agent.

JANE B. SHWEKY

STATE OF CONNECTICUT, COUNTY OF New Haven ss:
The foregoing instrument was acknowledged before me this
November 30, 1990 by JANE B. SHWEKY

Signature of Person Taking Acknowledgment
STUART A. MARGOLIS
Commissioner of the Superior Court
Title or Rank

APPENDIX C

WOODBIDGE ESTATES, INCORPORATED

By Harold H. Gimbel
ITS PRESIDENTSigned, sealed and delivered
in presence of:[Signature]
[Signature]State of Connecticut } ss.
County of New Haven }

New Haven, July 15, 1955.

Personally appeared Harold H. Gimbel, President as aforesaid,
signer and sealer of the foregoing instrument and acknowledged the
same to be his free act and deed as such President, and the free act and
deed of said corporation, Woodbridge Estates, Incorporated, before me,

[Signature]
NOTARY PUBLIC

Received for Record July 20, 1955
at 11h. 32m. A.M. and recorded by
Quinn P. Mansfield Ass't. Town Clerk

WARRANTY

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME—GREETING:

KNOW YE THAT Woodbridge Estates, Incorporated, a corporation organized under and pursuant to the laws of the State of Connecticut, located in the Town of New Haven, County of New Haven, and State of Connecticut, for the consideration of one dollar and other valuable considerations, received to its full satisfaction of Sidney Horton and Phyllis Horton, husband and wife, both of the Town of New Haven, County of New Haven, and State of Connecticut, does give, grant, bargain, sell and confirm unto the said Sidney Horton and Phyllis Horton, and unto the survivor of them, and unto such survivor's heirs and assigns forever, all that certain piece or parcel of land, with all the improvements thereon, situated in the Town of Woodbridge, in the County of New Haven, and State of Connecticut, known as Lot #13 on a Map of Woodbridge Estates, Incorporated, Woodbridge, Connecticut, surveyed by Charles A. Cahn, Civil Engineer and Surveyor, Scale 1 inch equals 100 feet, dated June, 1952, on file in the Woodbridge Town Clerk's Office, said lot being bounded:

East by Brookwood Drive, 175 feet;
South by Lot #14 on said map, 392 feet, more or less;
West by land now or formerly of Harold H. Gimbel, 210 feet, more or less;
North by land shown on said map as Reserved for future highway purposes, 325 feet, more or less;
Northeast by the junction of Brookwood Drive and said land Reserved for future highway purposes, 39.27 feet, being a curved line;

Said premises are conveyed together with and subject to the following restrictions and agreements:

(1) That said lot shall be used solely and wholly for residential purposes, and no building erected thereon shall be used for mercantile, manufacturing or business purposes; that no structure shall be erected, altered, placed or permitted to remain on the above described lot other than one single-family dwelling house, said house not to exceed 2½ stories in height, said house to have a private garage for not more than two cars; that no building erected on said lot shall be placed or set back nearer than 75 feet from the street line of Brookwood Drive;

(2) That no trailer or garage on the above lot shall be at any time used as a residence temporarily or permanently; that no building shall be erected, altered, placed or permitted to remain on the above lot

until the external design and location thereof have been approved in writing by the said Woodbridge Estates, Incorporated, or any of its agents or officers or its nominee or nominees, provided, however, that if any of the foregoing persons shall fail to approve or disapprove such design or location within 30 days after such plans have been submitted, then such approval will not be required, and provided further, that the completion of construction or the placement of a structure for thirty days on said lot shall be construed as prima facie evidence of approval.

