



Chairman
Tony Capon

TOWN OF LEDYARD

Planning & Zoning Commission

Meeting Minutes - Draft Minutes

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Regular Meeting

Thursday, July 11, 2024

6:00 PM

Council Chambers - Hybrid Format

REMOTE MEETING INFORMATION

Join Zoom Meeting

<https://us06web.zoom.us/j/88300246224?pwd=2BLaJIHRADrpJ8D9bWATbhsUrWd8bP.1>

Meeting ID: 883 0024 6224 Passcode: 570352

• +1 646 558 8656 US (New York)

I. CALL TO ORDER

Chairman Capon called the meeting to order at 6:00 p.m. at the Council Chambers, Town Hall Annex Building.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL APPOINTMENT OF ALTERNATES

Present Chairman Tony Capon
 Commissioner Howard Craig
 Commissioner Jessica Cobb
 Alternate Member Beth E. Ribe

Excused Commissioner Marcelle Wood
 Vice Chair Paul Whitescarver
 Alternate Member Matthew Miello

In addition, the following were present:

Liz Burdick - Director of Land Use & Planning

Alex Samalot - Zoning & Wetlands Official

Anna Wynn - Land Use Assistant

IV. PUBLIC COMMENT (ILIMITED TO NON-AGENDA ITEMS - LIMIT 3 MINS)

Eric Treaster, 10 Huntington Way, Ledyard stated that he is requesting the Commission establish a policy on short-term rentals enforcement.and regulation of amendments. He stated that he has an application in front of the Commission for substantial regulations amendments and stated it is traditional that Commissions put a moratorium on applications that may be affected by those changes.

Carlo Porazzi, 30 Chapman Lane, Gales Ferry addressed the Commission and stated that the last few years he has been very involved with town politics and is concerned about the lack of transparency in town affairs. He stated that the town representatives need to consider the needs and welfare of the residents above all else. He stated that he strongly urges the following actions be taken by the PZC and other town Commissions.

1. Please make use of existing ordinances and regulations to require the hiring of independent experts, funded by the applicants to review, concur, dispute or adjust any applications or data submitted by the applicant and assist town staff during the application process.

2. Any new application or resubmission should be required to be reviewed by the IWWC whether or not there are wetlands on the property.

Joanne Kelly, 12 Thames View Pentway, Gales Ferry, readdressed what she feels is an inaccuracy in the meeting minutes from the Planning and Zoning Commissions Meeting from April 11, 2024. She stated that she had contacted the Chairman regarding this concern.

Chairman Capon responded that all comments regarding minutes must be sent to the Land Use Department for review.

Director Burdick clarified that the meeting minutes are a summary of what was said not a transcript. She stated that every meeting has a recorded video that is posted to the town website and available for any member of the public to view. Director Burdick stated that she will review any revisions that are emailed to her.

Ms. Kelly continued stating that she is concerned about the ways in which the public is notified and able to participate in town decisions. She additionally stated that she would like to echo Mr. Treaster in calling for a moratorium on the multifamily housing which is not on the agenda tonight until his proposed regulation changes have a hearing.

Eleanor Murray, 26 Devonshire Drive, Gales Ferry, stated that she wanted to talk about the proposed 320 unit building construction on Military Highway. She stated that as of 2023 there were 1,123 people living in Gales Ferry. She stated that if that apartment building goes through that will add at least 500 people to Gales Ferry as a low approximation. She stated she has concerns about adding 50% of the total population, as well as about 500 more cars to the streets. She stated that she's concerned about the transparency of the real estate

transaction of that property. She stated she's asking for a public hearing on the application.

Anne Roberts Pierson, 4 Anderson Drive, Gales Ferry, asked the Commission if she could speak to PZ#24-8SUP and PZ24-9CAM because she did feel she received sufficient answer during the previous IWWC meeting.

Chairman Capon stated that it is an agenda item and cannot be addressed during public comment.

Director Burdick stated that if there are further questions regarding this application that were not satisfied during the IWWC meeting, than she would be more than willing to answer them over the phone or in the office.

Anne Roberts-Pierson asked if she can question or comment about the Avery Brook Homes application timeline.

Chairman Capon stated that item is on the agenda and cannot be discussed during public comment.

