



TOWN OF LEDYARD CONNECTICUT

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Planning & Zoning Commission

~ AGENDA ~

Chairman Marty
Wood

Regular Meeting

Thursday, January 8, 2026

6:00 PM

Council Chambers - Hybrid Format

Join Zoom Meeting

<https://ledyardct.zoom.us/j/89818008370?pwd=v5qjNT6tMjT68YOaeCHDLIVRN5sfxE.1>

Meeting ID: 898 1800 8370 Passcode: 283870

One tap mobile +13092053325,,89818008370#,,, *283870# US

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL AND APPOINTMENT OF ALTERNATES

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

V. CITIZENS PETITIONS (NON-AGENDA ITEMS ONLY)

VI. PRE APPLICATION DISCUSSION AND/OR WORKSHOP

- A. Request of Dave Schroeder for the Citizen's Alliance for Land Use (CALU) for pre-app workshop with the Commission to discuss the following: a proposed regulatory amendment related to the allowed use "Excavation Major."

Attachments: [SCHROEDER Excavation Major Pre-application Draft Amendment 23-12-2025](#)

VII. PUBLIC HEARINGS/APPLICATIONS

None.

VIII. OLD BUSINESS

None.

IX. NEW BUSINESS

None.

X. APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

A. PZC Regular Meeting Minutes of November 13, 2025

B. PZC Regular Meeting Minutes of December 11, 2025

XI. CORRESPONDENCE

Eric Treaster letter submitted to Town Council Meeting of December 10, 2025

Attachments: [TREASTER-PLANNING ZONING-TC MTG-2025-12-10](#)

Dave Shroeder letter submitted to the Town Council Meeting of December 10, 2025

Attachments: [SCHROEDER-PLANNING ZONING-TC MTG-2025-12-10 \(](#)

XII. REPORTS

A. ZEO Staff Report of January 8, 2026

B. Planner's Report of January 8, 2026

XIII. ADJOURNMENT

DISCLAIMER: Although we try to be timely and accurate these are not official records of the Town.



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 25-3054

Agenda Date: 1/8/2026

Agenda #: A.

LAND USE APPLICATION

Subject/Application:

Request of Dave Schroeder for the Citizen's Alliance for Land Use (CALU) for pre-app workshop with the Commission to discuss the following: a proposed regulatory amendment related to the allowed use "*Excavation Major.*"

Background:

(type text here)

Land Use Director/Town Planner:

(type text here)

Purpose and Intent

The purpose of this pre-application conference is to seek the Commission's guidance and feedback on a proposed clarification to the zoning regulations governing the allowed use *Excavation Major*. The goal is to ensure that the regulations are applied as intended and are not misinterpreted or extended beyond their proper scope when evaluating site preparation for otherwise permitted uses.

The proposed amendment would clarify what activities are and are not included under *Excavation Major*. Specifically, it would confirm that allowable surface excavation activities do not include quarrying, which is a non-permitted use, and therefore do not include the severing of bedrock—an activity that constitutes quarrying.

This clarification is intended to reduce ambiguity, promote consistent application of the regulations, and lessen the likelihood of future disputes. In doing so, it helps address potential conflicts related to dust, noise, traffic, vibration, and long-term effects on surrounding property values, while also reducing the risk of unnecessary litigation costs to the Town. **The amendment is clarifying in nature, reaffirms existing legislative intent, and is not intended to introduce new restrictions.**

Introduction

Ledyard's zoning regulations have demonstrated that, while the existing framework is capable of protecting the town from impermissible uses, certain provisions within the definition of *Excavation Major* are susceptible to misinterpretation. Such ambiguity creates uncertainty for applicants and residents alike and increases the risk of inconsistent application and future litigation.

Additionally, the wording of certain sections of the regulations may be read to place undue emphasis on quantitative limits—such as a “three-year duration” or “ten-acre maximum”—rather than on the essential character of the activity proposed. Read in isolation, this language could lead to the interpretation that an otherwise non-permitted use might be allowed so long as it remains within those numerical limits. This would be inconsistent with the legislative intent to allow only those uses that are expressly authorized.

As a general matter, zoning regulation definitions are not intended to be interpreted in a way that effectively authorizes a use that is otherwise prohibited. Where ambiguity exists, it should be resolved in a manner that reflects legislative intent and avoids unintended results.