(3) Until such time as a sanitary sewer system shall have been constructed in relation to the above described lot, a septic tank constructed in accordance with the ordinances and by-laws of the Town of Woodbridge and/or the State of Connecticut may be installed by the grantee for the dwelling house to be erected on said lot, and no other sanitary provision or device shall be permitted to discharge into a storm sewer, stream, open ditch, or drain, unless it shall have first passed through an approved absorption field. If and when public mains for the collection of sewage are available, then the dwelling house erected on the above lot shall be connected thereto by the grantee;

(4) The grantor herein does hereby agree that the foregoing restrictions shall also be imposed on and shall apply to the following lots on said map, for its benefit and for the benefit of the lot herein described: Lots #4 to 31 inclusive, provided, however, that the grantor herein reserves the right to determine the number of dwelling houses which shall be erected, placed or permitted on any parcel or parcels of land of the aforementioned numbered lots on said map, and to make such changes with respect to the building lines or the location of any building in relation to the street lines of Country Court and Brookwood Drive, and with respect to the location of any building in relation to the side lines of any parcel of land as the grantor in its judgment may deem advisable or proper, and provided further that the grantor further reserves the right to make such other changes or modifications of the foregoing restrictions in deeds of any of the foregoing numbered lots as in its judgment will best promote the development of said land consisting of said numbered lots as a desirable residential community.

Said premises are subject to building lines if established, all laws, ordinances or governmental regulations, including building and zoning ordinances, affecting said premises, grant in favor of Connecticut Light & Power Company, a grant in favor of the Southern New England Telephone Company,

TO HAVE AND TO HOLD the above granted and bargained premises, with the appurtenances thereof unto the said Grantees, and unto the survivor of them, and unto such survivor's heirs and assigns forever, to them and their proper use and behoof. And Also It, the said grantor, does for itself, and its successors, covenant with the said grantees, and the survivor of them, and such survivor's heirs and assigns, that at and until the ensueing of these presents it is well seized of the premises as a good indefeasible estate in fee simple; and has good

right to bargain and sell the same in manner and form as above written; and that the same is free from all incumbrances whatsoever, except as above written.

AND FURTHERMORE It, the said grantor, does by these presents bind itself and its successors forever to Warrant and defend the above granted and bargained promises to them, the said grantees, and the survivor of them, and such survivor's heirs and assigns, against all claims and demands whatsoever, except as above written:

IN WITNESS WHEREOF On this 18th day of July, A. D. 1955, said corporation, Woodbridge Estates, Incorporated, hath caused this deed to be executed and delivered, and its corporate seal to be hereto affixed in its behalf by Harold H. Gimbel, its President, who is duly authorized and empowered.

WOODBIDGE ESTATES, INCORPORATED

By Harold H. Gimbel
ITS PRESIDENT

Signed, sealed and delivered
in presence of:

Lepton H. Garrison
Samuel H. Garrison

State of Connecticut } ss.
County of New Haven }

New Haven, July 18, 1955.

Personally appeared Harold H. Gimbel, President as aforesaid, signer and sealer of the foregoing instrument and acknowledged the same to be his free act and deed as such President, and the free act and deed of said corporation, Woodbridge Estates, Incorporated, before me,

Samuel H. Garrison
NOTARY PUBLIC

Received for Record July 20, 1955
at 11h. 24m. A.M. and recorded by
Grove P. Mansfield Ass't. Town Clerk

QUIT CLAIM

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME—GREETING:

KNOW YE THAT I, Cornelia Hubbard Ives, wife of Milton B. Ives, to whom I was married after April 20, 1877, of the Town of Woodbridge, County of New Haven, State of Connecticut, for the consideration hereinafter expressed, and one dollar, received to my full satisfaction of Arthur R. Mealia, of the Town of New Haven, in said County and State, do remise, release and forever QUIT CLAIM unto the said Arthur R. Mealia, and unto his heirs and assigns forever, all the right, title,

