



TOWN OF LEDYARD CONNECTICUT

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Planning & Zoning Commission

~ AGENDA ~

Chairman
Tony Capon

Regular Meeting

Thursday, January 12, 2023

7:00 PM

Council Chambers - Hybrid Format

REMOTE MEETING INFORMATION

Town Hall Annex Council Chambers

Join Zoom Meeting

<https://us06web.zoom.us/j/88945129662?pwd=a0FMRHVtMlo4TjRGa3hrZ0FPV3ZaQT09>

Meeting ID: 889 4512 9662

Passcode: 661410

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL APPOINTMENT OF ALTERNATES
- IV. CITIZENS PETITIONS (LIMITED TO NON-AGENDA ITEMS)
- V. APPROVAL OF ADDITIONS TO AND/OR CHANGES TO ORDER OF THE AGENDA
- VI. PRE APPLICATION OR WORKSHOP
- VII. PUBLIC HEARINGS/APPLICATIONS
- VIII. OLD BUSINESS
- A. Application PZ#22-18SUB of Avery Brook Homes, LLC - WITHDRAWN BY APPLICANT ON 1/5/2023
 - Avery Brook Homes LLC - Withdrawn by Applicant
 - Attachments:** [Exhibit #37 - Ltr from Heller of Withdrawal](#)
- IX. NEW BUSINESS
 - A. Application #PZ22-20RA to revise section 3.9(A) uses subject to a Moratorium, Cannabis Establishments; Section 5.4.1 (open space / conservation subdivision) and 7.5 (interior lots).

Attachments: [PZ#22-20RA Signed SCCOG Notification](#)
[PZ#22-20RA Exhibit List](#)
[SCCOG Moratorium Letter from N. Haggerty](#)
[PZ#22-20RA Application - Town of Ledyard](#)

X. APPROVAL OF MINUTES

A. Approval of December 8, 2022 Minutes

Attachments: [December 8, 22 Draft PZC Minutes](#)

XI. CORRESPONDENCE

A. STR Suggested Regulations - Eric Treaster

Attachments: [1.3.23 STR Suggested Regulations - ET Correspondence](#)

B. Ledyard Agricultural Commission Memorandum

Attachments: [Ledyard Agricultural Commission Memo - Jan 5](#)

C. Connecticut Land Use Law for Municipal Land Use Agencies, Boards, and Commissions - CBA Education and Training

Attachments: [CBA Education and Training Brochure](#)

XII. REPORTS

A. Staff Reports

Attachments: [Activity Report 12 January 2023](#)
[Activity report DEC 22 Jan 23 PZC](#)

XIII. ADJOURNMENT



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 23-1012

Agenda Date: 1/12/2023

Agenda #:

AGENDA REQUEST
GENERAL DISCUSSION ITEM

Subject:

Avery Brook Homes LLC - Withdrawn by Applicant

Background:

(type text here)

Department Comment/Recommendation:

(type text here)

Exhibit
37

HELLER, HELLER & McCOY

Attorneys at Law

736 Norwich-New London Turnpike

Uncasville, Connecticut 06382

Sidney F. Heller (1903-1986)
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William E. McCoy (bmccoy@hellermccoy.com)

Mary Gagne O'Donal (mgodonal@hellermccoy.com)
Andrew J. McCoy (amccoy@hellermccoy.com)

Telephone: (860) 848-1248
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January 9, 2023

Ledyard Planning and Zoning Commission
Attn: Mr. J. Anthony Capon, Jr., Chairman
741 Colonel Ledyard Highway
Ledyard, CT 06339

RECEIVED
2023
PLANNING AND ZONING DEPARTMENT

Re: Resubdivision Application of Avery Brook Homes, LLC
94, 96, 98 and 100 Stoddards Wharf Road, Ledyard, Connecticut

Dear Mr. Capon:

As you are aware, a proposed resubdivision of the above referenced property, submitted by Avery Brook Homes, LLC pursuant to the provisions of Connecticut General Statutes §8-30g, is currently in the public hearing process before the Town of Ledyard Planning and Zoning Commission. The public hearing on this application was opened by the Ledyard Planning and Zoning Commission on October 13, 2022. Pursuant to Connecticut General Statutes §8-7d, a municipal planning commission is required to close a public hearing within thirty-five (35) days subsequent to its opening. The statute further provides that the applicant may grant up to sixty-five (65) days of extension within which to conclude the public hearing. The statute does not authorize any further extensions. Therefore, the public hearing on this application must be closed by January 31, 2023.

The applicant is currently in the public hearing process with respect to this project before the Ledyard municipal Wetlands Commission. The public hearing on the application before the Wetlands Commission has been continued to February 7, 2023. Therefore, any statutorily mandated report with respect to this project submitted by the municipal Wetlands Commission could not be commented on by the applicant in the public hearing process before the Planning and Zoning Commission.

Unfortunately, the applicant has been placed in this quandary due to the fact that the Ledyard Wetlands Commission did not schedule a public hearing on the wetland application until its October, 2022 meeting with a public hearing originally scheduled for November 1, 2022. However, that meeting was cancelled due to illnesses on the Commission. The public hearing was

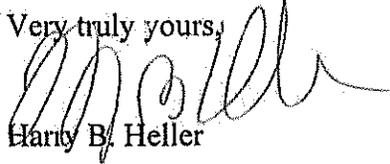
Z:\Avery Brook Homes, LLC\Subdivision\ltr.Town re withdrawal.docx

Town of Ledyard Planning and Zoning Commission
January 9, 2023
Page 2 of 2

rescheduled to open at the December 6, 2022 meeting of the Wetlands Commission. Unlike the wetlands application, in which the decision to hold a public hearing was discretionary based upon the statutory criteria contained in the Inland Wetlands and Watercourses Commission Act, a public hearing on the resubdivision application is mandated by both statute and Ledyard's subdivision regulations. Due to the delay in the public hearing process before the Wetlands Commission, the applicant has been prejudiced in its ability to present relevant information to the Planning and Zoning Commission in the resubdivision process¹.

Therefore, in order to protect its rights in this administrative proceeding, the applicant hereby withdraws the pending resubdivision application with the express intent to resubmit the same after the wetland proceeding has been concluded. Pursuant to the Ledyard Subdivision Regulations, an application fee in the amount of \$1,960.00 was paid to the Town of Ledyard at the time of filing of the resubdivision application. In conjunction with the withdrawal of the currently pending resubdivision application, we hereby request that the application fee paid to date be credited towards the application fee required by any subsequent resubmission of this project for consideration by the Ledyard Planning and Zoning Commission which occurs subsequent to the rendering of a final decision by the municipal Wetlands Commission.

Very truly yours,



Harry B. Heller

HBH/rmb
Enclosures

Cc: Avery Brook Homes, LLC
Stephen W. Studer, Esquire (via e-mail)
Peter Gelderman, Esquire (via e-mail)

¹ There will be information obtained through the public hearing process before the Wetland Commission which will be pertinent to considerations of the Planning and Zoning Commission in acting upon the resubdivision application.



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 22-781

Agenda Date: 1/12/2023

Agenda #: A.

LAND USE APPLICATION

Subject/Application:

Application #PZ22-20RA to revise section 3.9(A) uses subject to a Moratorium, Cannabis Establishments; Section 5.4.1 (open space / conservation subdivision) and 7.5 (interior lots).

Background:

Current moratorium expires 12/1/2022. Additional time required to draft regulations.



TOWN OF LEDYARD

Land Use Department

Juliet Hodge, Director of Planning & Development

741 Colonel Ledyard Highway

Ledyard, CT 06339-1551

Phone (860) 464-3215

planner@ledyardct.org

DATE: 11/30/2022

TO: SCCOG

FROM: Ledyard Planning and Zoning Commission

RE: Notice of Zoning Regulation Change: **Application #22-20RA.**

Per the referral requirement of CGS Section 8-3(a) you are hereby notified of the following proposed Zoning Regulation change:

Minor modifications to sections 3.9(A) uses subject to a Moratorium, Cannabis Establishments; Section 5.4.1 (open space / conservation subdivision) and 7.5 (interior lots). The Public Hearing for this application will be held on January 12, 2023.

Please Refer to attached documents.

