

TOWN OF LEDYARD
Department of Land Use and Planning

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MEMORANDUM FOR THE RECORD

Oct.13, 2022 PZC Meeting

Application: PZ#22-15RA – Regulation Amendment

Applicant: Jancarlo Sarita

Legal: Submitted to Land Use Office on 8/9/2022. Received by PZC on 8/11/2022. Notices for public Hearing published on 7/29/2022 and 8/4/2022. Public Hearing opened on 9/8/2022 and continued to 10/13/2022.

Staff comments:

Our current regulations governing STRs require that the owner of the STR reside on the property – and that either the single-family residence, duplex or accessory apartment (as applicable) be their primary residence. The proposed language removes this requirement and allows a designated representative who does not live on the STR property to act as the host and simply be available to “respond” to a complaint within 2 hours. There are additional requirements for monitoring etc. The applicant does not further clarify what “responding” means.

The residents who spoke against the proposed changes were consistent in their concerns that it was up to them – the aggrieved neighbor – to monitor the activity at the STR and report any issues. They felt that without the owner of the STR actually present, problems/issues with compliance to the rules could not be prevented or stopped before they rose to the level of nuisance. Their desire is to be able to prevent issues all together rather than have the ability to stop a problem while it is happening or impose consequences on an STR owner after a problem has occurred.

The main issue on the table is whether the Commission feels STRs need to be hosted or not and whether the host must be physically present if the STR is being used. The recent 5th Circuit Court Ruled that the STR “host” did not have to be the owner of the residence being used as the STR (with the STR being their primary residence), but the court left open the option of a “resident host.”

The applicant provided additional language to comments heard during the initial public hearing. Mr. Sarita added language about surveillance and the Commission being able to require an “adult supervisor” if there are complaints about a particular STR, but did not consider requiring that a “host” always be present when the unit is being used as an STR.

The Commission needs to decide whether the proposed regulation includes sufficient requirements to effectively prevent issues BEFORE they occur or whether it is sufficient to have regulations that essentially only address issues after they occur. The proposed regulations provide clear rules to follow and add some additional tools to verify that rules have been broken after a complaint has been lodged. Without a host actually present, enforcement of the rules cannot

occur in real time and neighbors will still be put in the uncomfortable position of reporting problems while they are occurring or after the fact.

I strongly believe that STRs should not be allowed on a property served by a shared driveway. Simply getting neighbor consent is not sufficient given the fact that the Special Permit runs with the land. It puts the neighbor in an uncomfortable position as well.

The proposed text does verify the Commission's ability to revoke a Special permit. On that note, what would trigger a public hearing to revoke a permit? What kind of complaint? How many complaints?

Section C(5) needs to be updated to reflect the recent renumbering of Site Plan requirements in the regulations that became effective on 9/28/22.

Definitions of STR and STR host should be added to the Regulations. (I believe E. Treaster's definitions were in fact approved in January with his text amendment – but for some reason did not get added to the most recent version effective 9/28/22).

If the Commission does decide to stick to only allowing Hosted STRs, there are still options for folks with properties they want to use for an STR but do not want to live there or hire someone to live/stay there. The property can be rented long-term or monthly or sold as the market is still good in Ledyard. The owner can also potentially build an accessory apartment and rent to a "host" to satisfy the requirement.

There are suggested revisions that have been provided by Mr. Treaster that I or he will share for consideration as well. If the Commission decides to deny some or all of the proposed changes, they can resubmit their own application to make the modifications necessary to comply with the 5th Circuit ruling.

~Juliet Hodge