Anne Roberts-Pierson stated that she concurs with Mr. Treaster's and Ms. Kelly's call for a Moratorium on multifamily housing applications. She also stated that she concurs with Carlo Porazzi in that all application should pass before IWWC for review. She referenced past processes for dealing with applications as she knows them.

Chairman Capon noted that the PCZ is not the appropriate form for many of these questions and comments. He stated that the appropriate form would be the IWWC and that their regulations determine what should be reviewed.

Director Burdick stated that there's a common misconception that the IWWC approved applications. The IWWC approves regulated activities regarding each individual application. She stated that if there are no regulated activities associated with a Planning and Zoning application, the IWWC has no authority. She stated that the town Commissions are governed by the Connecticut General Statutes and the Inlands Wetlands Regulations of the town of Ledyard. She stated that a proposed regulation amendment is being taken up at the Commission's August 8, 2024 meeting to modify current regulations to include activities in areas outside wetlands that may have an impact on wetlands. She stated that it is not possible to send every application to be reviewed by the IWWC based on current law and regulations.

Leeann Anderson, 78 Military Highway, stated that she concurs with previous statements made by residents this meeting.

Joann Kelly, 12 Thames St Pentway, addressed the Commission again and stated that she would like to specify 180 days concerning the Moratorium for the regulation changes concerning multifamily housing. She also stated that she and other residents had submitted a petition for a public hearing on the 320 unit multifamily housing unit. She stated that having a public hearing on this application is important not only because of its impact on the Gales Ferry community and way of life, but also because of the impact on the town's school system. She stated that the current town schools are close to capacity and that another potential impact of this application is the need to build a new school.

Director Burdick commented that the application for 19, 29, 39 Military Highway proposed 320 multifamily housing unit was received just before the IWWC meeting and was tabled to the August 6th meeting for a presentation by the Applicant and for the IWWC to determine if the project was determined a significant impact activity or in the best interest of the public a public hearing was required. She stated that the other way a public hearing may be held is by the submittal of a petition for a hearing signed by 25 members of the public 18 years or older that reside in Ledyard. She stated that such a petition was received on 7/9/24, that her dept. has verified the petition is proper, that the petition was posted on the Town website and that on 8/6/24 the IWWC application will set a public hearing for 9/3/24.

Aaron Hass of Harvard Terrace, Gales Ferry, stated his concerns about the proposed 320 unit multifamily housing unit on Military Highway noting that the sewage and electrical infrastructure in Gales Ferry is not sufficient for housing that big. He concurred with other statements and concerns made by other residents. He stated concerns about transparency concerning on going application processes in the town.

Attorney Harry Heller, of Heller, Heller & McCoy, 736 Norwich-New London Turnpike, Uncasville, stated that town regulations are in place not only to protect the community's welfare but for the protection of every property owner including applicants that come before you. He stated that applicant rights are just as important as every other resident's rights and that town regulations must be administered fairly and impartially. He stated that the PZC and the IWWC have adopted them into their legislative capacity. He stated that when an applicant comes before the Commission, the application has been reviewed by experts and made a determination about what needs to be done to comply with town regulations.

Ed Murray, 26 Devonshire Drive, Gales Ferry, stated that he has concerns about the potential impact of the proposed application on the community's way of life.

Mike Cherry, 5 Whippoorwill Drive, Gales Ferry, stated that the town residents need more education on Town Regulations & the State Statutes the Commission is bound to adhere to. He stated that there is little turnout for Town meetings and Board of Education meetings where the Commissions are creating and modifying regulations. He stated that resident involvement is important. He referenced past applications and stated there have only been two occasions in which a moratorium has occurred. He stated that having a public hearing for a site plan application is risky at best because it doesn't toll the time limit for approval and on a site plan the Commission is either able to approve or deny it, they cannot condition it. He stated what purpose does a public hearing serve to an application that has been reviewed by numerous professionals and experts and meets Town regulations, that if the application meets the Town regulations and expert criteria it needs to be approved by law. He referenced the history of how the current regulations came into being. He stated that he was disappointed that few people read the Town regulations before coming to the meeting tonight.

Angela Cassidy, 52 Hurlbutt Rd, Gales Ferry, stated that she concurs with Mr. Treaster on the moratorium. She stated that the residents are trying to work within the limits of the Town regulations.