Ledyard's zoning regulation §3.6(d) provides that uses not specifically authorized are prohibited. Quarrying is not identified as a permitted use. Therefore activities that constitute quarrying, including the severing of bedrock, are not intended to fall within the scope of permitted excavation activities, regardless of scale, duration, or acreage.

Clarifying *Excavation Major* would eliminate ambiguity and provide clearer guidance to applicants, staff, and commissioners alike, while protecting residents. This would help ensure

that land use decisions are based upon the proposed activity, rather than on fitting fundamentally non-permitted uses within dimensional or time constraints.

The proposed amendment is intended to reaffirm and codify the longstanding intent of the regulations governing *Excavation Major*, rather than to introduce new restrictions.

Basic Argument: Regulatory Intent of the Definition of Excavation Major

Historical Record and Regulatory Intent

Prior to 1975, the Ledyard Zoning Regulations explicitly distinguished between *soil, gravel, and stone removal* on the one hand, and *quarrying* on the other; e.g. the pre-1975 Table of Contents included a dedicated section titled: “**Section 8: Soil, gravel, stone removal, quarrying, non-conforming uses...**”¹

Commission minutes from August 18, 1975 document the deliberate removal of quarrying from the zoning regulations.² This change reflects clear legislative intent: stone removal, as contemplated by the regulations, was not intended to include quarrying or quarry-like activities.

In October 1975, the amended regulations saw quarrying removed as a permitted use. From that point forward, the regulatory language refers only to “**soil, gravel, and stone removal**.”³ The term ***quarrying*** has **not appeared as an allowed use** in Ledyard’s zoning regulations since that amendment.

The continuity of this intent is evident in the evolution of the regulatory language, to the present day:

- **Pre-1975:** “...soil, gravel, stone removal, quarrying...”
- **1975 amendment:** quarrying removed
- **Post-1975:** “...soil, gravel, and stone removal...”
- **Current definition of Excavation Major:** “...topsoil, sand, gravel, clay, stone or other materials...”

At no point after 1975 does the regulatory language reintroduce quarrying as an allowed use. Under Zoning Regulation §3.6(d), uses that are not expressly permitted are prohibited. Accordingly, **quarrying has remained a prohibited use** since its removal from the regulations in 1975.

¹ Town of Ledyard, CT Zoning Regulations, Oct 1963, Aug, 1971.

² Ledyard Zoning Commission Minutes, Aug 18, 1975.

³ Town of Ledyard, CT Zoning Regulations, Oct 1, 1975.

What Constitutes a Quarry

Federal and standard dictionary definitions consistently associate quarrying with the severance of bedrock:

The **Mine Safety and Health Administration (MSHA)** defines mining as the **severance of minerals from natural deposits**, including by *quarrying*. Quarrying is thus understood as a form of mining involving the extraction of minerals from intact geological formations.⁴

Standard dictionary definitions reinforce this understanding of the term **quarry**:

- **Random House College Dictionary (1975)**: “an excavation or pit, usually open to the air, from which building stone, slate or the like is obtained **by cutting, blasting**, etc.”
- **Webster’s New World Dictionary (1962, 1970)**: “a place where building stone, marble or slate is excavated as **by cutting or blasting** for building purposes.”

These definitions uniformly describe *quarrying as the severance, cutting or blasting of stone from consolidated rock formations—i.e., bedrock*.

It follows that **cutting or blasting of stone from bedrock has not been an allowed use in Ledyard, since quarrying was removed from the regulations in 1975**.

What Is Meant by “Stone” in the Regulations

While *bedrock* may technically be classified as stone in the geological sense, the regulatory term “stone” does not necessarily encompass bedrock. In zoning terms, material classification is governed not by geological definitions alone, but by **regulatory intent and historical usage**.

The structure and history of Ledyard’s zoning regulations support a distinction between *stone* and *bedrock*. Prior to 1975, *quarrying* was separately identified alongside *soil, gravel, and stone removal*. When *quarrying* was removed, the remaining terms **retained their original meaning and scope**. Had the intent been to permit quarrying under the allowed use “*stone removal*,” there would have been **no need** to delete *quarrying* as a separate category.