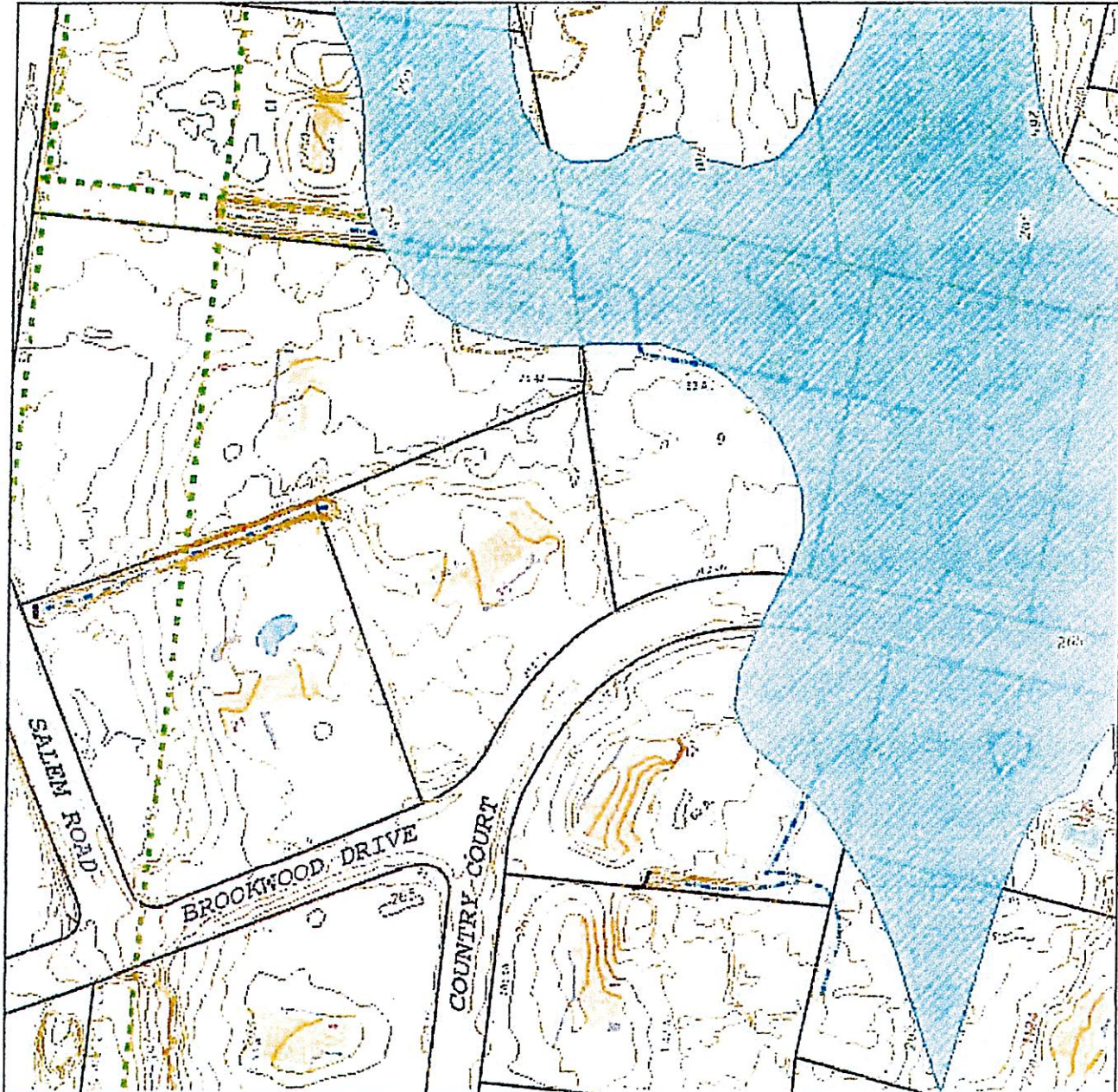
APPENDIX D

Town of Woodbridge

Geographic Information System (GIS)