Sincerely,

Juliet Hodge
Director of Planning and Development



TOWN OF LEDYARD, CONNECTICUT

PLANNING AND ZONING COMMISSION

EXHIBIT LIST

PZC APPLICATION: Application PZ#22-20RA of The Town of Ledyard, 741 Colonel Ledyard Hwy, Ledyard, CT to revise sections 3.9(A) uses subject to a moratorium, cannabis establishments; section 5.4.1 (open space/conservation subdivisions) and 7.5 (interior lots).

HEARING DATE: Permit received 12/8/22; PH by 1/12/23

EXHIBIT#

DESCRIPTION:

#1	Application and Proposed Text
#2	SCCOG Notification
#3	Notice of Public Hearing

SOUTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENTS
5 Connecticut Avenue, Norwich, Connecticut 06360
(860) 889-2324/Fax: (860) 889-1222/Email: office@seccog.org

(Via electronic mail)

December 5, 2022

Mr. Capon
Chairman
Town of Ledyard Planning & Zoning Commission
741 Colonel Ledyard Highway
Ledyard, CT 06339

RECEIVED

DEC 8 2022

LAND USE DEPARTMENT

Dear Mr. Capon:

I am writing in response to an application for regulation amendments for the Town of Ledyard. The application was received on 11/20/2022. The application was referred to this agency pursuant to Section 8-3 of the Connecticut General Statutes.

The first amendment seeks to modify the effective dates for a moratorium related to cannabis establishments. The second seeks to amend regulations related to the open space/conservation subdivision and interior lots.

Based a review of the material provided, I have determined that the proposed amendments are not likely to have a negative inter-municipal impact.

If you have any questions, please contact me at 860-889-2324.

Sincerely,



Nicole Haggerty
Planner II
nhaggerty@seccog.org

Member Municipalities:

Bozrah * Colchester * East Lyme * Franklin * Griswold * Borough of Jewett City * City of Groton * Town of Groton * Lebanon * Ledyard * Lisbon * Montville * New London * North Stonington * Norwich * Preston * Salem * Sprague * Stonington * Stonington Borough * Waterford * Windham

If language assistance is needed, please contact SCCOG at 860-889-2324, office@seccog.org.

Si necesita asistencia lingüística, por favor comuníquese a 860-889-2324, office@seccog.org.

如果您需要语言帮助, 请致电860-889-2324或发送电子邮件至 office@seccog.org.



TOWN OF LEDYARD

APPLICATION FOR PLANNING & ZONING COMMISSION REVIEW

Application Number P222-2021A Submission Date 11/30/21 Official Receipt Date 12/8/21

FEE: N/A DATE PAID N/A RECEIPT # N/A

Applicant/Agent Town of Ledyard - Planning & Zoning Commission
(Please Print Legibly)

Signature: Julia Hodge - for the Commission

Address: 741 Colonel Ledyard Hwy Telephone 860-464-3215

E-Mail Address: planner@ledyardct.org

Owner Name (if different): _____

Address of Owner: _____ Telephone _____

Location of Work (Street Address) _____

Tax Assessor's Map. _____ Block _____ Lot _____ Zone _____

Is this property within 500 feet of another municipality? Y N CAM Zone Y N

Existing Use _____ CAM Exempt Y N

Special Permit Site Plan Review Regulation Change Zone Map Change

CAM Review Other: _____

Details:

modify section 3.9(A) to extend current moratorium on Cannabis Establishments; Section 5.4.1(C)(1)(a+b) minor modification to Conservation + open space subdivision - General constraints; minor modifications to Sections 5.4.1(D)(3)(b) & 7.5(A)(1)(a) to clarify stacking prohibitions of interior lots + width of access strip. 7.4 Driveways - minor edits

Approved by _____ Date _____

Denied by _____ Date _____

such plans be certified or otherwise verified by a licensed surveyor, engineer, or other qualified professional when necessary to determine such compliance.

- D. Applications for all other uses and buildings shall be reviewed by the Commission in accordance with this section and further provisions of these Regulations.

3.8 PROHIBITED USES:

- A. Any use not expressly permitted in a District is prohibited. Use Variances are not permitted. Special Permit approval for a use not specifically permitted in a district, is prohibited.
- B. No stand-alone building foundation or root cellar may be used as a dwelling unit. No building shall be occupied until a Certificate of Zoning Compliance and a Certificate of Occupancy are issued.
- C. No person shall occupy a travel trailer, motorized camper, or tent as a residence in the Town of Ledyard.

3.9 USES SUBJECT TO MORATORIUM:

- A. **Cannabis Establishments:** (*Effective December 17, 2021*)

Under Public Act 21-1 a “cannabis establishment” is a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer (i.e., licensed to sell both recreational cannabis and medical marijuana), food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter.

The Town of Ledyard Planning and Zoning Commission shall not accept or consider any application to permit a Cannabis Establishment licensed to sell recreational cannabis or medical marijuana as defined by Connecticut Public Act 21-1 for a period of ~~six (6)~~(12) months commencing from the effective date of ~~December-January 314, 2021~~2023. The reason for the moratorium is to allow the Ledyard Planning and Zoning Commission sufficient time to review Public Act No. 21-1 “An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis” and the associated regulation of Cannabis Establishments, and to draft and adopt municipal regulations generally consistent with the Plan of Conservation and Development regarding the retail sale of recreational cannabis or medical marijuana within the Town of Ledyard. The reason for the Moratorium is to allow the Ledyard Planning and Zoning Commission to review Public Act No. 21 "An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis" and the associated Regulation of Cannabis Establishments, and to draft and adopt Municipal Regulations regarding the retail sale of recreational Cannabis or medical marijuana within the Town of Ledyard.

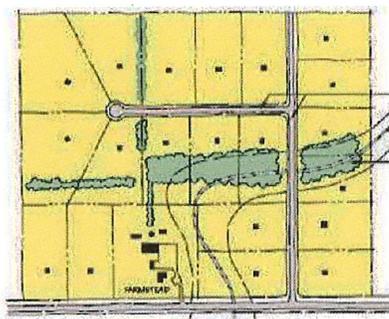
- 7. Promote orderly efficient development; and
- 8. Limit the extent of impervious surfaces and control runoff.

C. **Constraints – General:**

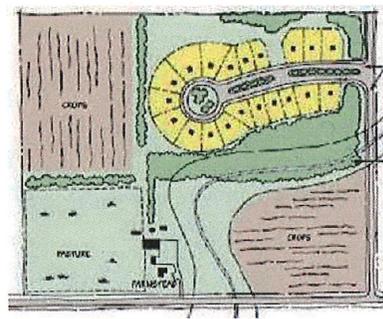
1. Overall Residential Density:

- a. A **Conservation or Open Space Subdivision** development shall not contain a total number of parcels which exceeds the number which could be permitted if the gross lot area were subdivided into conventional lots conforming to the minimum lot size, **buildable area** and density requirements applicable to the district or districts in which such land is located and conforming to all applicable requirements of these zoning regulations.

Conventional Subdivision



Conservation/Open Space Subdivision



- b. **An Open Space Subdivision** may exceed the number of parcels which could be permitted if the gross lot area were subdivided into conventional lots conforming to the minimum lot size, buildable area and density requirements applicable to the district or districts in which such land is located provided it conforms with the Health Code and all applicable requirements of these Zoning Regulations including, but not limited to, dimensional/bulk, access and interior/special interior lot requirements.

- 2. All utilities serving the Conservation or Open Space Subdivision shall be located underground. This includes individual lot service as well as any utilities service provided along any new road construction for the development.
- 3. A public or community water system is required when the density in the developed area exceeds either ~~two (2)~~ three (3) lots per 40,000 square feet or ~~six (6)~~ nine (9) bedrooms per 40,000 square feet. The developed area for this calculation is the total gross lot area minus the sum of the deeded open space and any undevelopable land.
- 4. A Conservation or Open Space Subdivision development utilizing a community water system shall not be approved unless the applicant obtains one (1) of the following:
 - a. A Certificate of Public Convenience and Necessity pursuant to §§8-25a and 16-262m of the Connecticut General Statutes, as amended; or

- a. No more than two (2) additional residential lots may share any portion of the driveway that ultimately accesses the main portion of the Special Interior lot.
- b. No more than one (1) Interior and/or one (1) Special Interior Lot may be stacked above a frontage lot. No more than one (1) Special Interior Lot may be stacked above an Interior Lot, and no Interior Lot may be stacked ~~or~~ above another Interior Lot each other.
- c. The entire length of the driveway servicing the special interior lot beginning at the street and ending at the front property line of the Special Interior lot shall be located within a dedicated twenty-five (25) foot wide right-of-way.
- d. The easement area shall not count toward the minimum lot size for any lots it crosses.

