



TOWN OF LEDYARD

Planning & Zoning Commission

Meeting Minutes - Draft

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Chairman
J.A. (Tony) Capon

Thursday, August 11, 2022

7:00 PM

Council Chambers - Hybrid Format

I. CALL TO ORDER

Chairman Capon called the Regular Meeting of the Planning and Zoning Commission to order at 7:02pm. He stated that the meeting was being recorded and requested that remote participants remain muted unless speaking and that each speaker state their name and address.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL APPOINTMENT OF ALTERNATES

Present	Commissioner Marcelle Wood Chairman J.A. (Tony) Capon Commissioner Thomas Baudro Commissioner Paul Whitescarver
Excused	Alternate Member Howard Craig Alternate Member James Awrach Alternate Member Gary St. Vil

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

The following persons spoke:

Nora Taylor, 9 Partridge Hollow Rd. Gales Ferry. Reported that a group has formed called Citizens Alliance for Land Use, as many are concerned about the potential Cashman Development at the former DOW Chemical Site. The group was formed to gain a better understanding of the type of operation proposed and potential impacts on surrounding neighborhood.

Jancarlo Sarita, owns property at 5 Johnnie Court, Ledyard stated that he submitted an application for a change to the existing Short-term rental regulations identical to the application submitted by Robert Barnett because Mr. Barnett postponed the public hearing and had considered withdrawing the application all together. He asked that the Commission expedite the application.

Eric Treaster, 10 Huntington Way, asked if it would be appropriate to propose a moratorium on Industrial Uses given the potential uses for the DOW Chemical Site.

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

MOTION was made by Chairman Capon, seconded by Commissioner Baudro to add Discussion and Vote for Applications PZ22-10,11 &12 to Old Business. Motion carried by the following vote:

RESULT: APPROVED AND SO DECLARED
MOVER: J.A. (Tony) Capon
SECONDER: Thomas Baudro

AYE: Wood, Capon, Baudro, and Whitescarver

AYE: 4 Wood, Capon, Baudro, and Whitescarver

VI. PRE APPLICATION OR WORKSHOP

None

VII. PUBLIC HEARINGS

Chairman Capon seated all 4 members present as voting members for all the Public Hearings. All materials submitted have been incorporated into the record.

A. **Application PZ#22-9RA** of Robert Barnett, 51 Church Hill Rd., Ledyard, CT for an amendment to Section 8.28 (Short Term Rentals) of the current Zoning Regulations.

Mr. Barnett submitted a letter requesting that the public hearing be postponed until 9/8/22. There was no discussion.

B. **Application #PZ22-10SUP** of Caryn Oresky, 1 West Drive, Gales Ferry, CT 06335 for a Special Permit to establish a Short-Term Rental use in accordance with Section 8.28 of the Zoning Regulations

Caryn Oresky was present for this application. She presented the application and stated that she has run an Airbnb under the former Ordinance for 3 years with no complaints.

ZEO John Herring stated that the application was complete and met the requirements of Section 8.28 of the Zoning Regulations. Mr. Herring provided the Commission with a check sheet demonstrating compliance with Section 8.28 and the applicable Special Permit requirements. Maps and Floor Plans were provided. LLHD is not required if there is no change in the number of bedrooms.

Commission members had no questions or concerns.

The following persons spoke:

Eric Treaster, 10 Huntington Way, asked questions about pets being allowed. Ms. Oresky stated that she does not allow pets and that it is stated on her listing.

Chairman Capon closed the Public Hearing at 7:19pm.

C. **Application #PZ22-11SUP** of Stephanie Ma, 15 Autumn Way, Ledyard CT 06339 for a Special Permit to establish a Short-Term Rental use in accordance with Section 8.28 of the Zoning Regulations.

Public Hearing opened at 7:19

Tracy O'donnell, 491 Greenhaven Rd., Stonington, presented for Stephanie Ma due to a language barrier.

Ms. O'Donnell stated that Ms. Ma is a very responsible host and has no complaints. She stated that 4 of the 5 bedrooms are used for STR. Ms. Ma lives on the property. Commission members had no questions or concerns.

Mr. herring went over the check sheet and stated that the application met all the requirements of Section 8.28 of the Zoning Regulations. He stated there are no records of any complaints and that she was permitted under the previous STR Ordinance for 2 years.

The following person spoke:

Eric Treaster, 10 Huntington Way, asked how the applicant knows that the owner lives on the premises.

There were no further questions or comments. **Chairman Capon closed the Public Hearing at 7:23pm**

D. **Application #PZ22-12SUP** of Jeanne Bryant, 1899 Route 12, Gales Ferry CT 06335 for a Special Permit to establish a Short-Term Rental use in accordance with Section 8.28 of the Zoning Regulations.