Date Printed: 1/18/2024

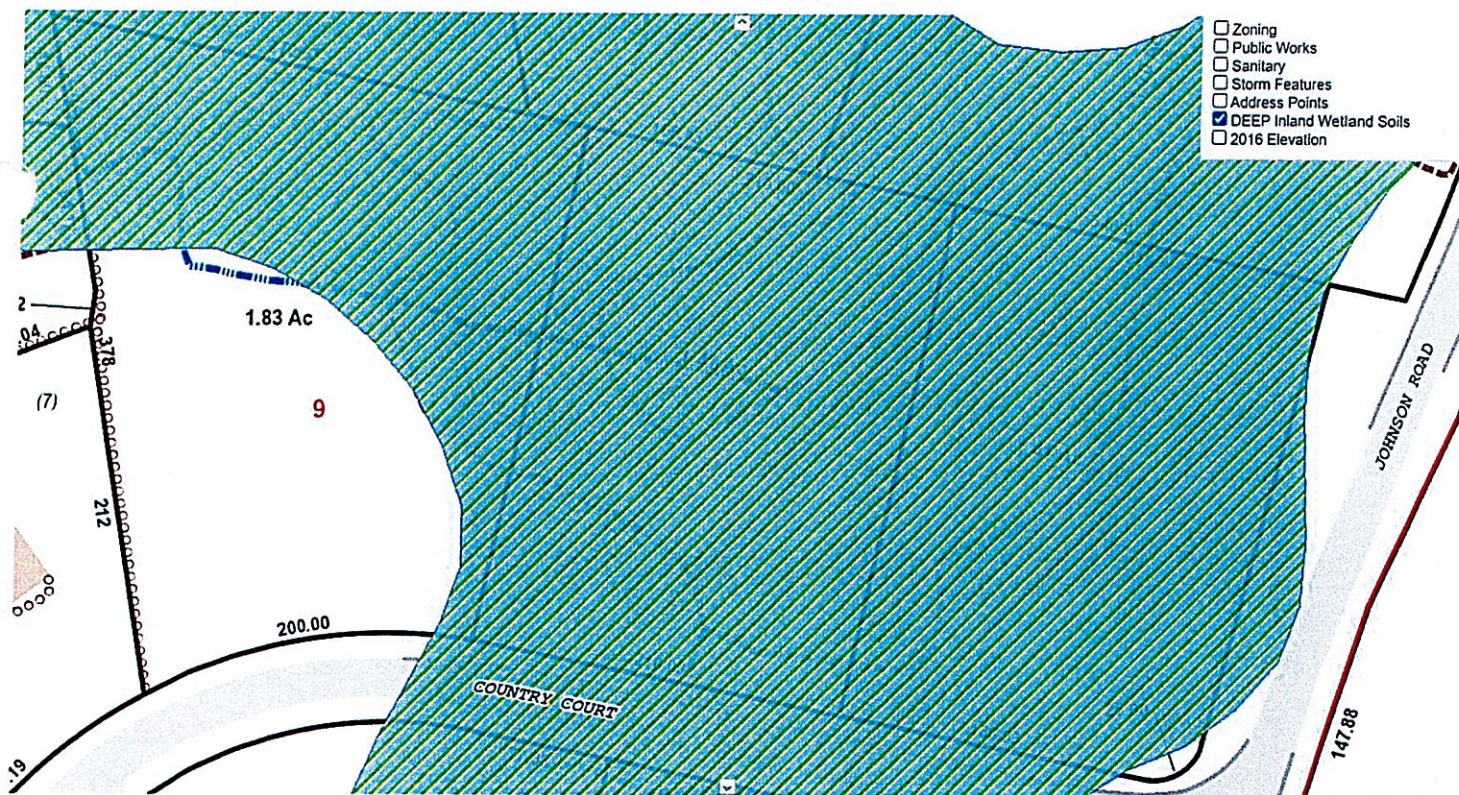
**MAP DISCLAIMER - NOTICE OF LIABILITY**

This map is for assessment purposes only. It is not for legal description or conveyances. All information is subject to verification by any user. The Town of Woodbridge and its mapping contractors assume no legal responsibility for the information contained herein.

