

Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

April 4, 2024

To: Colchester Board of Selectmen

From: Salvatore Tassone P.E. – Town Engineer

Re: Request from Lake Hayward Properties LLC (Sole member Alan Williams) to Discontinue Shugrue Road No. 1. (April 2, 2024 letter from KKC Attorneys LLP – Dorian Reiser Famiglietti)

As shown on the attached map submitted with the referenced letter/request, "Shugrue Road No. 1" is the portion of Shugrue Road located between Lake Hayward Road and the State Route 11 right of way. This portion of Shugrue Road is approximately 1700 feet long and has been abandoned by the Town due to lack of maintenance since the early 1960's as evidenced by town records and State TAR (Town Aid For Roads) records. TAR records/field notes indicate that this portion of road has been unimproved and impassible to motor vehicles since 1965.

As indicated in the April 2, 2024 letter from Dorian Reiser Famiglietti of KKC LLP (Attorney for Lake Hayward Properties LLC), both of the properties, not currently owned by her client, "that abut Shugrue Road No. 1 also have other direct frontage on, and access to, Lake Hayward Road. As such, the requested discontinuance of the old roadway will not result in any property losing its sole access to a highway or private way because of such discontinuance."

Connecticut law also provides that property owners bounding a discontinued road "shall have a right-of-way for all purposes for which a public highway may be now or hereafter used over such discontinued or abandoned highway to the nearest or most accessible highway, provided such right-of-way has not been acquired in conjunction with a limited access highway" Conn. Gen. Stat. 13a-55.

Based on the above noted status/condition of this long abandoned section of Shugrue Road and on the lack of desire for the Town to resume maintenance of this old road/cart path, it is recommended that the Town of Colchester Formally "Discontinue" this section of road and by so doing cause the common boundary line between parcels on opposite sides of the road right-of-way to revert to the centerline of the road right-of-way.

RECOMMENDED MOTION:

It is recommended that the Colchester Board of Selectmen schedule a Town Meeting/Public Hearing to consider the formal discontinuance of "Shugrue Road No. 1" – Portion of Shugrue Road between Lake Hayward Road and the State Route 11 right of way measuring approximately 1700 feet long as recommended by the Town Engineer.

C. Joe Leone – Public Works Director

Demian Sorrentino – Town Planner (Planning & Zoning Commission)



ATTORNEYS

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April 2, 2024

Colchester Board of Selectmen
127 Norwich Avenue
Colchester, CT 06415
Attn: Bernie Dennler, First Selectman

Re: Request for Discontinuance of Shugrue Road No. 1

Dear Mr. Dennler and Members of the Board:

Please be advised that I represent Lake Hayward Properties LLC (the "LLC") and Alan Williams, its sole member. The LLC is the owner of a 19 acre parcel of land, located on the general southeasterly side of Lake Hayward Road and westerly of the Route 11 right-of-way, and is known as Assessor's Parcel 03-09-049-000 ("Property #1).

The LLC is also under contract to purchase: (1) an 18 acre parcel of land, located southerly of Property #1, also westerly of the Route 11 right-of-way, and known as Assessor's Parcel 03-09-52B-000 ("Property #2"); and (2) a 20 acre parcel of land, located southwesterly of Property #1 and immediately west of Property #2 ("Property #3). The closing on Property #2 is anticipated by the end of this month and the closing on Property #3 is anticipated by early summer.

Property #1 is presently separated from Property #2 and Property #3 by an old, abandoned roadway known as Shugrue Road No. 1. It is my understanding that Shugrue Road No. 1 was severed from Shugrue Road No. 2 when Route 11 was constructed. Thereafter, as confirmed by the Town Engineer, use and/or maintenance of Shugrue Road No. 1 was abandoned by the Town. Shugrue Road No. 1 runs (at least on paper) in an easterly direction, from the westerly side of the Route 11 right-of-way to a point of intersection with the easterly side of Lake Hayward Road. It is shown on the attached Assessor's Map.

The LLC is presently working on plans to develop Property #1 with apartments. Property #2 and Property #3 are contemplated to be included in future or related phases of the Property #1 development. For that reason, the LLC is hereby requesting the Board of Selectman to formerly discontinue the old roadway known as Shugrue Road No. 1 pursuant to Conn. Gen. Stat. §13a-49. These three properties will all have access directly to Lake Hayward Road through the new roadways or driveways to be constructed on Property #1.

In addition to Properties #1, #2 and #3 (all owned, or to be owned, by the LLC), the only other properties that bound on Shugrue Road No. 1 are as follows:

- (1) A 25 acre parcel of land, located southerly of Shugrue Road No. 1 and also on the southeasterly side of Lake Hayward Road, and known as 133 Lake Hayward Road and as Assessor's Parcel 03-09-054-000. This parcel is presently owned by Leon and Audry Laufer; and
- (2) An 11.6 acre parcel of land, located northerly of Shugrue Road No. 1 and also on the southeasterly side of Lake Hayward Road, and known as 123 Lake Hayward Road and as Assessor's Parcel 03-09-053-000. This parcel is presently owned by 177 Bozrah Street, LLC.

Both of the two aforementioned parcels that abut Shugrue Road No. 1 also have other direct frontage on, and access to, Lake Hayward Road. As such, the requested discontinuance of the old roadway will not result in any property losing its sole access to a highway or private way because of such discontinuance.

On behalf of my client, the LLC, I ask that you review this request. If you have any questions or if I can provide any additional information in support of this request, then please do not hesitate to contact me. Thank you.

Sincerely,

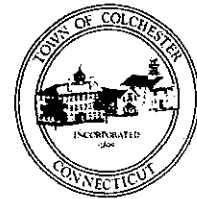


Dorian Reiser Famiglietti

cc: Alan Williams
Town Engineer, Sal Tassone
Director of Public Works, Joseph Leone

Town of Colchester

Geographic Information System (GIS)



Date Printed: 4/2/2024



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 Colchester and its mapping contractors assume no legal responsibility for the information contained herein.

Approximate Scale: 1 inch = 800 feet

