



TOWN OF LEDYARD

Planning & Zoning Commission

Meeting Minutes

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Chairman J.A.
(Tony) Capon

Special Meeting

Thursday, July 28, 2022

6:00 PM

Council Chambers - Hybrid Format

MEETING LOCATION AND REMOTE LOG-IN INFORMATION

Council Chambers - Town Hall Annex

Join Zoom Meeting

<https://us06web.zoom.us/j/88584548852?pwd=ZkFuKzdIVjFFZndDZFNDbjJCNnQ1dz09>

Meeting ID: 885 8454 8852

Passcode: 278036

I. CALL TO ORDER

Chairman Capon called the Special meeting to order at 6:00 p.m. at the Council Chambers, Town Hall Annex Building. He noted that it was a hybrid meeting and was being recorded.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL/ APPOINTMENT OF ALTERNATES

Staff present: Director of Planning & Development, Juliet Hodge; WEO/ZEO, Thomas Thomas, III, Land Use Attorney Tom Fahey (Zoom) and Mayoral Assistant, Kristin Chapman.

Alternate Members Howard Craig and James Awrach were seated as voting members for the meeting and public hearing. Mr. Awrach stated that he had watched the video of the meeting on July 14, 2022.

Present	Commissioner Marcelle Wood Chairman J.A. (Tony) Capon Commissioner Paul Whitescarver Alternate Member Howard Craig Alternate Member James Awrach
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Excused	Commissioner Thomas Baudro Alternate Member Gary St. Vil Commissioner M. Katie Scanlon
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IV. CITIZENS PETITIONS (LIMITED TO NON-AGENDA ITEMS)

None

V. PUBLIC HEARINGS/APPLICATIONS

- A. **Application PZ#22-6RA** of the Ledyard Planning and Zoning Commission, to consider an amendment to replace the existing Zoning Regulations, Section 8.1 Accessory Dwelling Unit with the proposed regulation amendments.

Public hearing opened at 6:04 and had been continued from July 14, 2022 and all attachments and exhibits received to date were incorporated into the record.

The following persons spoke:

John Rodolico, 40 Long Pond Rd. Mr. Rodolico sent comments to the Commission. Mr. Rodolico expressed concerns about the proposed reduced setbacks and ADUs being allowed in the front yard and that he opposed mobile homes for this use. Mr. Rodolico reminded the Commission about the challenges of effective enforcement of the regulations. Mr. Rodolico is pleased to see the diligence the commission gave to this issue and encourages continued opportunities for public input.

Ms. Hodge, Planning Director clarified the misconception that the proposed changes to setbacks are unrelated to this application. The new proposed set back requirements are a part of the full regulation rewrite. Property owners should have the flexibility to place structures in locations that make the most sense on their lot and that it is the job of the PZC only to establish the building envelope, lot coverage, building height and uses etc. and not to unnecessarily restrict residents from placing a structure in a certain spot on a lot.

Mike Cherry, 5 Whipperwil Drive Gales Ferry. Mr. Cherry submitted a letter addressing the ADU regulations. Mr. Cherry suggested to add back in minimum size of the ADU as set forth in the Building Code. Mr. Cherry suggested deleting the requirement for two parking spaces for a two-bedroom ADU as this requirement is not allowed per the Statute. Mr. Cherry asked that the Commission look at the proposed definitions match those in Section 8.2(o). Mr. Cherry strongly supports the proposed regulations.

Eric Treaster, 10 Huntington Way, stated that about 6 people have spoken in favor and 6 people in opposition to the proposed regulations. Mr. Treaster feels the existing regulations that permit accessory apartments within or attached to a single-family home. Mr. Treaster felt it would be difficult to convert existing non-residential structures into an accessory apartment. He was concerned that the proposed regulations do not require the owner of the primary unit to live on the property. Should the regulations be changed to allow increased density in Ledyard and possibly change the character of the Town? Mr. Treaster stated his concern regarding mobile homes being placed in the side, rear or front yards as an ADU. Mr. Treaster is opposed to proposed regulations and encourages the commission to opt out of the state mandate. Mr. Treaster submitted a handout to all commissioners to be read into the record.