Approximate Scale: 1 inch = 150 feet

0 150
Feet





APPENDIX E

Toni Belenski

From: Toni Belenski
Sent: Tuesday, October 17, 2023 11:09 AM
Subject: CUPOP Regular Meeting on October 23 at 6 pm - Property Use Discussion for 38 Milan Rd. & 9 Brookwood Dr.

This email is being sent of behalf of the Commission on the Use of Publicly Owned Property (CUPOP).

Dear Fellow Chairs,

At the next regularly scheduled meeting of the Commission on the Use of Publicly Owned Property, the Commission will be discussing the potential change in use of two town owned properties located at 38 Milan Road and 9 Brookwood Drive.

We invite your commissions/committees to provide input, if applicable, either in person on Monday, October 23, 2023 at 6 pm, or via email to tbelenski@woodbridgect.org by 12 pm on Friday, October 20, 2023. Whether in person or in writing, any and all input will be considered equally by the Commission in its deliberations.

Thank you.
Nicole Donzello

Toni Belenski

From: Toni Belenski
ent: Friday, November 3, 2023 12:43 PM
Subject: CUPOP Regular Meeting on November 27 at 6 pm - Property Use Discussion for 31 Enoch Drive & 9 Brookwood Drive

Importance: High

This email is being sent on behalf of the Commission on the Use of Publicly Owned Property (CUPOP).

Dear Fellow Chairs,

At the next regularly scheduled meeting of the Commission on the Use of Publicly Owned Property, the Commission will be discussing the potential change in use of town owned property located at 31 Enoch Drive, while continuing our discussion on 9 Brookwood Drive.

We invite your commissions/committees to provide input, if applicable, either in person on Monday, November 27, 2023 at 6 pm, or via email to tbelenski@woodbridgect.org by 12 pm on Friday, November 24, 2023. Whether in person or in writing, any and all input will be considered equally by the Commission in its deliberations.

Thank you.

Nicole Donzello, Chair

Commission on the Use of Publicly Owned Property

APPENDIX F

From: Kathy Hunter <kathyhunter@optonline.net>
Sent: Monday, October 23, 2023 9:25 AM

Hi Toni,

I corresponded with Nicole over the weekend as I was out of the country for the past couple of weeks and could not respond by the Friday deadline. She advised I could send you the Housing Committee's recommendation today.

On behalf of the Housing Committee, we recommend that the town owned properties of 38 Milan Rd and 9 Brookwood Drive be used to promote affordable homeownership opportunities. Providing town owned properties to advance these types of development is in keeping with best practices for promoting affordable housing. The specifications for the developments will still need to be determined.

Thank you,
Kathy Hunter

APPENDIX G

-----Original Message-----

From: Nicole Donzello <nicole.donzello@sbcglobal.net>

Sent: Tuesday, January 16, 2024 9:56 AM

To: Bob Blythe <rblythe@zcclawfirm.com>

Cc: Toni Belenski <tbelenski@woodbridgect.org>

Subject: CUPOP meeting 1/22

Good morning,

CUPOP has been asked to prepare a recommendation on particular town owned properties for the March BOS meeting. One of those properties is located at 9 Brookwood Drive. This particular property is comprised of approximately 50 percent wetlands.

CUPOP would like to get input from your commission in order to determine whether this property could be used for another purpose given the amount of wetlands- including but not limited to whether a single family home may be erected on this site.

If you could provide CUPOP with guidance regarding this issue, whether by attending the meeting in person, or submitting your commission's input in writing it would be greatly appreciated. We will include your commission's input within the report we submit to BOS. I realize our meeting is on Monday- if you require more time,

which I completely understand, please just let me know. As I mentioned the deadline we have been given for a written recommendation is the March BOS meeting.

Thank you for your time and I look forward to hearing from you.

Nicole

From: Bob Blythe rblythe@zcclawfirm.com
Subject: RE: CUPOP meeting 1/22
Date: Jan 16, 2024 at 10:00:46 AM
To: Nicole Donzello nicole.donzello@sbcglobal.net
Cc: Toni Belenski tbelenski@woodbridgect.org

Hi Nicole: We have a wetlands meeting tomorrow night. I will discuss this with Kris Sullivan and get back to you. In order to review this we would only have the town wetlands map to base any comments on and while it is helpful, any conclusions would only really be able to be reached upon a soil scientist's review of the property.

