



Chairman
Tony Capon

TOWN OF LEDYARD

Planning & Zoning Commission

Meeting Minutes - Draft Minutes

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Regular Meeting

Thursday, June 8, 2023

6:00 PM

Council Chambers - Hybrid Format

I. CALL TO ORDER

Chairman Capon called the Regular Meeting of the PZC to order at 6:00 PM. The meeting was hybrid with some attending in person and others via Zoom.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL APPOINTMENT OF ALTERNATES

In addition to Commission members the following staff members were also present: Juliet Hodge, Director of Planning & Development and Alex Samalot, Zoning Enforcement Officer (training).

Present: Chairman Tony Capon
Commissioner Marcelle Wood
Alternate Member Thomas Baudro (via Zoom)
Commissioner Paul Whitescarver
Commissioner Gary St. Vil
Commissioner Howard Craig

Excused: Alternate Member Jessica Cobb

No alternates were appointed.

IV. CITIZENS PETITIONS (LIMITED TO NON-AGENDA ITEMS)

Walter Guth, 18 Eska Dr. spoke about the conceptual plan for the possible subdivision off Seabury Ave and his safety concerns about the additional 31 houses that would only be accessible off of the existing cul-de-sac. Mr. Guth provided his comments in writing. He expressed concern about whether there would be adequate water supply to support the proposed development given past reports of low water pressure and leaks in the SCWA water system that serves the neighborhood. He also expressed concerns about the additional traffic and related traffic safety, likely parking on the proposed private road to serve the subdivision that could impede emergency vehicle access, and the fact that there is only one entrance point to the existing and proposed development. He requested that the Commission members visit the property.

V. APPROVAL OF ADDITIONS TO AND/OR CHANGES TO ORDER OF THE AGENDA

There were no changes to the agenda. Chairman noted that the Public Hearing for 23-4SUP and 23-5CAM will be continued to June 29, 2023 per Applicant's request.

VI. PRE APPLICATION OR WORKSHOP

None

VII. PUBLIC HEARINGS/APPLICATIONS

- A. Application PZ#23-4SUP of Gales Ferry Intermodal LLC / Heller, Heller, McCoy, 549 South Street, Quincy, MA 02169, for a special use permit for the construction of an industrial building with appurtenant facilities on a portion of the property located at 1761 Connecticut, Route 12, CT.

The Public Hearing was opened to provide opportunity for comment. All regular members were seated. At the Applicant's request, the Public Hearing was continued to the Special Meeting of the PZC on June 29, 2023 at 6:00pm in the Town Hall Annex and via zoom.

- B. Application PZ#23-5CAM of Gales Ferry Intermodal LLC / Heller, Heller, McCoy, 549 South Street, Quincy, MA 02169, for coastal area management approval for the construction of an industrial building with appurtenant facilities on a portion of the property located at 1761 Connecticut, Route 12, CT.

The Public Hearing was opened to provide opportunity for comment. All regular members were seated. At the Applicant's request, the Public Hearing was continued to the Special Meeting of the PZC on June 29, 2023 at 6:00pm in the Town Hall Annex and via zoom.

- C. Application PZ#23-6SUP of Dieter and Gardner, Inc, 1641 Route 12, Gales Ferry, CT 06335, for a special use permit at 1340 Baldwin Hill Road, Gales Ferry, CT 06335, for continued processing of earth materials and removal of ledge material.

Chairman Capon opened the Public Hearing at 6:14pm. All regular members were seated. Juliet Hodge read an email from Ed Lynch (WPCA) into the record that received on 6/7/23. Peter Gardner, LLS of Dieter and Gardner LLC, Gales Ferry presented the Application on behalf of B&R Holdings, LLC.

Peter stated that the Application is also before the IWWC and that a site walk is being scheduled for next week. He received the comments from the Planning Director and stated that he is working with Ms. Hodge to resolve the issues identified.

There was no public comment. Chairman Capon continued the Public Hearing to the regular PZC meeting on July 13, 2023 at 6:00pm in the Town Hall Annex and on line via Zoom.

- D. Application PZ#23-3 of the Town of Ledyard, 741 Colonel Ledyard Highway, Ledyard, CT 06339 for amendments to The Town of Ledyard's Zoning Regulations, Section 8.31 Short-Term Rentals, Hosted; and Section 2.2 Definitions (Mixed-use Commercial/Industrial) to add the words "or development" ; and to add Accessory Apartment to Section 6.4 Use Table.

Chairman re-opened the Public Hearing on Application PZ#23-3RA. at 6:29pm. All regular members were seated for the Application.

Chairman Capon re-capped the process to date for this application. He noted that the Commission has not yet had a chance to comment on all the public comments received and suggestions made over the past months. He suggested that they offer their thoughts. Chairman Capon questioned what the rationale was to allow STRs at all. He identified

several issues related to STRs that need to be considered before making a decision, such as the influence of the 5th Circuit Court Case to revisit the current regulation; whether they should be hosted or not hosted; whether remote monitoring is adequate; the impact to available housing; what the difference is between B&Bs and STRs really is and how to justify allowing B&Bs and not STRs.