E. Open Space Requirements:

1. Each Conservation/Open Space Development shall result in the preservation of at least 40% / 60% (respectively) of the gross land area for parks, recreation, public trails, conservation, agricultural, or other open space purposes.
2. The applicant shall provide a written statement describing the Primary Conservation Area, what its primary use is (active recreation, habitat conservation, etc.), and how the remainder of the development and open space plan supports the protection of the Primary Conservation Area. The Primary Conservation Area is the part of the parcel which has the highest conservation value given the primary intended use of that area. For instance, a wetland primary conservation area intended for habitat conservation would be supported by ensuring conservation of some adjacent upland to support amphibious species.
3. The open space shall have access, shape, dimensions, character, location, and topography suitable for the purpose intended. In determining which land is to be preserved as open space, the natural and scenic qualities of the site shall be taken into consideration, as well as the ecological significance of the site and its utility as open space.
4. The open space shall be shown on the plat map and shall be labeled in a manner to indicate that such land is not to be platted for building lots and is permanently reserved for open space into perpetuity.
5. Whenever possible, the entire open space on shall be one contiguous unit and contiguous with any open space on adjoining lots, however, no contiguous open space area shall be less than 80,000 square feet.
6. The open space shall never be less than fifty (50) feet wide.
7. The open space shall be deeded to the Town or a designated non-profit Land Trust. In case the recipient of the of the open space is not the Town, the accepter of the open space shall provide sufficient information to support the ongoing monitoring and maintenance of the open space such that its primary use can be supported in an ongoing fashion and written documentation of same shall be provided prior to endorsement of the mylars for filing.
8. The Open Space area shall be accessible to the public from a public road or right-of-way, and a minimum of fifty percent (50%) of the proposed building lots shall share one or more boundary line with the open space created by the subdivision.

- a. The access strip shall be owned as part of the interior lot and must be a minimum of ~~thirtytwo~~^{thirty}~~five~~ (30~~2~~⁵) feet wide throughout and a maximum of 400 feet in length.
 - b. The access strip shall allow construction of a driveway that can comply with §7.4 (Public Works and/or Wetlands Commission review and approval may be required to determine whether the conceptual driveway can comply with §7.4).
 - c. The access strip shall be and remain free of all structures.
 - d. The minimum lot area for an interior lot will be a minimum of one and one half (1.5) times the minimum lot area for the zone in which it is located (See Section 5.4.1D for Minimum Lot Sizes for Interior and Special Interior Lots in Conservation and/or Open Space Subdivisions).
 - e. The area of the access strip shall not count toward the minimum lot area requirement.
 - f. The minimum front yard setback line for interior lots shall be measured from the front lot line where access strip meets the remaining portion of the lot.
 - g. An interior lot shall never be "stacked" behind another interior lot (or behind another Special Interior Lot if part of an Open Space Subdivision).
2. **Open Space Subdivision Exemption:**
- a. *Special interior lots* in an Open Space subdivision may be accessed via a driveway in accordance with §5.4.1(D)(3)(b). The easement area shall not count toward the minimum lot area for all lots utilizing the access easement area or otherwise encumbered by it.
3. Interior Lots that are created as part of a subdivision or re-subdivision (including Conservation and Open Space Subdivisions) as approved by the Planning & Zoning Commission shall meet any additional criteria set forth in the Subdivision Regulations of the Town of Ledyard.
 4. Interior lots may be created as part of a division of a parcel of land which is not a subdivision or re-subdivision within the meaning of §8-18 of the Connecticut General Statutes. The Director of Public Works shall review and approve access locations on Town roads and the State Department of Transportation shall review and approve access locations on State highways.

B. Non-residential Districts:

1. Interior lots may be permitted in the non-residential districts subject to the requirements set forth in §6.2 and 6.3.1 with the following conditions and/or exceptions:
 - a. The frontage requirement along a Town or State Road shall be a minimum of fifty (50) feet.
 - b. The access strip shall be a minimum of fifty (50) feet throughout and a maximum of 400 feet in length.
 - c. The area of the fifty (50) foot access strip shall not be included as part of the minimum lot area requirement.
 - d. The minimum front yard setback line for interior lots shall be measured from the front lot line where access strip meets the remaining portion of the lot.

7.6 JUNK, AND UNREGISTERED, INOPERABLE AND/OR HOBBY MOTOR VEHICLES

- A. Junk, as defined by these regulations, and/or partially dismantled motor vehicles, where not fully screened from all property lines, shall not be placed, stored, co-located, or maintained outside

- G. In no case shall such uses include the storage of oil, fuel, or hazardous chemicals (as defined by Connecticut DEEP).
- H. Such mobile units shall be arranged to allow access by emergency vehicles.

7.4 DRIVEWAYS, RESIDENTIAL

A. **Applicability:** The following residential driveway design standards shall apply to all driveways used for access to single-family and two-family dwellings. Driveways to multi-family dwellings must comply with the Town's standards for road construction. **Driveways for Non-Residential Uses shall comply with the provisions of §9.5 of these Regulations (Commercial Access Management).**

B. Residential Driveways, General Requirements

1. **Driveway Location:** The proposed frontage of a lot, whether a frontage or interior lot, must be capable of accommodating a driveway for access to the main part of the lot (i.e., the portion of the lot containing the principal use or structure) and meeting these Regulations' minimum driveway standards. A right-of-way and/or a portion of a right-of-way shall not be considered part of the required frontage.
 - a. The land on which the driveway is proposed to be located to access the parcel must be an undivided part of the parcel being developed (i.e., it must be owned in fee by the same person or persons who owns the remainder of the lot) unless a shared driveway meeting the standards of §7.4C is used.
 - b. Where multiple lots or dwellings will utilize a shared driveway for any portion of the length the full driveway, they shall **also** be subject to the Shared or Common Driveway regulations contained in §7.4C.
 - c. Minimum separation between physical driveways is twenty-five (25) feet as measured from curve return to curve return.
 - d. No driveway serving a current single-family or duplex dwelling that is located within any zone shall provide access to another lot that is either (A) located in a non-residential zoning district or (B) whose principal use is not a single-family or duplex dwelling.
2. **Connection to Roads:** The portion of any driveway through the road right-of-way connecting the property with the physical roadway shall be the shortest perpendicular distance possible. Any grading, filling, or drainage design in the right-of-way shall require the approval of the Town.
3. **Sightline Distance:** Driveways shall be designed and located to provide an unobstructed sight line distance as specified in the Town Road Ordinance (or as otherwise specified by the DOT where applicable). No obstruction, hedge, bush, tree or other growth, wall, fence, or sign shall be erected, maintained or planted which obstructs or interferes with required sightlines. It is responsibility of the property owner to maintain this sight line.
4. **Snowstack Space:** Driveways shall not be located closer than ten (10) feet to any property line to ensure that snow stacking is provided on the lot(s) on which the driveway is located.
5. **Surface:** **All** Driveways (**shared or otherwise**) serving single-family residences shall be paved or shall have an all-weather surface capable of vehicle loading to an AASHTO H-20 rating of 32,000 lbs. (14,500kgs.) per axle (as permitted). A driveway detail shall be provided on Site Plan/Plot Plan demonstrating compliance with this provision.