PH opened at 7:24pm

Jeanne Bryant, 1899 Rte. 12, presented her application. She stated that she was permitted under the former Ordinance. They only allow 2 guests, no children, no pets, no parties and despite living on the river, there is no water access for guests. They have 2 plus acres with plenty of room for parking. She stated her rules are clear on the Airbnb listing.

Mr. Herring reviewed the check sheet. He noted that this Airbnb is not operating at the moment due to renovations but will be operational shortly.

The Commission Members did not have any questions.

The following persons spoke:

Eric Treaster, 10 Huntington Way, stated that her rules are very good but should not reference the Ordinance and should be amended to reflect the current regulations. Arch Bryant also spoke on behalf of his wife.

Mike Cherry, 5 Whippoorwill Dr. Gales Ferry spoke about a new Airbnb and VRBO "no party policy"

Chairman Capon closed the Public Hearing at 7:30pm

VIII. OLD BUSINESS

A. **Application #PZ22-10SUP** of Caryn Oresky, 1 West Drive, Gales Ferry, CT 06335 for a Special Permit to establish a Short-Term Rental use in accordance with Section 8.28 of the Zoning Regulations

Commission members agreed that the Application was complete and met the requirements of Section 8.28 of the Regulations and was in conformance with Special Permit criteria.

MOTION was made and seconded to approve Special Permit Application #PZ22-10SUP to operate a Short-term Rental.

RESULT: APPROVED AND SO DECLARED

MOVER: J.A. (Tony) Capon

SECONDER: Thomas Baudro

AYE: 4 Wood, Capon, Baudro, and Whitescarver

ABSENT: 3 Craig, Awrach, and St. Vil

B. **Application #PZ22-11SUP** of Stephanie Ma, 15 Autumn Way, Ledyard CT 06339 for a Special Permit to establish a Short-Term Rental use in accordance with Section 8.28 of the Zoning Regulations.

Commission members agreed that the Application was complete and met the requirements of Section 8.28 of the Regulations and was in conformance with Special

Permit criteria.

MOTION was made and seconded to approve Application #PZ22-11SUP for a Special Permit to operate a Short-term Rental.

RESULT: APPROVED AND SO DECLARED

MOVER: J.A. (Tony) Capon

SECONDER: Thomas Baudro

AYE: 4 Wood, Capon, Baudro, and Whitescarver

ABSENT: 3 Craig, Awrach, and St. Vil

C. **Application #PZ22-12SUP** of Jeanne Bryant, 1899 Route 12, Gales Ferry CT 06335 for a Special Permit to establish a Short-Term Rental use in accordance with Section 8.28 of the Zoning Regulations.

Commission members agreed that the Application was complete and met the requirements of Section 8.28 of the Regulations and was in conformance with Special Permit criteria.

MOTION was made and seconded to approve Application #PZ22-12SUP for a Special Permit to operate a Short-term Rental.

RESULT: APPROVED AND SO DECLARED

MOVER: J.A. (Tony) Capon

SECONDER: Thomas Baudro

AYE: 4 Wood, Capon, Baudro, and Whitescarver

ABSENT: 3 Craig, Awrach, and St. Vil

D. **Application PZ#22-8SUB** of Mr. G. 1 LLC, 55 Trumbull Road, Waterford CT, for a 24 Lot Open Space Subdivision located at 79 Vinegar Hill Road. (MBL94-2540-79)

Attorney Heller presented the application and gave a brief recap of the application for the Commission. The design has remained the same with the exception of a change in the location of the drainage basin. The Open Space has already been deeded to the Town following the 2018 approval. Drafts of the legal documents were submitted. He discussed the issue of the nested lots. He stated that he disagrees with Ms. Hodge's interpretation of the OS subdivision language. He pointed out that there are certainly inconsistencies in the Regulations, but that there have been no substantial changes since 2018 when the same subdivision was approved (but never recorded) and as such, the Commission was bound to approve the proposed layout including the nested lots.

Ms. Hodge presented her memo and stated that she agrees that the Commission is bound to approve the layout, but that they had clearly erred in 2018 by allowing the nested lots.

Chairman Capon and Chairman Wood asked questions of Harry Heller and Ms. Hodge

Ms. Hodge suggested the following conditions of approval, should the Commission approve.

Revise the Site Plan to show all driveways serving individual homes as 12 feet wide as required. All shared portions must be 15 ft wide and contained within a

access strip/easement area and comply with all other requirements found in Section 14.8B. Shared Driveways greater than 600ft must have a turn-out. Please correct the Zoning Compliance Table to reflect the current regulations. The table provided is based on the 2012 Regulations. Please reference the most recent IWWC application and approval in the notes. All comments provided by Town Engineer must be addressed prior to the filing of the mylar. All legal documents must be filed for any easements and/or rights of way prior to the sale of any of the lots affected. Bond estimates for the drainage/stormwater management systems must be reviewed and approved prior to the issuance of any zoning permits for individual lot development. [Redacted] agreed to the conditions of approval.