Commissioner Wood was not clear on how the town would benefit by allowing STRs. He stated that he was not sure they should even be allowed given the burden placed on the neighbors and the difficulty to enforce the potential nuisances. He also stated that if they as a commission decide to allow STRs, he would like to limit the total number of STRs in town to a maximum of 20 in order to minimize the loss of residences available for long-term rentals. Should the Commission decide to continue to allow STRs, he would be in favor of allowing remote monitoring or a non-owner host.

Commissioner Baudro stated that it was important that the policing of the STR not be left to the neighbors. Need to require STRs to be hosted - as in the host present at all times.

Commissioner Whitescarver stated that he did not understand why the Town should allow STRs given that the Commission cannot find a path to successful enforcement even with 24hr monitoring. He stated that an undue burden is and would be placed on the Town staff and police force. He stated that studies do not support the claim that STRs help increase property values and that values go up because the shortage of available homes for purchase drives up the prices of homes. Speaking from an economic development point of view, the high cost of housing and limited supply of rental housing is limiting the ability to attract and retain skilled workers.

Commissioner Craig stated that he was not in favor of STRs because in his opinion, the town would not gain anything. He agreed that the burden was placed on the neighbors to enforce the rules. He stated that if the Commission does want to continue to allow STRs, then he feels that the STR must be hosted - in person vs. remotely.

Commissioner St. Vil stated that he was originally in favor of allowing STRs, but after hearing about the challenges neighbors have faced, he has changed his mind. He agrees that STRs have negatively impacted the availability affordable rental units.

Commissioner Capon felt that if the 5th Circuit decision had not come along, they would not be revisiting the existing regulation in the 1st place. He stated that the Commission has tried to make the regulation work for everyone, but feels that the requirement for a host being present is necessary. He stated that he thought that even the existing STR regulation should be repealed for a number of reasons.

Walter and Deborah Guth spoke on the topic of STRs. They felt that having long-term rentals better serves to protect the water and other natural resources. Agree that STRs take away from available housing inventory for workers and military families who need it. They commented on the bad behavior observed in some STRs and the impact that had on the neighborhood. They expressed concerns about neighborhood safety in general with STRs.

Eric Treaster submitted his comments into the record and provided a copy for the Commission members.

He reviewed his reasons for why the Commission should deny the proposed changes to the existing regulations to eliminate the requirement for the STR to be hosted.

Chairman Capon closed the Public Hearing at 7:07pm

Chairman Capon began deliberations on Application PZ#23-3RA

The Commission discussed the other proposed regulation amendments associated with the application but unrelated to STRs. The Commission members did not object to the proposed changes to the definition of Mixed-use Commercial/Industrial or adding Accessory Apartment to the Use table.

The Commission discussed the reasons why the proposed changes to the current STR Regulations should not be approved.

A Motion was made and seconded (Wood/ Whitescarver) to APPROVE Application PZ#23-3RA in part and to DENY in part as follows:

The proposed amendments to Section 2.2 Definitions (Mixed-use Commercial/Industrial) to add the words "or development"; and to add Accessory Apartment to Section 6.4 Use Table were APPROVED: and Given the Commission's opinion that allowing residences to be used as short-term rentals reduces available housing stock, and the belief that the cost of enforcement outweighs the benefit of having STRs in town; and that the frequent nuisance created by STRs has a negative impact on neighborhoods, the proposed Amendments to Section 8.31 Short-Term Rentals, Hosted were DENIED.

The commission will decide whether to repeal the entire regulation in the near future.

VIII. OLD BUSINESS

IX. NEW BUSINESS

- A. PZ#23-7RA of The Town of Ledyard, 741 Colonel Ledyard Highway, Ledyard CT, 06339, to add section 8.34 "Cannabis Establishment" and the following uses to the use tables: Cannabis Retailer and Hybrid Retailer (Section 6.4), Cannabis Cultivator and Micro-cultivator (Section 5.3 + 6.4).

Application received and the Public Hearing was set for the Regular PZC meeting on Thursday July 13, 2023 at 6:00pm in the Town Hall Annex and via Zoom.

- B. PZ#23-8RA of The Town of Ledyard, 741 Colonel Ledyard Highway, Ledyard CT, 06339 to amend section 3.9A "Cannabis Establishments" to extend existing Moratorium an additional six (6) months to provide time to review and act on proposed regulations.

Application received and the Public Hearing was set for the Regular PZC meeting on Thursday July 13, 2023 at 6:00pm in the Town Hall Annex and via Zoom.

X. APPROVAL OF MINUTES

A. Draft Meeting Minutes - May 11, 2023

Minutes were approved as written.

XI. CORRESPONDENCE

XII. REPORTS

A. Planning Director Report - June 8, 2023

Planning Director, Juliet Hodge went over the activity report submitted. She discussed issues with 8-30g compliance, continued staffing shortages and decision to end the arrangement to use the SCCOG Building Official. Commissioner Whitescarver mentioned that seCTer's Comprehensive Economic Development Strategy was accepted by the State and thanked Ms. Hodge for work on the plan.

XIII. ADJOURNMENT

Without objection, the meeting adjourned at 7:40.