6. **Grade:** Driveway grade shall not exceed fifteen percent (15%) at any point. When any portion of a driveway has a grade exceeding ten percent (10%) percent, all abutting portions of the driveway having a grade greater than eight percent (8%) shall be paved. Driveways shall provide a reasonable transition in terms of grade between the driveway and the gutter line.
7. **Width:** All driveways shall be a minimum of twelve (12) feet wide except as provided in subsections B(8) and C(3) below.
8. **Length:** Driveways that exceed 400 feet in length must be fourteen (14) feet wide and shall be designed with a vehicle turnaround to avoid vehicles having to back onto the roadway when exiting the relevant parcels. Turnouts shall also be provided as follows:

Length Turnouts	Number of Turnouts
Less than 400 feet	None
400-800 feet	One turnout within 150 feet of the dwelling unit.
More than 800 feet	Every 400 feet

C. Shared or Common Driveways:

1. Common driveways may serve up to three (3) residential parcels ~~in any subdivision~~, except as otherwise provided in these Regulations.
2. The shared portion of any driveway must be located entirely within the access strip of the farthest lot it services. The individual driveway branching off the shared portion must directly connect to the main part of the lot (i.e., the portion of the lot containing the principal use or structure) it is to serve without crossing over any portion of any other lots. (See exception for Special Interior Lot §7.5A(2)(a)).
3. All shared portions of the driveway shall be a minimum of fifteen (15) feet in width and shall not exceed twelve percent (12%) grade at any point.
4. ~~All shared driveways shall be paved with a bituminous concrete layer, or other suitable all-weather surface capable of vehicle loading to an AASHTO H-20 rating of 32,000 lbs. (14,500kgs.) per axle. A driveway detail shall be provided on Site Plan/Plot Plan demonstrating compliance with this provision.~~

In another section already

4. Common driveways may not serve as a connecting driveway between two public streets and must be wholly contained within an access strip with a minimum width of thirty (30) feet throughout.

5. The boundaries of the shared driveway must be defined in, and the rights and duties of the respective users must be set forth in proper documents. Such document(s). which shall be presented with the application and are subject to review by Town Counsel prior to being filed with the Town Clerk to be placed on the Land Records.
6. The shared driveway access easement area shall not count toward the minimum lot area for all lots utilizing the access easement area or otherwise encumbered by it.

7.5 INTERIOR LOTS

A. Residential Districts:



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 22-955

Agenda Date: 1/12/2023

Agenda #: A.

MINUTES

Minutes:

Approval of December 8, 2022 Minutes



TOWN OF LEDYARD

Planning & Zoning Commission

Meeting Minutes - Draft Minutes

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Chairman
J.A. (Tony) Capon

Thursday, December 8, 2022

7:00 PM

Council Chambers - Hybrid Format

I. CALL TO ORDER

Chairman Capon called the Regular Meeting of the PZC to order at 7:04 PM. The meeting was hybrid with some attending in person and others via Zoom.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL APPOINTMENT OF ALTERNATES

Staff present: Juliet Hodge, Director of Planning and Development, John Herring, ZEO, Makenna Perry, Land Use Administrative Asst. and Attorney Carl Landolina.

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

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

Eric Treaster, 10 Huntington Way, opposed to some of the updates to the zoning regulations regarding the placement of accessory structures.

Steve DeLisle, 7 Quail Meadow, concerned about the recent placement of a 40 x 8 x10 shipping container that was placed in his neighbor's yard. He believes it is too close to his fence under current regulations.

Juliet Hodge explained that storage containers (temporary or permanent) are considered "accessory structure" per the regulations and that there are no specific regulations governing temporary storage containers or uses. She suggested that the COmmission address this issue.

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

None. All attachments and exhibits have been received and made part of the record.

VI. PRE APPLICATION OR WORKSHOP

None.

VII. PUBLIC HEARINGS/APPLICATIONS

VIII. OLD BUSINESS

- A. PZ22-19SUP Application of Daniel Parke, 1591 Rte. 12 Gales Ferry for a Commercial Services Home Occupation.

Chairman Capon opened the public hearing at 7:17 PM. All regular members were seated.

Daniel Parke, 1591 Route 12, presented his application to operate a small lawn care business from his home.

Juliet Hodge assisted Daniel Parke in presenting his application. She explained that a special permit is only required because the particular Home Occupation is for a Commercial Service. She referred to the narrative submitted that explained that all activity would occur off site and that all equipment would be stored in the existing shed on the property or within the enclosed landscaping trailer. There is no signage proposed and no additional employees. All vehicles would be shielded from adjacent neighbors and even from the street, though not required. She pointed out that the property was located in the GFDD and that there was an Auto repair facility and shopping plaza directly across the street. Hodge confirmed that Parke must comply with the requirements contained in Section 8.17 of the regulations as well as the special permit criteria.

Commissioner Wood asked about the potential for noise with respect to equipment and vehicle maintenance. Mr. Parke explained that any repair work would occur inside the shed or his garage as necessary. He explained that he did not anticipate any noise issues.

Applicant provided proof that abutters had been notified of the hearing.

Without objection, Chairman Capon closed the public hearing at 7:25 PM.

Discussion:

Commission members discussed the application and reviewed the narrative provided to demonstrate compliance with the Special Permit Criteria and applicable regulations.

Commission reviewed the Staff report provided which also evaluated compliance with all applicable regulations and criteria.

The Commission determined that the application as presented satisfied the Special Permit Criteria listed in Section 11.3.4 of the Regulations and applicable requirements in Section 8.17. Commissioner Wood moved to approve Special Permit Application #PZ22-19SUP to establish a Home Occupation - Off-site Commercial Services, accessory to the existing single-family residence as permitted by Special Permit in the GFDD.

By filing the Special Permit and associated Zoning Permit, the applicant certifies that he is a domiciled lawful residence of the single-family residence and that he will conduct the home occupation in conformance with the "conditions of approval and required conduct" as listed in the regulations particularly in Section 8.17.

Motion passed unanimously.

The Certificate will contain the following stipulations:

1. The proposed use shall not create any objectionable noise, odor, vibration, or unsightly condition noticeable from any property line
2. No more than four trips shall be generated per day from the site.

3. There shall be no more than three vehicles in excess of 26,000 pounds of gross vehicle weight.
4. All vehicles and equipment shall be stored out of sight from abutting residentially used parcels, but may be visible from the street provided that buffering conforms to all property line.

RESULT: APPROVED AND SO DECLARED

MOVER: Marcelle Wood

SECONDER: Howard Craig

- B.** Application PZ#22-16SUP of Victor O’Laughlen, 10 Cardinal Lane, Gales Ferry, CT 06335, to allow a Short-term Rental use.

Chairman Capon opened the public hearing at 7:28 PM.

Victor O’Laughlen, 10 Cardinal Lane, presented his application for a short-term rental via Zoom. He stated that he had been working with the ZEO and Building Department to address the issues raised with his application and feels he complies with the requirements.

The Chairman welcomed public comment.

The following people spoke:

Eric Treaster, 7 Huntington Way, spoke against the application. He referenced an email from an abutter that described mentioned guest activity at 10 Cardinal Lane as being very disruptive, loud, including the use of vulgar language at times. Mr. Treaster stated the taxes for the property were not current, but this information was corrected by ZEO and confirmed by the Applicant.

Mr. Treaster also did not feel the application provided evidence of compliance with Section 8.31.8 of the regulations concerning guest parking, pet rules, address of owner on property card not matching Driver’s Lic., and required declaration that owner is the primary resident.

Carol Miello, 12 Cardinal Lane, a direct abutter, spoke against the application. ZEO Herring asked Ms. Miello if she received notice of the public hearing. Ms. Miello stated that neither she or any other abutting neighbor she spoke with had received notification. ZEO Herring stated that he sent instructions to the applicant via certified mail on how to notify abutters.

Herring also discussed the various changes on the property card with respect to the number of bedrooms, and the lack of proper permits to create the extra bedroom. These issues have been resolved, but there is still no evidence of anyone actually living there. He stated that there have been written complaints received but found no record that the police had ever been called.

The Commission discussed the requirement that the host be the owner and that the home be his primary residence. Chairman Capon asked Mr. O’Laughlen if his current residence was 10 Cardinal Lane.

Mr. O’Laughlen admitted that he was waiting to see what the outcome of the application would be and that if approved he intended to live at the property at least 180 days. Staff also mentioned the fact that there was a second STR in Ledyard owned by the same LLC and questioned how they both could be owner-occupied. O’Laughlen stated that he had a business partner and that between the partner and himself someone would live at the properties.

Chairman Capon asked the Applicant if he notified his abutters in writing as required. Mr. O’Laughlen stated that he had misinterpreted the letter he received from the Town and thought that the Town would notify the abutters.

Commissioners asked additional questions about the potentially unsafe bedroom in the basement, and about the complaints to date and the plan to ensure that issues do not arise in the future. Mr. O’Laughlen stated that he wasn’t aware of any additional complaints other than the one complaint lodged by the Miellos. He stated he posted a sign in the back yard reminding guests to be quiet when outdoors.

Chairman Capon asked staff and land use Attorney Heller (who was present for another application) to explain the flaw of not notifying abutters.