MOTION was made and seconded to approve Application #PZ22-8SUB with the conditions noted above.

RESULT: APPROVED AND SO DECLARED

MOVED: J.A. (Tony) Capon

SECONDER: Thomas Baudro

AYE: 4 Wood, Capon, Baudro, and Whitescarver

IX. NEW BUSINESS

A. Application #PZC 22-13SITE and Associated CAM Application #PZC22-14CAM of Garrett Homes, LLC for a proposed 10,700± new retail development with associated paved parking, stormwater management, utilities, landscaping and lighting located at 1682 & 1686 Rte. 12, in the GFDD and within the CAM Zone. Owners: Trustee of the Majalian Survivors Trust; 20 Monticello Dr. Gales Ferry CT 06335 and Karen K Majalian & Kathy M. Owens; 166 Centre St. Dover MA 02030.

Matthew Eucalitto presented the Application for the owners.

Matthew Eucalitto was present in the room and his associate Rebecca Feldman presented the plans via Zoom.

Mr. Eucalitto stated that the existing home will be demolished and the two parcels will be combined as part of this project.

They will provide a sidewalk to allow connectivity to existing commercial area. Applicant will provide a photometric plan.

J. Hodge went over her comments and Commission members asked questions. Ms. Hodge asked about Traffic Generation. Mr. Eucalitto stated that peak traffic would occur during the morning rush and after work and Saturday 11-3 peak and estimated that there would be about 30-40 peak trips for a store this size.

Commissioner Wood asked questions about having solar panels on the property and why there was so much extra parking.

Ms. Hodge went over her report and stated that a portion of the property was just within the CAM zone and that an associated CAM Application #PZ22-14CAM had been submitted along with the Site Plan Application. To satisfy the requirements for that permit, the applicant provided a map and narrative to demonstrate compliance with CAM requirements in the regulations. He stated that he did not feel there would be any impact to coastal resources given its distance from any open water and proposed low impact

development.

The Architect presented the elevations.

There were no further questions from the Commission.

Ms. Hodge offered the following Conditions of approval should the Commission vote to approve the Application:

1. Per 6.6B(1)(l): Please provide CAM Demarcation line on the Site Plan (boundary Survey or SP1).
2. Per 6.6B(1)(m) Please provide a signature block on all sheets (or at least those to be filed with the Clerk (Boundary Survey, GN1, SP1. OP1 GD1 SU1)
3. Per 6.6B(8)(i): Please provide a signature block for the SE&SC Plan sheet and provide the name of the individual responsible for installing and maintaining the E&SC Measures (6.6B(8)(h).Per 6.7A(1)(c): Please provide information regarding expected traffic generation.
4. Please provide a Lighting Plan and identify location and type of all proposed lighting for building and parking areas.
5. The plans were also reviewed by Steve Masalin, Town Engineer. Comments were provided and all issues identified must be addressed prior to approval.

Further permits/ approvals will also be required prior to the issuance of a Zoning Permit:

1. LLHD Approval is required
2. Please provide application for encroachment permit
3. Applicant must submit an application to merge 1682 & 1686 Rte. 12 prior to filing the mylars.
4. Demolition permit required prior to issuance of a Building Permit for construction.
5. Applicant agreed to the Conditions.

MOTION was made and seconded to Approve Applications #PZ22-13SITE with the conditions noted above and #PZ22-14CAM.

RESULT: APPROVED AND SO DECLARED

MOVER: Marcelle Wood

SECONDER: Paul Whescarver

AYE: 4 Wood, Capon, Baudro, and Whescarver

B. **Application PZC#22-15RA** of Jancarlo Sarita, 8 Story Rd. Salem MA, 01970 for a proposed Regulation Amendment to Section 8.28 (Short-term Rentals) of the Ledyard Zoning Regulations.

Application was received and the Public Hearing was scheduled for 9/8/22

X. APPROVAL OF MINUTES

A. PZC Special Meeting July 28, 2022 Draft Minutes

MOTION was made and seconded to approve the minutes of the July 28, 2022 Special Meeting.

RESULT: APPROVED AND SO DECLARED

MOVER: Thomas Baudro

SECONDER: J.A. (Tony) Capon

AYE: 4 Wood, Capon, Baudro, and Whescarver

XI. CORRESPONDENCE

Letter from Miello

XII. REPORTS

A. TOWN PLANNER REPORT

1. Director of Planning and Development Report

Planning Director J. Hodge went over the report that she submitted.

B. ZONING OFFICIAL REPORT

1. ZEO Reports

ZEO Thomas Thomas went over the reports he and ZEO J. Herring submitted.

XIII. ADJOURNMENT

Chairman Capon adjourned the meeting at 8:47PM