Bob

Robert W. Blythe, Esq.
Attorney at Law
Principal

Zangari Cohn Cuthbertson Duhl & Grello P.C.
59 Elm Street, Suite 400, New Haven, CT 06510
Office: [203.789.0001](tel:203.789.0001) · Direct: [203.786.3707](tel:203.786.3707) · Fax: [203.782.2766](tel:203.782.2766)

Mobile: [203.376.5506](tel:203.376.5506) · www.zcclawfirm.com

APPENDIX H

Nicole: We discussed the property at 9 Brookwood Road at the meeting of our Agency on January 17, 2024. Given the zoning setbacks, amount and location of the wetlands shown on the wetlands overlay on the GIS mapping for the property (copy attached) it appears that it would be difficult to fit a structure, well and septic system on the parcel in order to develop it for residential use. Additionally the wetlands overlay on the GIS system may underestimate the actual amount of regulated wetlands on the property which can only be confirmed by a soil scientist's testing of the soils on the property; we typically find that after such examination there are more wetlands soils present than depicted on the DEEP wetlands soils overlay.

If you need anything further on this issue please contact me or Kristine Sullivan.

Bob

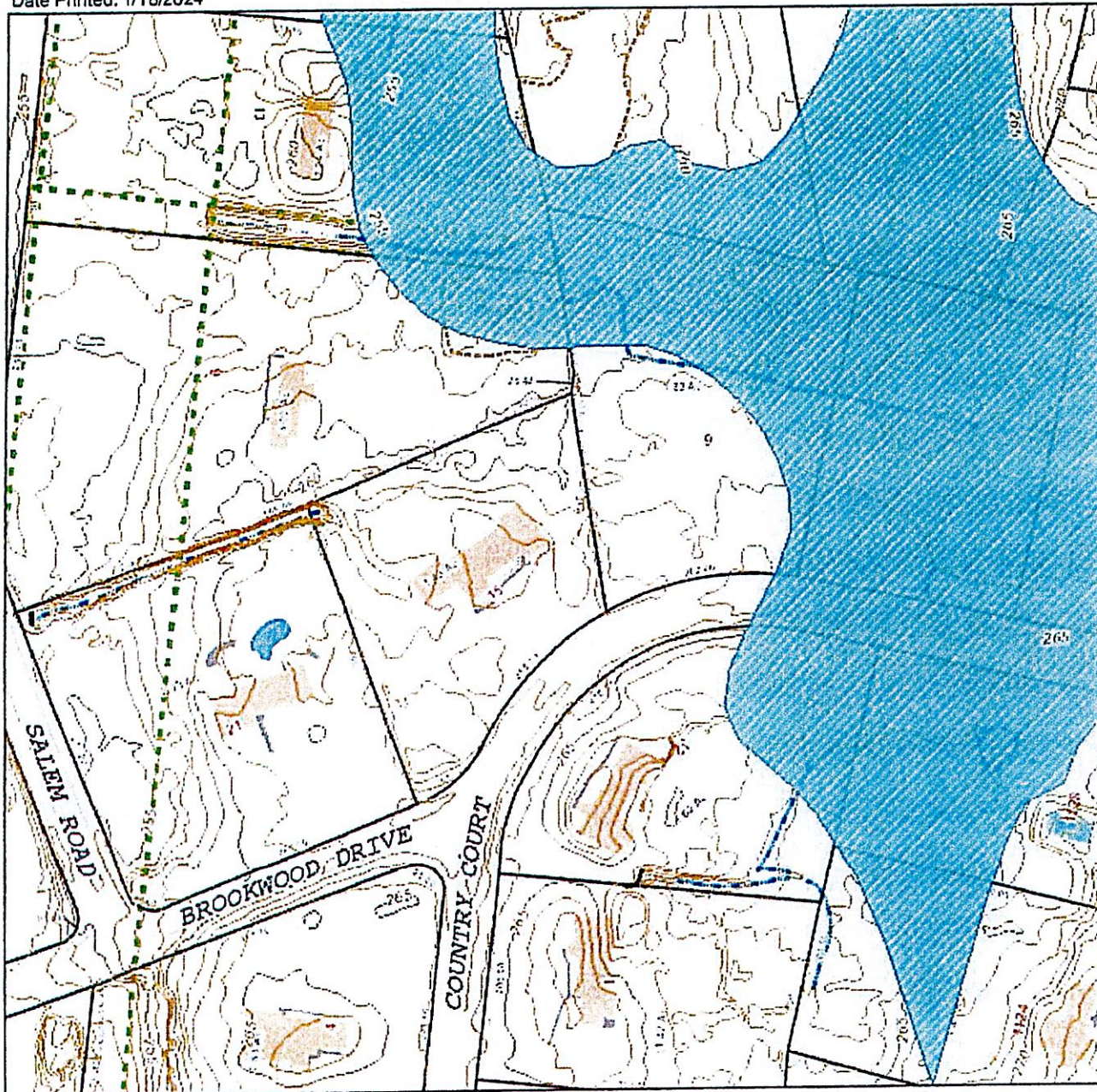
Robert W. Blythe, Esq.