Eric Treaster, 7 Huntington Way, and Mike Cherry, 5 Whipple Whirl Drive, both reiterated doubts they had about whether the applicant resided at the property. O'Laughlen concluded with an assurance that he was a good host and has tried to comply with the regulations of the town and address the neighbors' concerns.

Without objection, Chairman Capon closed the Public Hearing at 8:10PM.

Discussion by the commission.

Commissioner Wood was concerned about the safety of the renters and/or owner sleeping in the basement. Surprised that there was no permit for the STR at all.

Commissioner Whitescarver concerned about the lack of notification to the abutters and agreed with the concerns raised by staff. Feels it should be denied until the application reached the threshold. Commissioner Awrach concerned that applicant had been operating the STR without a permit for some time now and abutters had not been notified. He felt neighbors had filed complaints and had legitimate concerns and that their quality of life needs to be considered.

Commissioner Craig found the applicant's response to residency and why abutters were not notified to be too ambiguous. After reading/hearing complaints, he is not ready to move forward. was the lack of letters from the town questionable.

Commissioner St Vil, felt the applicant meant well, but that the applicant does not comply with the regulations. He agreed with the comments raised by the other commission members.

Commissioner Cobb questioned the intentions of O'Laughlen about his residency.

After considering all relevant factors, Chairman Capon made a Motion to deny Application PZ#16SUP for the following reasons:

Lack of required notification to abutters making the application incomplete

Question of residency and ownership

Continued to operate without a permit

Disturbances reported by abutters in public hearing.

Commissioner Marty Wood seconded the motion. Motion Passed unanimously.

RESULT: DENIED

MOVER: J.A. (Tony) Capon

SECONDER: Marcelle Wood

- C. Application PZ#22-18SUB of Avery Brook Homes, LLC, 1641 Rte. 12, PO Box 335, Gales Ferry, CT 06335, for a 36-Lot subdivision/Affordable Housing Development pursuant to section 8-30g of the Connecticut General Statutes, on four parcels of land located at 94, 96, 98 and 100 Stoddards Wharf Rd., Ledyard, CT 06339.

Chairman Capon opened the public hearing at 8:25 PM - hearing was continued from November 10th, 2022. Regular members present were seated for the public hearing. All exhibits listed in the Agenda were incorporated into the record.

Juliet Hodge listed the additional material that had been submitted after the agenda was posted and stated that they would be added to the file.

Harry Heller, 737 Norwich newlondon Tpke., Uncasville. Stated that the Public hearing just opened with the IWWC. They are deciding their course of action with respect to providing information requested by the IWWC. Atty. Heller briefly reviewed the changes made to the project design to date. He stated that he provided consent to extend the Public hearing to the next meeting.

Motion made by Chairman Capon to continue the Public Hearing to January 12, 2023 at 7:00PM.

RESULT: CONTINUE

IX. NEW BUSINESS

- A.** Application #PZ22-20RA to revise section 3.9(A) uses subject to a Moratorium, Cannabis Establishments; Section 5.4.1 (open space / conservation subdivision) and 7.5 (interior lots).

Commission received PZ#22-20RA make minor modifications to sections 3.9(A) uses subject to a Moratorium, Cannabis Establishments (to extend the moratorium); Sections 5.4.1 (open space / conservation subdivision) and 7.5 interior lots).

Without objection, Chairman Capon set the public hearing for January 12, 2023 at 7:00PM.

RESULT: CONTINUE

- B.** Town of Ledyard Affordable Housing Plan

Chairman Capon stated that the draft of the Affordable Housing Plan had been sent to the Commission members for review. Once the Commission has reviewed it, a public hearing will be required to formally approve it. Chairman Capon noted that most of the data used was from the ACS 5yr Survey not the 2020 Census data. He would like the consultant to use the most recent data especially with respect to population.

Juliet Hodge explained that the consultant should be invited to a meeting to review the plan and discuss the goals.

Commissioner Cobb asked about what a municipal housing project would entail and whether there was town-owned land available for such a project.

Commissioner members briefly discussed goals and implementation and the involvement of other entities in the planning and implementation process.

Mike Cherry spoke about the relation between the goals of this plan and the housing goals stated in the Plan of Conservation and Development. Paul Whitescarver asked about time requirements. The plan is definitely past due. Hodge suggested holding a special meeting in the end of January to finalize the plan.

RESULT: CONTINUE

- C.** Informal discussion on STRs

Commission members had an informal discussion about the future of short term rental regulations because of the recent court decision about hosts and owner occupancy.

Chairman Capon spoke about the continued demand for housing - particularly rental housing. Property owners currently have three options: They can have a hosted STRs or rent long-term. The question raised was the benefit of allowing non-hosted STRs. Chairman Capon asked the Commissioners' input on what the benefit of non-hosted rentals were that hosted STRs do not provide. What is the added value?

Juliet Hodge, asked about whether there was anything that could be added to the regulation that would make a non-hosted rental acceptable to the Commission.

John Herring, spoke of the benefit of being able to downsize into a smaller home (on a

different property) and rent out the family house as a STR until it could be given to a family member in the future.

Commissioners discussed the difficulties associated with evicting long-term renters and the burden placed on neighbors to enforcing the rules of STRs. Mr. Treaster suggested banning them all together or imposing a moratorium on STR so that the Commission could work through the changes needed to address recent court ruling.

Thomas Baudro believed that the owners of the STR must be in a position to police their properties, not the neighbors. He wanted to be sure that LLHD should weigh in. Staff noted that LLHD does not review STR applications.

Chairman Capon spoke about the fact that STRs reduce the quantity of long-term rental units available. This impacts the average price of rent as well,

Commissioner St.Vil suggested that STRs used by non-residents reduce the tax burden to the town - as in STRs do not result in more kids in the school system.

Mike Cherry stated the Commission needs to clearly define what a short-term rental is and spell out the pros and cons of hosted vs non-hosted STRs.

This was Discussed.

RESULT: DISCUSSED

X. APPROVAL OF MINUTES

Draft Minutes November 10, 2022

Without objection, the minutes of November 10th, 2022 meeting were approved as submitted.

RESULT: APPROVED AND SO DECLARED

XI. CORRESPONDENCE

None.

XII. REPORTS

A. Staff Reports

Juliet Hodge stated that she finished the sub-division regulations. She asked that the commission members review the revised regulations.

Juliet Hodge presented John Herrings' staff report. She explained that he has been busy with blight cases. She also explained that he is retiring at the end of the month.

RESULT: DISCUSSED

XIII EXECUTIVE SESSION

A. Executive Session: Pending Claims and Litigation, Ledyard v Perkins

Motion made and seconded to enter into executive session to discuss pending claims and litigation, Ledyard v. Perkins at 9:17 PM. All Commission members present and all staff present were permitted to attend along with Attorney Landolina.

Commission exited executive session at 9:42 PM. No votes or actions were taken.

RESULT: APPROVED AND SO DECLARED

MOVER: J.A. (Tony) Capon

SECONDER: Marcelle Wood

XIV. ADJOURNMENT

Without objection, Chairman Capon adjourned the meeting at 9:42 PM.

Meeting Adjourned.

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 #: 22-975

Agenda Date: 1/12/2023

Agenda #: A.

AGENDA REQUEST
GENERAL DISCUSSION ITEM

Subject:

STR Suggested Regulations - Eric Treaster

Background:

(type text here)

Department Comment/Recommendation:

(type text here)

**REPLACEMENT SHORT-TERM RENTAL REGULATIONS
CONSISTENT WITH THE FIFTH CIRCUIT COURT OF APPEALS #21-30643**

Eric Treaster
3 January 2023

Chairman Capon, Juliet Hodge & Members of the PZC,

I believe that (i) an STR is a commercial use that can degrade the quality of life of its neighbors, (ii) an STR with a resident owner, or a resident representative of its owner, will reduce that risk, (iii) STR economic benefits to local businesses and the community are limited, because most STRs are vacant most of the time, and (iv) STRs without a resident owner, or a resident representative of the owner, reduce the number of houses available for permanent residency, which is in conflict with the POCD.

I believe there are four approaches that will mitigate the risks of STRs:

1. Prohibit STRs, except those in commercial districts.

This approach, which Noank adopted, is reasonable, uniform, constitutional, and the simplest to enforce.

It is proper, because residential districts should be reserved for residential purposes – with exceptions for neighborhood schools and low-intensity home occupations.