It follows, the **legislative intent of “removal of stone” cannot reasonably be interpreted to include quarrying, and hence cannot be interpreted to include the severing of bedrock**.

The continued absence of any reference to bedrock or quarrying in the definition of *Excavation Major* further reinforces this point. **Severing bedrock, cannot reasonably be interpreted to be an allowed use under “excavation or movement of stone”, as severing bedrock would constitute a quarry, and quarrying has not been an allowed use in Ledyard since 1975**.

⁴ <https://www.osha.gov/laws-regs/mou/1979-03-29>

Summary

Quarrying—a form of mining defined by the severance of bedrock—was explicitly removed as an allowable use in Ledyard’s zoning regulations in 1975 and has not been reinstated since. The language used in the current definition of *Excavation Major* is directly traceable to the post-1975 regulatory framework, which deliberately excludes quarrying and, by extension, the severing of bedrock.

Accordingly, the *severing of bedrock is not, and has never been, an allowed use under the definition of Excavation Major*. **Clarifying this distinction** through a regulatory amendment would **not introduce a new prohibition**, but would instead **reaffirm and codify longstanding legislative intent**.

Sample Zoning Regulation Clarification Amendment

- Add the term *quarrying* to §3.8.F (Prohibited Uses), for clarity.

2.2 DEFINITIONS

EXCAVATION, MAJOR:

The excavating, relocating, or movement of 300 cubic yards or more of topsoil, sand, gravel, clay, stone, or other materials to, on, or from any lot. *Excavation Major encompasses the removal of surficial materials only and does not include the severing or removal of bedrock.*

Additional Possible Clarifications (If Necessary)

- **STONE:** *Loose surficial material only; does not include bedrock.*
- EXCAVATION MINOR (add new language, if necessary)
- Consider adding supplementary definitions, as needed, for:
 - surficial materials
 - quarry / quarrying
 - excavation

Note: Because the intent of this amendment is to reaffirm and codify longstanding legislative intent rather than to introduce new prohibitions, any additional definitions or prohibitions should be adopted only after careful consideration that they do not, in effect, create new restrictions or weaken existing ones.



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 25-2941

Agenda Date: 1/8/2026

Agenda #: A.

MINUTES

Minutes:

PZC Regular Meeting Minutes of November 13, 2025



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 25-3057

Agenda Date: 1/8/2026

Agenda #: B.

MINUTES

Minutes:

PZC Regular Meeting Minutes of December 11, 2025



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 25-3013

Agenda Date: 1/8/2026

Agenda #:

AGENDA ITEM
CORRESPONDENCE

Subject:

Eric Treaster letter submitted to Town Council Meeting of December 10, 2025

Correspondence List:

(type text here)

Reasons to Reestablish Separate Zoning and Planning Commissions

Eric Treaster
10 December 2025

I am here this evening to suggest reasons why the planning and zoning commission should be restored as separate commissions.

I served on the Ledyard Zoning Commission from 1985 to the end of 2012, when the Town Council combined the Zoning and Planning Commissions into a single commission. I was its Chairman in 2011 and 2012.

Ledyard adopted its first set of zoning regulations in 1963. The Town Council served as a combined Planning and Zoning Commission until about 1971, when it split the Commission into a separate Planning and Zoning Commission. At the end of 2012, to encourage commercial development, the Council recombined the Commissions into the current Planning and Zoning Commission.

The zoning regulations originally consisted of 29 pages. Between 1985 and 2011, the regulations underwent a series of revisions, including adopting regulations in about 1998, as suggested by Susan Mendenhall, the Mayor, for age-restricted mobile manufactured home land lease communities.

They also contained regulations suggested by Bill Haase and Brian Palaia, who were Town Planners, that designated areas of Gales Ferry and Ledyard Center as "Village Districts" and "Design Districts" as allowed under the land use statutes.

The Village District regulations included architectural standards, design requirements, and formal reviews by an architectural review board for commercial developments. By mid-2011, the regulations had grown to 206 pages.

In 2012, the Zoning Commission condensed the regulations to 139 pages, including regulations for the Village and Design Districts. They retained the regulations for age-restricted affordable mobile-manufactured home land-lease communities, which, in the early 2000s, guided the development of Stonegate Village on Flintlock Road. Stonegate Village is now Ledyard's 17th-largest taxpayer.