Director Burdick commented that she has already sent out PZ#24-2RESUB to four independent multidisciplinary firms to review the entire application.

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

Chairman Capon stated that WITHOUT OBJECTION from Commissioners, the agenda is approved.

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RESULT: APPROVED AND SO DECLARED

AYE: 4 Capon, Craig, Cobb, and Ribe

EXCUSED: 3 Wood, Whitescarver, and Miello

VI. PRE APPLICATION OR WORKSHOP

None.

VII. PUBLIC HEARINGS/APPLICATIONS

- A. **Public Hearing: PZ#24-2RESUB** - 96, 98, and 100 Stoddards Wharf Rd., Ledyard, CT
Agent: Harry Heller, Esq. Heller, Heller & McCoy - Applicant/Owner: Avery Brook Homes, LLC, for an 18-Lot Resubdivision/Affordable Housing Development pursuant to CGS §8-30g. *(Submitted 3/28/24, Date of Receipt 4/11/24, PH set for 5/9/24, PH Opening Postponed to 5/30/24, PH Opened 5/30/24, PH Cont. to 6/13/24, PH must close by July 3, 2024, DRD 65 days from Close PH).*

Chairman Tony Capon reopened the public hearing.

Director Burdick read into the record the letter from Attorney Harry Heller of Heller, Heller & McCoy, 736 Norwich-New London Turnpike, Uncasville, CT dated July 10, 2024 requesting the public hearing be continued to the 8/8/24 meeting of the Commission and granting it a 7-day extension to do so. Director Burdick recommended the Commission to accept the extension and continue the public hearing to the August 8, 2024 meeting to allow CT DPH staff, Town staff/consultants & the Intervener, Groton Utilities to review new technical documents.

Attorney Harry Heller, Heller, Heller & McCoy, 741 Norwich-New London Turnpike, Uncasville, CT addressed the Commission and stated that this application is large and technically complex. He stated that at the next public hearing that he and his consultants will be making a presentation for the applicant, as well as the intervenors, Groton Public Utilities and the independent consultant that has been retained by the Town of Ledyard. He stated that all the issues and information regarding the application will be aired more thoroughly at the next public hearing when all parties have an opportunity to present to the Commission. He stated that on an affordable housing application the Commission will have to evaluate whether there are health and safety and other legal concerns that outweigh the State's identified need for affordable housing.

Anne Roberts-Pierson of 4 Anderson Drive asked if the August 8, 2024 meeting will be an active public hearing. She stated that she is concerned that this is a large application and there won't be enough time to review all the materials and allow for all residents to voice their opinions. She asked Director Burdick and the Commission if there is a time limit on how long a public hearing can go on for on August 8, 2024.

Director Burdick stated that all the materials for the application have been posted online for public viewing for some time, but for the wastewater renovation analysis and water report that was posted on 7/1/24.

Director Burdick stated that she spoke with Attorney Steven Studer of Bercham & Moses on behalf of the Intervenor, Groton Utilities on 7/1/24 and that his consultants haven't had time to review all the information and make a presentation. She stated that there are many professionals who still need to review the information that was posted on 7/1/24 and that is the reason Attorney Heller is requesting a continuance and granting an extension of time so that all parties have enough time to review and prepare.

Anne Roberts Pierson, 4 Anderson Drive, Gales Ferry asked for clarification on past public hearing dates.

Director Burdick asked if Attorney Studer, who was present on ZOOM, representing the Intervenor Groton Public Utilities, had any additional comments.

Attorney Studer stated that the Intervenor concurs that the public hearing should be continued for all parties to have enough time for review. He stated that the Intervenor will be presenting their response to that information by the next public hearing.

Director Burdick commented that the wastewater analysis has been posted to the website but there has been no presentation.

Anne Roberts Pierson, 4 Anderson Drive, Gales Ferry, stated that since the technical data has not been presented at a public hearing, how will they have time to respond to it on the August 8 meeting? She voiced concerns that a two hour meeting will not be sufficient time for the public to respond.

Chairman Capon responded that the next meeting could very well go on for several hours to allow for the public to respond.

Mike Cherry, 5 Whippoorwill Drive, Gales Ferry, stated that Ms. Roberts' question revolves around how many days are left after the August 8th meeting before the maximum extension of time of 65 days expires.