A prohibition on STRs has the benefit of retaining the number of houses available for permanent residency, which is consistent with the POCD.

A prohibition on STRs would show that the PZC prioritizes residential uses over conflicting commercial uses in residential neighborhoods.

This option satisfies the goals of the neighbors, retains permanent housing consistent with the POCD, and provides more economic benefits to local businesses than would frequently vacant STRs.

As such, the "prohibition" option should be discussed as an agenda item, with the goal of determining whether the PZC is in favor or opposed to STRs in residential districts.

2. Require the STR owner to be a resident on his STR property.

This is the approach adopted in our existing regulations, which appears to work well in reducing the risks of STR guests creating a negative impact on the quality of life of nearby neighbors. This approach has the additional benefit of retaining the number of houses available for permanent residency, which is consistent with the POCD.

However, this approach is unconstitutional, because it does not allow for out-of-state ownership of STRs. Our existing STR regulations must be amended – preferably before a complaint is filed against the Commission. *As such, this option cannot be considered.*

3. Require the STR owner, or his representative, to be present when an STR has guests.

For example, if an STR is rented Friday-Sunday, the owner, or his representative, must be there Friday-Sunday.

This approach is simple, constitutional, and would help ensure that STRs do not have a negative impact on the quality of life of their neighbors. It would be nearly as effective as if the STR owner, or his representative, lived on the property as in Option #2.

However, in the real world, it will be difficult, and perhaps impossible, for an STR owner to find a reliable, trustworthy, and qualified representative who cares about the property and its neighbors, and who is willing and able to be present whenever the STR has guests.

For example, much like a motel, guests might reserve an STR for a Saturday & Sunday, then for Thursday, then for Saturday through Tuesday, with check-in times at 10 AM, 3 PM, and 9 PM; followed by a three-night rental 10 days later with a 3-hour check-in window; followed by a 7-day rental with check-in at 8 AM on a Christmas morning and a checkout at 8 PM on New Year's evening. Sometimes reservations may be made only an hour before a guest arrives. Check-in and checkout times and dates could be at any time, including after midnight, and on holidays.

There could also be multiple check-in times for the same weekend if guests arrive at different times. Some guests may arrive earlier or later than planned, and leave earlier or later.

And guests could have dogs, children, extra visitors, or illegal drugs in violation of the guest agreement, which must be dealt with immediately before the neighbors are affected. Even though an owner or his representative may do his best to be present when there are guests, it is likely he would often be absent.

In addition, because such STRs would not have a resident on the property, this approach would reduce the number of houses available for permanent residency, which conflicts with the POCD.

This approach also results in a vacant house between guest departures and arrivals, and vacant houses are at increased risk of damage by fire, vandalism, loss of heat, frozen & ruptured pipes, flooding, mold, and "squatting."

Taken together, this option, although tempting, should not be adopted.

4. Require the owner, or his representative, to reside on an STR property, with an exception for seasonal STRs.

As with Option #2, an owner, or his "designated representative," if he is residing on the property, will be more likely to welcome his guests in person, enforce the conditions of the special permit and the STR rules, resolve problems, protect the property, protect the neighbors, and check out STR guests, than would a designated representative who does not reside on the property.

In addition, if the owner, or the owner's "representative" (and, if he wishes, his family), lives on the property, the STR would not reduce the number of houses available for permanent residents. This would be a win-win for everyone – the STR guests, the STR owner, the neighbors, the STR operator, his family, and local businesses.

The following proposal is intended to implement Option #4. It is based on a requirement that an STR owner resides on his property as in the current regulations, or has his designated representative or operator reside on the property – *with an exception for seasonal STRs*.

For seasonal STRs, the proposed regulations permit its owner, or his designated representative, to reside on the property, or *to be present* on the property (his choice), when it has guests. Since *seasonal* houses, by definition, cannot be used for permanent residents, this approach would retain the number of houses available for permanent residency, which is consistent with the POCD.

Please contact me if you have any questions or suggestions.

Respectfully,

Eric Treaster

**SUGGESTED REPLACEMENT SHORT-TERM RENTAL REGULATIONS
THAT ARE CONSISTENT
WITH THE FIFTH CIRCUIT COURT OF APPEALS #21-30643**

§2.2 – Add the following definitions:

SEASONAL SHORT-TERM RENTAL: An STR available for less than six months per year.

NON-SEASONAL SHORT-TERM RENTAL: An STR available for more than six months per year.

SHORT-TERM RENTAL ("STR"): All or part of a furnished single-family residence, duplex unit, or accessory apartment, on a single parcel, that is rented, or available to be rented, to members of the public for 30 or fewer continuous days.

SHORT-TERM RENTAL OPERATOR ("STR Operator"): An adult who is an STR owner, or a designated representative of an STR owner, responsible for enforcing the conditions of the STR special permit, the STR Guest Rules, and the STR Guest Agreement.

SHORT-TERM RENTAL GUEST ("STR Guest"): A person or persons renting lodging from an STR Operator, for a fee, for less than thirty (30) consecutive days, under a written guest rental agreement.

SHORT-TERM GUEST RENTAL AGREEMENT ("STR Guest Agreement"): A written agreement between the STR Operator and his guests that establishes the rent, schedules, times, terms, fees, deposits, conditions, responsibilities, and respective obligations of the parties.

SHORT-TERM RENTAL GUEST RULES ("STR Guest Rules"): House rules for the guests of an STR.

§5.3 – (page 5-2) – Update the "Schedule of Uses – Residential Districts"

Line 7 in the second section of the schedule – ("Residential – Accessory Uses")

Delete: "Short Term Rentals, Hosted §8.31"

Replace with: "Short-term Rentals §8.31"

§8.31 – Replace §8.31 with the following:

8.31 SHORT-TERM RENTALS

A. Purpose:

To permit members of the public to be a guest in part or all of a furnished single-family residence, duplex unit, or accessory apartment in a residential district, or in a legally existing single-family residence, duplex unit, or accessory apartment in a non-residential district, provided such use (i) does not reduce the number of dwellings available for long-term residency, and (ii) does not create an adverse effect on the surrounding neighborhood.

B. Physical Requirements:

1. An STR must be located within (i) a single-family residence, (ii) a duplex unit, (iii) a permitted accessory apartment in a single-family residence, or (iv) a detached accessory apartment on the same parcel as a single-family residence.
2. The STR must not have zoning, building, fire, or health code violations, and shall not be blighted under the Town's Blight Ordinance.
3. The property for a proposed STR must be current regarding payment of property taxes.
4. An STR must not require a shared driveway for access.
5. Parking for STR guests must have an all-weather surface.

C. STR Operator requirements and duties:

An STR Operator must:

1. Reside on a non-seasonal STR,
2. Reside, or be present, on a seasonal STR property whenever it has guests,
3. Assure the STR is safe, sanitary, and ready for guests,
4. Personally welcome and check-in STR guests,
5. Provide STR guests with a copy of the STR Guest Rules,
6. Have STR guests agree, in writing, to comply with the STR Guest Rules,
7. Provide a card listing his name, address, phone number, and email address to STR guests when they check-in,

8. Provide a card listing his name, address, phone number, and email address to his adjacent and opposite neighbors, the land use office, the fire department, and the police department,
9. Be reachable at all times by STR guests, his adjacent and opposite neighbors, the land use office, the fire department, and the police department,
10. Provide STR guests with emergency and non-emergency phone numbers for the police, ambulance, and fire department; and the locations and phone numbers of the nearest emergency and walk-in medical facilities and hospitals,
11. Instruct STR guests regarding the proper operation of the home's features – such as its fireplace, TV, cable, video games, sound systems, garage door opener, dishwasher, dryer, washing machine, air conditioning, compactor, heating system, EV charging system, security system, internet, and Wi-Fi,
12. Instruct STR guests regarding the proper use of the septic or sewer system (i.e. no cleaning wipes (including "flushable" wipes), paper towels, grease, oils, incompatible detergents, cigarette butts, cat litter, coffee grounds, acids, and multi-ply colored toilet paper),
13. Instruct STR guests regarding the use of the swimming pool, hot tub, sauna, BBQ, fire pit, basketball hoop, tennis court, dock, and boats, if any, including limits on the hours of use, sound levels, and cleaning and replenishment requirements, as appropriate,
14. Ensure the STR (i) is essentially invisible to the neighborhood; (ii) does not create a nuisance (i.e. noise, odors, trespass, lighting, etc.); (iii) is not detrimental to the aesthetic quality of the residence or its neighborhood, and (iv) does not interfere with the quality of life in the neighborhood,
15. Ensure STR guests' pets do not create a nuisance or constitute a hazard,
16. Ensure STR guests comply with the conditions of the STR special permit, the STR parking requirements, the STR Guest Rules, and the STR Guest Agreement,
17. Assure STR guests do not loan out or sublet the STR,
18. Assure the number of STR guests does not exceed the number shown in the STR Guest Agreement,
19. Assure there are no more than two adult guests per bedroom,
20. Assure household waste is properly managed,
21. Instruct STR guests regarding any cleaning and replenishment requirements that must be performed before checkout,
22. Prevent the manufacturing, sale, or use of illegal drugs and substances within the STR,

23. Contact the police, if necessary, to prevent STR guests from interfering with the quality of life in the neighborhood,
24. Contact the police, if necessary, to eject STR guests who fail to vacate on or before the checkout time shown in the Guest Rental Agreement, and
25. Check out STR guests.