The regulations continued to require special permits for most commercial developments, which were necessary to ensure quality development and to avoid risking the preservation of our Town's character. The last vote of the Zoning Commission, before it permanently adjourned on October 11, 2012, was to approve the condensed set of regulations.

The zoning regulations that were in effect between about 1998 and the end of 2012, about 14 years, have a history of success. They guided the development of the Stonecroft Country Inn on Pumpkin Hill Road, the Pumpkin Hill Convenience Store near the Highlands, and the Two Trees Inn Hotel on Lantern Hill just east of the reservation.

Later versions resulted in the development of the Village Market in Ledyard Center, Dime Bank, the Fire Station, the condominiums on Fairway Drive, CVS in Gales Ferry, and the brick building on the SW corner of 117 and Rt 214, which at the time was owned by SNET. Each of these developments required a special permit.

They were all quality developments that did not affect the preservation of our Town's rural character or harm property values.

After being combined in late 2012, the Planning and Zoning Commission relaxed the regulations to encourage more commercial development. It deleted many special permit requirements, replaced the village and design districts with development districts, deleted the design guidelines, deleted the Architectural Review Board, increased height limits, and deleted regulations for affordable age-restricted land-lease communities.

Later, in about 2020, it removed most of the remaining special permit requirements and, to improve economies of scale and to make the development of multifamily and mixed-use developments more profitable, increased the height limit to 65' for multifamily and mixed-use developments in Gales Ferry and Ledyard Center.

The zoning regulations now consist of 191 pages. They allow most commercial uses as-of-right, including multi-hundred-unit multifamily and mixed-use developments in the Gales Ferry Development District and the Ledyard Center Development District, if the setback and height limits are satisfied and the development conforms with building and health codes. For example, the current regulations would allow, as-of-right, the 308-unit four- and five-story Trident Square Apartment Complex, which is behind the Chinese Restaurant on Rt 12 in Groton, to be built in Gales Ferry and Ledyard Center.

There were fewer high-quality commercial developments during the 14 years after 2012, when the commissions were combined, than during the 14 years before 2012, when they were separate. The 32-unit Ledyard Meadows Estates at 807 Colonel Ledyard Highway, built in 2018, is the only example of quality development between 2012 and today that I am aware of.

Without design guidelines, an architectural review board, parking, a reasonable height limit, and special permit requirements, it is likely the applications that are expected for Sweet Hill Farm, the Cartway property, and properties in Ledyard Center will be for lower quality developments that, because special permits are no longer required, could place the preservation of the character of our Town at risk.

The regulations should not have been relaxed after 2012 for the sake of development. Quality developments encourage the development of more quality projects, which improve our Town. Conversely, low-quality developments encourage more low-quality similar projects, ultimately diminishing the character and appeal of our Town.

By nature, volunteers on planning commissions tend to favor economic growth and support recommendations from the Economic Development Commission. They tend to be concerned with growth, water and sewer, affordable housing, open space, subdivisions, and the

avoidance of urban sprawl. They are also more likely to support growth for the sake of growth to increase the tax base.

Members of zoning commissions, on the other hand, are more responsive to concerns regarding the quality of life, traffic, protecting the character of our Town, improving and protecting safety and health, and protecting property values and natural resources. Members of zoning commissions tend not to support growth for its own sake.

For example, the zoning commission once spent hours deliberating on regulations regarding whether chickens and miniature horses should be allowed in residential districts. I suspect most volunteers on a planning commission would prefer to work on the Plan of Conservation and Development and on long-term planning for our Town's future.

Between 1971 and 2012, while the commissions were separate, the zoning commission met for about 3 hours twice a month. The planning commission also met for about 2-3 hours, but only about once a month. After they were combined, the Commission continued to meet for only about 2 or 3 hours, usually once each month.

How can the combined Commission do a good job in about 3 hours per month, when it previously required about 9 hours per month when they were separate? It cannot, unless it outsources some of its zoning or planning responsibilities.

This is demonstrated by the Commission's recent failure to address the omissions and ambiguities in the current zoning regulations and the conflicting goals in the Plan of Conservation and Development. For example, the costly GFI litigation was at least partially caused by a deficient definition of excavation as a major land use, which GFI mistakenly interpreted as allowing the quarrying of Mt. Decatur.