Director Burdick stated that there are 23 additional days from August 15th and if we need to have a special meeting the Applicant can grant us at least 23 more days of extension of time for another hearing.

Chairman Capon stated that WITHOUT OBJECTION the Commission will continue the public hearing to August 8, 2023 and accept the 7-day extension of time to do so.

RESULT: CONTINUE

- B. Discussion & Decision: PZ#24-2RESUB** - 96, 98, and 100 Stoddards Wharf Rd., Ledyard, CT Agent: Harry Heller, Esq. Heller, Heller & McCoy - Applicant/Owner: Avery Brook Homes, LLC, for an 18-Lot Resubdivision/Affordable Housing Development pursuant to CGS §8-30g. (Submitted 3/28/24, Date of Receipt 4/11/24, DRD 65 days from Close PH).

RESULT: NO ACTION

VIII. OLD BUSINESS

- B. PZ#24-7ZRA - Applicant, Eric Treaster for proposed amendments to various sections of the Ledyard Zoning Regulations**, inc. Table of Contents, Section 2.2 (Definitions), Pg 5-3 (Uses Res Districts), Pg. 6-7 (Uses Non-Res Districts), Pg 8-14, Sec 8.16 (Excavation), Pg. 5-1 Sec. 5.2 (Dim Reqs. Res Zones), Pg 5-2, Sec. 5.3 (Uses Res Districts), Pg 6-2 Table

6.2.1 General Guidelines: All Development, Cluster & Transition Districts), Pg 6-4 Sec. 6.4 (Permitted/Special Permits Uses Non-Res Zones), Pg. 8-25, Sec. 8.28 (Residence, Multi-Family), Pg 8-26, Sec 8.28.E (Off-Street Parking), Pg 8-26, Sec. 8.28.F (Max Bldng. Height Multi-Fam), Page ii Table of Content (Reserved) & Sec8.3 (Reserved) to add “Affordable Housing Developments (R.I.G.L. §8-30g Applications).” *(Submitted 6/5/24, Date of Receipt 6/13/24, PH must open by 8/17/24).*

Director Burdick commented that Mr. Treaster has submitted a revised documents that have been posted to the town website and recommended a public hearing be set for the application for 8/8/2024.

Chairman Capon stated that WITHOUT OBJECTION the public hearing has been set for regular meeting on August 8, 2024 at 6:00pm

RESULT: CONTINUE

IX. NEW BUSINESS

PZ#24-8SUP & PZ#24-9CAM - 1737 and 1761 Connecticut Route 12 (Parcel IDs: 76-2120-1737 & 61-2120-1761), Gales Ferry, CT - Agent, Harry Heller, Esq., Heller, Heller & McCoy - Applicant/Owner, Gales Ferry, Intermodal, LLC for a Special Use Permit (SUP) and Coastal Area Management Review to modify an existing SUP/Coastal Site Plan for Mixed-Use (Commerical/Industrial) Development for addition of Excavation Operation, Major. *(Submitted 07-09-24, Date of Receipt 07-11-24, PH must open by 9-14-24)*

Director Burdick commented that the Commission will receive the application tonight and that a public hearing should be set for the application for September 12, 2024.

Chairman Capon stated that WITHOUT OBJECTION the public hearing for PZ24-8SUP and PZ#24-9CAM will be held on September 12th, 2024 at the Ledyard Middle School at 6:00pm and will be posted as a special meeting.

RESULT: CONTINUE

X. APPROVAL OF MINUTES

A. MOTION to approve the Planning and Zoning Commission regular meeting minutes of June 13, 2024

Chairman Capon stated that WITHOUT OBJECTION the minutes from the June 13, 2024 Regular meeting are approved

RESULT: APPROVED AND SO DECLARED

AYE: 4 Capon, Craig, Cobb, and Ribe

EXCUSED: 3 Wood, Whitescarver, and Miello

XI. CORRESPONDENCE

Director Burdick extended the invitation of CCAPA to its all-day Housing Forum on 9/11/24 from 8:30 am - 4:30pm in New Haven, CT and stated she will forward details to the Commissioners.

XII. REPORTS

XIII. ADJOURNMENT

Chairman stated that WITHOUT OBJECTION the meeting is adjourned at 6:55pm.

Respectively Submitted,

Chairman Capon
Planning & Zoning Commission

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