D. Parking Requirements:

1. Sufficient on-site parking must be available for STR guests, without blocking vehicles belonging to the STR Operator.
2. Sufficient on-site parking must be provided for the STR Operator without blocking STR guest vehicle(s).
3. STR guests may park end-to-end.
4. Parking in non-designated spaces, and on-street parking, is prohibited.
5. Covered parking (garages & carports) may be used by STR guests, or by the STR operator.

E. Lighting requirements:

Exterior permanent and temporary site lighting, if any, shall comply with applicable Zoning Regulations and be of a design that does not illuminate or create glare on nearby properties.

F. Refuse and recycling Requirements:

All garbage and recyclables shall be contained within the wheeled containers provided by the Town's refuse service provider.

G. Site plan requirements:

1. The site plan must show adequate off-street parking for STR guests and the STR operator.
2. The site plan must show exterior permanent and temporary site lighting, if any.
3. The Site Plan does not require a new signed and sealed A-2 survey, but must satisfy the Site Plan requirements listed in Appendix B, items B-1 (A), B-2 (A), B-4 (A-C), B-5 (A, C-E), and B-6 (A-B).

H. STR Guest Rules:

The STR Guest Rules must include the following (as a minimum):

1. For year-round STRs – a notice that the STR operator resides on the property.
2. For seasonal STRs – a notice that the STR Operator will be present when the STR has guests.
3. The maximum number of adult guests.
4. The number of bedrooms available for guests.
5. The limit on the number of guest vehicles.
6. A notice that parking is on-site in designated parking spaces on an all-weather surface, and on-street parking is not permitted.
7. A notice that guests shall not adversely affect the surrounding neighborhood.
8. A notice that guests are not allowed to have visitors.
9. A notice that guests are not allowed to sublet the STR.
10. The pet rules, including type, number, licensing, weight, and breed requirements (if any).
11. Notice that guests must pick up, bag, and properly dispose of their pet's excrement.
12. A section on prohibited activities – such as parties, auto repair, auto washing, oil changes, alcohol, marijuana, illegal drugs, live music, amplified sounds, use of pool after certain hours, trespassing on neighboring properties, drone flying, basketball practice, use of guns, and use of skateboards.
13. The procedure required for the return of deposits.

I. Additional STR application requirements:

1. A copy of the STR Operator's official photo ID showing his residence address.
2. A copy of the property card showing the number of bedrooms in the proposed STR.
3. A certificate of zoning compliance.
4. Documentation from the blight official, building, fire department, and health department that there are no blight, building, fire, or health code violations.
5. A certification from the tax collector showing taxes are current.

6. A floor plan, drawn to scale, of the single-family residence, duplex, or accessory apartment to be used as an STR, showing room dimensions, bedrooms that will be used by guests, and bedroom(s) reserved for the STR Operator.
7. A copy of the proposed STR Guest Agreement.
8. A copy of the proposed STR Guest Rules.
9. A copy of the advertising that will be displayed on the websites of STR facilitators, such as Airbnb and Frbo, for the proposed STR.

J. Miscellaneous requirements:

1. The Operator is responsible for the conduct of STR guests.
2. The Operator is responsible for ensuring that STR guests comply with applicable laws, town ordinances, and these regulations.
3. Unaccompanied minors are not permitted as STR guests.
4. STR occupancy is limited to two adult guests per legal bedroom, where the number of bedrooms is the number shown on the STR's property card, less the number of bedrooms reserved for use by the Operator.
5. Non-lodging uses by STR guests, such as weddings, receptions, banquets, and corporate retreats, are prohibited.
6. The STR shall not constitute or create a risk to public health, safety, convenience, and/or general welfare.
7. There shall be no signage, lighting, or other exterior indication a residence is an STR.
8. A single-family residence and its accessory apartment shall not be simultaneously used as STRs.
9. A dwelling used as an STR without a Special Permit is prohibited.
10. Operation of the STR must be consistent with the applicable Special Permit Criteria in §11.3.4.
11. Advertising for year-round (non-seasonal) STRs, including information displayed on STR marketing platforms such as Airbnb and Frbo, shall include a notice that "the STR Owner" or "the STR Operator" [as appropriate] resides on the property."

12. Advertising for seasonal STRs, including information displayed on STR marketing platforms such as Airbnb and Frbo, shall include a notice that "the STR Owner" or "the STR Operator" [as appropriate] will be present on the property.
13. Advertising on STR facilitator websites, such as Airbnb and Frbo, shall include, but not be limited to, parking and parking constraints, the limit on the allowed number of vehicles, the limit on the allowed number of guests, pet regulations, noise constraints, and notice that guests are not allowed to have visitors.

K. If an STR Operator is replaced –

1. The new STR Operator's name, address, phone number, and email address must be provided to adjacent and opposite neighbors, the Land Use Office, Fire Department, and the Police Department.
2. A copy of the advertising the new STR Operator will display on STR facilitator websites, such as Airbnb and Frbo, must be provided to the Land Use Office.
3. The new STR Operator's (i) STR Guest Rules and (ii) STR Guest Agreement must be submitted to the Land Use Office for the Commission to review as a minor amendment to the STR Special Permit."

L. Enforcement:

1. The Town Building and/or Zoning Officials may inspect an STR with reasonable notice to determine compliance with these requirements, town regulations, and ordinances.
2. These regulations may be enforced under §13.1 and §13.2 of the Zoning Regulations, and Town Ordinance #300-009 (Zoning Citations).
3. The Commission may revoke an STR Special Permit, after a public hearing, for failure to comply with the requirements in these regulations.



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 22-995

Agenda Date: 1/12/2023

Agenda #: B.

AGENDA REQUEST
GENERAL DISCUSSION ITEM

Subject:

Ledyard Agricultural Commission Memorandum

Background:

(type text here)

Department Comment/Recommendation:

(type text here)



Chairman Bruce Garstka

TOWN OF LEDYARD
CONNECTICUT

LEDYARD AGRICULTURAL COMMISSION

Town of Ledyard
Ledyard, CT 06339
<http://www.ledyardct.org>

MEMORANDUM

DATE: January 5, 2023
TO: Town Council
Mayor Fred Allyn, III
Land Use Department (Planning & Zoning)
Planning & Zoning Commission
Inland Wetland & Watercourses Commission
Conservation Commission
Economic Development

FROM: Chairman Bruce P. Garstka, Agricultural Commission

RE: Agricultural Commission joint meeting

The Agricultural Commission, at its regular meeting on March 21, 2023, will hold a joint discussion. The meeting will begin at 6:00 p.m. in the Town Hall Annex. Members of the Land Use Department (Planning and Zoning) as well as Commissions for Planning and Zoning, Economic Development, Inland Wetlands & Watercourses and Conservation are invited to send two representatives from each group. If any other groups would like to participate, please contact me at (860)917-0839.

For the Agricultural Commission,

Bruce P. Garstka, Agricultural Commission Chairman

RECEIVED

05 2023

LAND USE DEPARTMENT



TOWN OF LEDYARD

741 Colonel Ledyard
Highway
Ledyard, CT 06339-1511

File #: 22-996

Agenda Date: 1/12/2023

Agenda #: C.