Ms. Hodge clarified some statements or assumptions made by Mr. Treaster as they concern mobile homes as an ADU. Ms. Hodge addressed Mr. Treaster's comments. Ms. Hodge reminded the Commission that they cannot regulate the appearance of the ADU even if the Town opts out of the Statute or ADU is allowed only by Special Permit.

Mike Cherry, 5 Whipperwill Drive. Mike stated that he wrote the housing section of the POCD which encourages a diversity of housing types; allow cluster development, ensure an adequate supply of housing that is affordable, and allow accessory dwelling units in most zones. Mr. Cherry stated that the proposed regulations are consistent with the POCD and urges their passage.

John Rodolico asked whether there is anything that requires the ADU to be on owner occupied property? Ms. Hodge stated that you cannot impose an owner occupancy on the ADU as this is not a requirement for a single-family home. He asked questions to clarify the difference between "affordable housing" and "housing that is affordable."

Attorney Fahey's made comments. He clarified that while the ADU is an additional unit, it does not count as an additional residence which would make it difficult to get to the required 10% affordable per C.G.S.8-30g. This is a new statute that hasn't been tested in the courts. The concerns about 22 ft wide mobile homes as ADU is one of the grey areas, but he feels it is a provision that will survive. He stated that regulations regarding appearance or architecture are usually regulated with form-based codes - which Ledyard does not have, and they don't necessarily work for residential development. They are used in more urban settings. Nuisance acts can address some of these architectural or blight concerns. 2 parking spaces as a requirement cannot be allowed in the proposed regulation.

Mr. Capon asked if the Attorney saw anything that was a fatal error in the proposed regulations, and Ms. Hodge asked if we needed to take out the requirement for 2 spaces. It was decided to take out that requirement. He stated that the Commission can act on the redlined version during the meeting - there was no need to re-notice or keep the hearing open.

Ms. Hodge summarized her support of the proposed regulation. Ms. Hodge feels it is important to do this and demonstrate that the town is willing to comply with this statute. The goal is to expand housing choice. Public Hearing closed at 7:15 p.m.

The Commission members provided comments about the proposed regulations:

Commissioner Wood - Part of the POCD plan. Mr. Wood stated that the proposal was consistent with the POCD and that the Mayor strongly endorsed this regulation. Mr. Wood strongly supports this proposed regulation.

Commissioner Whitescarver - We have a housing shortage and it our responsibility to find ways to reduce that shortage. One of the ways to make housing affordable is to accept the ADU regulation as submitted.

Chairman Capon - When the commission approved Granny pods the sky did not fall and it did not fall when attached ADU were approved. As a commission we need to regulate less not more. If we try to protect everyone from everything no one will be allowed to do anything. We should not restrict a use based on conjecture or speculation. Mr. Capon

supports this proposal.

Mr. Awrach - Pros - There is a need for affordable housing for the middle class. Affordable housing does not have to mean a public nuisance.

Mr. Craig - Mr. Craig has heard many people speaking in favor of the proposed regulations and few who did not. Mr. Craig was pleased to hear Mayor Allyn and Ms. Hodge speak in favor and support of the proposed regulations. Mr. Craig is excited to opt in to the ADU statute.

Motion to approve Application PZC#22-RA to be effective the day after publication of the notice of decision.

RESULT: APPROVED AND SO DECLARED

MOVER: Paul Whitescarver

SECONDER: Marcelle Wood

- B. Application PZ#22-7RA** of the Ledyard Planning and Zoning Commission, to consider comprehensive revisions to all sections of the Zoning Regulations.

Chairman Capon reopened the Public Hearing that was continued from July 14, 2022 and stated that all members present are seated as voting members.

Ms. Hodge discussed comments received both from discussion with residents and Commission members and written. Ms. Hodge requires time to incorporate changes into the document and have that document filed 10 days prior to the meeting date. The revised document will be reviewed in a Special Meeting at the end of August.

Ms. Hodge discussed the major changes to Chapters 6-15 particularly the addition of Site Development Standards, Supplemental regulations, new Home Occupation regulations, and significant changes to the Agricultural section which is still a work in progress.

Karin Parkinson spoke about the Agricultural section - suggested using the term "working farm" for the purposes of allowing additional commercial activities.