Because of the amount of work and effort required to be knowledgeable in both zoning and planning, volunteer commissioners on combined planning and zoning commissions, due to lack of knowledge and time, often have no choice but to accept guidance from the town planner, who does not live in our Town and may not care about its future. The Planner may also be biased in favor of or opposed to a development or policy, or may present conflicting information without the Commission's knowledge.

Separate commissions would also save money. If separate, the Zoning Commission would have more time to prepare and review its zoning regulations, and the planning commission would have more time to update its Plan of Conservation and Development.

For example, our town planner recently asked you for funds to hire a consultant to help her update the POCD, even though the Commission has not yet had time to resolve the conflicts in the current Plan of Conservation and Development, and the update is not due for another four years. She also asked for \$2,500 to hire a consultant to prepare a zoning regulation change to address the parking deficiencies in the current regulations for multifamily and mixed-use developments. These types of expenses would be reduced if the Town had separate zoning and planning commissions.

Separate commissions would help free up time for the town planner to focus on planning rather than administrative duties. Separate commissions also help to create a check-and-balance that would be good for the Town. They would also result in better regulations and development, as was the case until 2012, when the commissions were combined.

In conclusion, I urge the Planning and Zoning Commission to revert to separate commissions, as it did in 1971. It will be good for our Town and is worth considering.



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 25-3014

Agenda Date: 1/8/2026

Agenda #:

AGENDA ITEM
CORRESPONDENCE

Subject:

Dave Shroeder letter submitted to the Town Council Meeting of December 10, 2025

Correspondence List:

(type text here)

Good Evening Councilors,

I'm here tonight to urge the Town Council to begin the process of restoring the Planning Commission and the Zoning Commission as two separate bodies. Historically, these commissions had distinct roles: the Planning Commission created the town's long-term vision through the POCD, and the Zoning Commission wrote and enforced the regulations needed to implement that vision. That division created a natural check and balance.

As you know, the POCD is a state-mandated document that sets out the long-term goals and most desirable land uses for a town. It's meant to guide decisions about housing, infrastructure, conservation, economic development, and community character. Under Connecticut law—specifically **CGS 8-3(a)**—**all zoning regulation changes and map amendments must be evaluated for consistency with the POCD, and subdivision rules must advance its objectives.**

That only works as a safeguard if the body that rewrites the POCD is **not** the same body that rewrites the zoning regulations. Once the commissions were merged in 2012, that safeguard disappeared. This is not a theoretical concern. We saw the consequences in the *very first* rewrite cycle after they were combined: starting around 2020, the combined P&ZC rewrote roughly 70% of the zoning regulations and used changes *they had just made to the POCD* as the pretext to justify those zoning changes.

One of the most troubling outcomes was the large **expansion of by-right** development—because the new POCD now called for it. But the problem here is that protections residents rely on—standards for neighborhood character, density, building design, traffic safety, environmental impacts, noise, odor, dust—are **activated only when a project requires a special permit**. By expanding by-right development, **those safeguards are no longer triggered for many proposals** (e.g. high density multi-family housing, an extremely contentious issue). The result is that **many of the safeguards residents believe are protecting their neighborhoods no longer apply**. And that was only *one* of many far-reaching changes made in the last regulatory update.

The merger also allows the commission to make decisions based on subjective or speculative economic arguments under its “planning” role, rather than applying the zoning regulations strictly and consistently. This broad interpretive latitude undermines predictability for residents and applicants—and is a formula for litigation (as we have already seen: *e.g. PZ#24-2RESUB - 96, 98, and 100 Stoddards Wharf Rd.*)

This situation should concern everyone. Too much policy-making authority is now concentrated in one body with no internal counterbalance, and our current regulations—adopted under this merged structure—no longer reflect the protective intent people assume is in place.



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 25-3055

Agenda Date: 1/8/2026

Agenda #: A.

REPORT

Staff/Committee Report:

ZEO Staff Report of January 8, 2026



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 25-3056

Agenda Date: 1/8/2026

Agenda #: B.

REPORT

Staff/Committee Report:

Planner's Report of January 8, 2026