AGENDA REQUEST
GENERAL DISCUSSION ITEM

Subject:

Connecticut Land Use Law for Municipal Land Use Agencies, Boards, and Commissions - CBA Education and Training

Background:

(type text here)

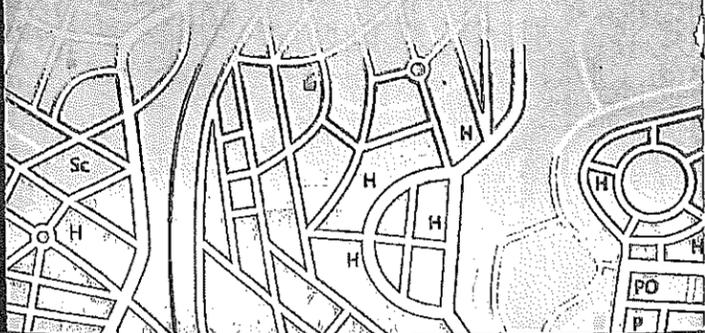
Department Comment/Recommendation:

(type text here)

CONNECTICUT LAND USE LAW FOR MUNICIPAL LAND USE AGENCIES, BOARDS, AND COMMISSIONS

The future of Connecticut's communities will be shaped by its land use laws and regulations. Developers, neighbors, and preservationists all intersect before municipal land use boards and commissions, advocating their particular interests and approaches. Each commission member regularly has to make critical decisions, all within the context of complicated statutory and case law.

This introductory level course will focus on topics of immediate concern to all municipal land use agencies, boards, commissions, and their staffs. The topics reflect both timely and practical situations, confronting participants at every level of the municipal land use process. This course will provide a broad review of the municipal land use process, including zoning, planning, zoning board of appeals, and wetlands issues. Members of municipal land use agencies, boards, and commissions, as well as municipal planners, enforcement officers, and engineers will benefit from this full day course.



Registration Form Connecticut Land Use Law Seminar Saturday, March 11, 2023

To Register

To receive your printed course material, in a timely manner, please register by February 15th.

To receive your webinar link, you must provide your e-mail address when you register.

- Visit ctbar.org/LandUse2023 to register online
- Mail the completed form to:
Connecticut Bar Association, 30 Bank St, New Britain, CT 06051
- Fax the completed form to (860) 223-4488
- Call (860) 223-4400

Payment must accompany registration.

(Please use a separate registration form for each registrant)

- Yes, I will attend the Virtual Connecticut Land Use Law Seminar \$45.00 (Includes printed copy of materials)
- No, I cannot attend the seminar, but would like to purchase _____ copies of the seminar materials \$45.00 per copy (includes shipping and handling)

Please PRINT full name.

Name: _____

Municipal Agency: _____

E-mail: _____

Shipping Address: _____

City: _____

State: _____ Zip: _____

Phone: _____

Fax: _____

Payment Method

Check (payable to Connecticut Bar Association)

Visa MC Amex Discover Amount: \$ _____

Card #: _____

Exp. Date: _____ CVV: _____

Billing Zip Code: _____

Signature: _____

Meeting code: #SPZ230311

CONNECTICUT LAND USE LAW FOR MUNICIPAL LAND USE AGENCIES, BOARDS, AND COMMISSIONS

Saturday, March 11, 2023
9:00 a.m. – 4:30 p.m.

Webinar

This is a virtual meeting and will be accessible via Zoom. Zoom is a cloud-based platform for video and audio conferencing. It can be accessed through a browser on any device, or the Zoom app.

To receive your Webinar Link, you must provide your e-mail address when you register.

To receive your printed course material, in a timely manner, please register by February 15th.

This program conforms to the statutory guidelines for planning and/or zoning commission and zoning board of appeals member training. This program fulfills general training requirements and half of the required one hour of training concerning affordable housing and fair housing policies. Note: the Office of Policy and Management does not certify individual programs.



30 Bank St
New Britain, CT
06051

ctbar.org



Sponsored by the
Connecticut Bar Association
Planning and Zoning Section

SEMINAR PROGRAM

9:00 a.m. – 9:10 a.m.

Welcome

Atty. Jason A. Klein, Stamford
Chair, CBA Planning and Zoning Section

9:10 a.m. – 9:40 a.m.

Planning Commissions

Atty. Amy E. Souchuns, Milford
This session will cover powers of the planning commission, plan of development, statutory notice requirements, subdivisions and resubdivisions, multi-agency approvals, reasons for denial, open space, changes in regulations, bonding requirements, conditional approvals, and mandating off-site improvements.

9:40 a.m. – 10:10 a.m.

Zoning Commissions

Atty. Marjorie F. Shansky, New Haven
This session will cover enabling legislation; powers of zoning commissions and proper purposes and goals of zoning, the comprehensive plan, proper notices of hearings, designating and amending zoning districts, spot zoning, floating zones, the uniformity requirement, dependence upon other governmental agency action, rendering decisions, and publications of notices of decisions.

10:10 a.m. – 10:20 a.m.

Break

10:20 a.m. – 10:50 a.m.

Non-Conforming Uses

Atty. Christopher J. Smith, Hartford
This session will entail a general discussion of the origin, scope, and problems of non-conforming uses.

10:50 a.m. – 11:20 a.m.

Special Permit and Site Plan Review

Atty. Brian R. Smith, Hartford

This session will cover statutory requirements and the distinction between special permit and site plan review, and appeals from decisions on applications for special permit and site plan approval.

11:20 a.m. – 11:50 a.m.

Zoning Board of Appeals

Atty. Dorian R. Famiglietti, Vernon

This session will cover functions of zoning boards of appeal, variances, legal requisites for hardship, including issues of confiscation and self-created hardships, other statutory duties of the ZBA, and hearing procedures.

12:00 p.m. – 12:30 p.m.

The 2020 ZiPLeR Awards

Atty. Dwight H. Merriam, FAICP, CRE, Weatogue

12:30 p.m. – 1:00 p.m.

Wetlands Law and Procedure

Atty. Michael A. Zizka, Hartford

This session will cover a review of procedures of municipal inland wetlands and watercourse agencies, and how wetlands law impacts the zoning and planning process.

1:00 p.m. – 1:30 p.m.

Conflict of Interest and Predisposition

Atty. Richard P. Roberts, Hartford

This session will cover statutory provisions on conflict of interest, rules governing predisposition and predetermination, court decisions on conflict of interest, drawing the line between cases where disqualification applies and does not apply, and procedural problems when a question of conflict arises.

1:30 p.m. – 2:00 p.m.

Procedural Issues in the Municipal Land Use Process

Atty. Peter S. Olson, Bethel

This session will cover a review of statutory provisions and case law concerning administrative process, applications; conducting a public hearing; creating the administrative record, and making appropriate findings and conclusions to support decisions.

2:00 p.m. – 2:10 p.m.

Break

2:10 p.m. – 2:40 p.m.

Affordable Housing: The Municipal Perspective

Atty. Ira W. Bloom, Westport

This session will cover a review of an application filed under Section 8-30g of the General Statutes from the Planning & Zoning Commission perspective, including practical advice and a review of the relevant case law.

2:40 p.m. – 3:10 p.m.

Things to Watch out For:

Fair Housing Act, Religious Land Use and Institutionalized Persons Act (RLUIPA)

Atty. Jason A. Klein, Stamford

This session will cover a review of the implications of federal legislation on local zoning, particularly the Fair Housing Act and the Religious Land Use and Institutionalized Persons Act (RLUIPA) as well as state law considerations regarding religious expression and free speech issues.

3:10 p.m. – 3:40 p.m.

Enforcement

Atty. Charles R. Andres, New Haven

This session will cover analysis and discussion of Connecticut law concerning enforcement through the zoning, planning, and wetlands process.

3:40 p.m. – 4:10 p.m.

Environmental Interventions

Atty. Janet P. Brooks, East Berlin

This session will cover interventions under Conn. Gen. Stat. Section 22a-19 for the purpose of raising environmental issues: what they are, what they do, and what you have to do when you get one.

4:10 p.m. - 4:30 p.m.

Q&A

Short Term Rentals (Written material)

Atty. Dwight H. Merriam, FAICP, CRE, Weatogue

Please Note:

This program is available only to members of municipal land use agencies and their support staff.

Refunds of seminar fees will not be granted for cancellations after the course material is mailed out.

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GENERAL DISCUSSION ITEM

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Staff Reports

Background:

(type text here)

Department Comment/Recommendation:

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