Town of Woodbridge

Geographic Information System (GIS)



Date Printed: 1/18/2024

**MAP DISCLAIMER - NOTICE OF LIABILITY**

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Approximate Scale: 1 inch = 150 feet

0 150
Feet



APPENDIX I



Woodbridge Conservation Commission

Sharon de Kadt – Co-Chairperson, Woodbridge Conservation Commission
s.dekadt@gmail.com
February 6, 2024

Town of Woodbridge Board of Selectmen
Woodbridge Town Hall
11 Meetinghouse Lane
Woodbridge, CT 06525

Subject: Recommendation for Property at 1, 5, and 9 Brookwood Dr, Woodbridge, CT 06525

Dear Board of Selectmen,

On behalf of the Woodbridge Conservation Commission, we are writing regarding the properties located at 1, 5, and 9 Brookwood Drive, Woodbridge, CT 06525, and to offer our recommendations as a Commission of the Town regarding its current status and potential future use.

Recently, the Woodbridge Conservation Commission proceeded with the request by CUPOP to review the 1, 5, & 9 Brookwood Drive, for its current and future use considerations as well as its location within our community, and the current existing presence of wetlands. During the December 2023 meeting the Woodbridge Conservation Commission determined that the property is of importance due to the presence of wetlands on much of the acreage. According to the United States Geological Survey, wetlands provide habitats for thousands of plant and animal species both land and aquatic, as well as provide significant flood protection, act as a natural method of erosion control, improvement water quality and aesthetics value.

The commission voted unanimously, and it is our recommendation that due to the environmental significance of this property and the presence of wetlands and the inability to develop, the Board of Selectmen consider preserving this parcel for open space. Additionally, we recommend that the Town of Woodbridge consider solidifying its classification by establishing a conservation easement in perpetuity thereby guaranteeing the passive recreational use and enjoyment by present and future residents of the community.

The Commission believes that the Town of Woodbridge should carefully evaluate the options available for this parcel. Given the urgent timeframe for our recommendation to inform such decisions on the community's growth and development, transparency in the decision-making process is crucial. Protected open space is a benefit to all residents by providing health living, community connection.

The Woodbridge Conservation Commission appreciates the Town of Woodbridge's commitment to thoughtful planning and community engagement, and strongly encourage the recommendations set forth above be considered regarding any decisions made about the property.

Thank you for your time and consideration of our recommendations.

Respectfully,

Sharon de Kadt & Diana McCarthy-Bercury, co-chairs of the Woodbridge Conservation Commission

The Woodbridge Conservation Commission