Kevin Blacker - 51 Main Street Noank. He stated that he rents farmland in Ledyard. Mr. Blacker brought up the Dow property and possible future Cashman dredging operation and questioned the motive for the re-write the regulations. He hopes that the Commission would ask for input from Cashman about what they want to see in the regulations. He spoke about the importance of agriculture and the need to strengthen the viability food production.

Ms. Hodge clarified that the rewrite of the Zoning regulations has nothing to do with the Cashman project and also clarified what was said at a meeting with residents of Gales Ferry about the possible project and need for strong regulations to mitigate potential issues caused by industrial uses.

Eric Treaster - Ms. Hodge has created a comprehensive and impressive document. Mr. Treaster believes this town is special and wants to preserve that for children and grandchildren. Mr. Treaster has found items he believes conflict with the POCD. Mr.

Treaster handed out 124 pages of comments to the commission and Ms. Hodge that cover chapters 1-10. Mr. Treaster is especially concerned about the increase in density allowed for multi-family developments, the use of confusing language, the changes to the required setbacks; hotels and motels allowed by right versus special permit, the removal of language about land-leased communities, and issues with the Agricultural section.

Alyson Angelini, 193 Iron Street. Ms. Angelini is the owner of Full Heart Farm which produces specialty vegetables and fresh cut flowers. Ms. Angelini feels the 5-acre requirement for first generation farmers is too prohibitive and that finding affordable land for new farmers is a challenge. Ms. Angelini grows on 1 1/2 acres and provides for many families in town. She commented on the buffering requirements for parking area being excessive.

Bill Sweeney, Attorney 43 Broad Street New London. Felt compelled to respond to Mr. Treaster's comments. He feels it is appropriate to put limits on height if it is related to safety concerns - i.e. firefighting equipment and capabilities. He clarified that he had not asked the commission to relax their regulations in order to attract high-density development. Encouraged the commission to adopt clear and coherent regulations that would allow development of housing that would meet the current needs of the population and reflective of the changing demographics; and allow density based on the carrying capacity of the land rather than an arbitrary density limit. Ledyard is well positioned to attract people from all income levels.

Mike Cherry, 5 Whipperwill Drive Gales Ferry. Mr. Cherry reiterated the POCD goal to encourage a diversity in housing. Mr. Cherry feels the 5-acre requirement for Multi-family developments in residential zones actually forces that type of housing to the outskirts of town rather than the center. Mr. Cherry would like to see the allowance of infill multi-family housing in any zone. Special permit applications - attention should be spent on section 11.3.4 and language about minimum contiguous buildable area. Mr. Cherry spoke in support of accessory, non-agriculture uses on agricultural properties.

Rachel Watrous 1695 Center Groton Rd (Parent's Farm). Important to encourage new farms. Ms. Watrous questioned regulations regarding the permit process for a farm stand. Ms. Hodge clarified permitting requirements as it pertains to non-farming activities in the proposed regulations. Ms. Watrous would also like to see the 5-acre minimum removed as a requirement in the proposed regulations. Ms. Hodge clarified that the 5 acre is required for farms that also want to have additional accessory uses that may be non-agricultural in nature. She will meet with Ms. Hodge to discuss this further.

Bruce Gartska, 10 Pleasant View Ledyard. It is very difficult to get into farming today. Anything that the town could do to help encourage new farming would be very appreciated. We have the opportunity to preserve the farmland in town.

Alyson Angelini, asked about considering regulations regarding temporary seasonal structures, for example movable chicken coups or seasonal high tunnels which greatly improve the efficiency of small scale farms. Ms. Hodge suggested adding wording to the

definition of a structure so that it pertains only to permanent structures.

Mr. Capon adjourned the public hearing and continued it to August 25, 2022

VII. APPROVAL OF MINUTES

- A.** The minutes from the Regular and Special meetings on July 14 were accepted as written.

VIII. CORRESPONDENCE: None

VI. NEW BUSINESS

- A.** Motion was made and seconded to go into Executive Session at 9:06pm to discuss pending litigation. Staff permitted to attend. Motion passed.

MOVER: J.A. (Tony) Capon

SECONDER: Marcelle Wood

RESULT: APPROVED AND SO DECLARED

Chairman Capon ended the Executive Session at 9:20pm and stated that no action or votes were taken during the Executive Session.

IX. ADJOURNMENT

Meeting was adjourned at 9:21 without objection