



TOWN OF LEDYARD
CONNECTICUT
TOWN COUNCIL
HYBRID FORMAT

741 Colonel Ledyard Highway
Ledyard, CT 06339

860 464-3203
Roxanne Maher

Chairman Kevin J. Dombrowski

MINUTES
LAND USE/PLANNING/PUBLIC WORKS COMMITTEE –
REGULAR MEETING

Monday, October 3, 2022

6:00 PM

Town Hall Annex Building

DRAFT

- I. **CALL TO ORDER** – The meeting was called to order by Councilor Paul at 6:01 p.m. at the Town Hall Annex Building Meeting Room.

Councilor Paul welcomed all to the Hybrid Meeting. He stated for the Town Council Land Use/Planning/Public Works Committee and members of the Public who were participating via video conference that remote meeting information was available on the Agenda that was posted on the Town's Website – Granicus-Legistar Meeting Portal.

- II. **ROLL CALL** –

Attendee Name	Title	Status	Location	Arrived	Departed
Gary Paul	Committee Chairman	Present	In-Person	6:00 pm	6:24pm
John Marshall	Town Councilor	Excused			
S. Naomi Rodriguez	Town Councilor	Present	In-Person	6:00 pm	6:24 pm
Kevin Dombrowski	Chairman	Present	In-Person	6:00 pm	6:24 pm
Mike Cherry	Resident	Present	Remote	6:00 pm	6:22 pm
Roxanne Maher	Administrative Assistant	Present	Remote	6:00 pm	6:24 pm

- III. **CITIZENS' PETITIONS**

Mr. Mike Cherry, 5 Whippoorwill Drive, Gales Ferry, noted that he sent the Land Use/Planning/Public Works Committee a 67-page document about the Town of Woodbridge who was sued by a consortium of people who were stating that their Zoning Regulations were discriminatory because they did not allow for multi-family housing. Mr. Cherry stated in reading the document that he reached the conclusion that although Ledyard did not have the same problem as Woodbridge, that they had other problems. He stated with the Plan of Conservation & Development (POCD) and Zoning Regulation update that Ledyard was heading in the right direction. He noted page 1 and page 7 of the Woodbridge suit listing the allegations was worth reading noting they talked about:

- What the State Statutes - Zoning Enabling Act required.
- What the Connecticut Constitution required.
- What the Fair Housing Law required.

Mr. Cherry suggested as the LUPPW Committee read the 67-page Woodbridge document that they think about whether Ledyard met these requirements or whether they had and types of problems. He stated it was his opinion that that Ledyard treated multi-family units and fill-in housing differently than they treat single family housing. He stated Ledyard has come along way with the last two Zoning Regulations Update which included: (1) Reducing the size of the lots; (2) Adding Accessory Dwelling Units; and (3) Made changes to the bulk requirement. He stated Land Use Director Juliet Hodge had Ledyard heading in the right direction; however, they still had more work to do.

Mr. Cherry continued by addressing recent land use developments in town, such as the former Dow Chemical Site; the Liquor Store in the former Veterinarian Building on Route 12, the new Bark N' Brew, or the Dollar General Store going in next to the McDonalds. He stated he walked away from the meetings realizing that most people in town have no understanding of *Land Use Regulations, Land Use Statutes, how things were done, who had the authority, what the Mayor's role was, what the Town Council's role was, what was the role of the myriad of Land Use Commissions and Boards, and who had the final say*. He stated a few years ago Councilor McGrattan and Councilor Rodriguez were involved in the "*Know Your Town Program*" which was developed to teach residents about how the town operated. He stated it was time they teach residents about *Land Use*, noting he has observed residents challenging land use decisions such as the General Dollar Store in Gales Ferry. He stated residents need to understand that anything that meets the Zoning Regulations must be approved.

Mr. Cherry stated Ledyard just completed a Zoning Regulation Update and he stated no one from the public other than Mr. Treaster, himself, and residents from the Agricultural Community provided input when the Zoning Commission was working to update the Zoning Regulations. He stated residents were not happy with the Zoning Regulation Update because they think the Regulations would prevent things that they would actually not prevent. Also, residents missed the key point that if an Application met the Zoning Regulations that it must be approved regardless of people's opinions. He stated they could spend a lot of taxpayer money to slow down an Application in court, however, he stated the bottom line was *if the Application met the Zoning Regulations it would be approved*. He stated during the Public Hearing the Planning & Zoning Commission was looking for facts as to whether the Application met or did not meet the Zoning Regulations. He stated all of their decisions were fact driven and were not subject to opinion.

Chairman Dombrowski stated he and Mr. Cherry talked about this subject last week. He stated as a member and former Chairman of the Zoning Commission, which was before the Planning Commission & Zoning Commission were merged, that he would agree that Mr. Cherry's observations were correct, in that there was a lack of public understanding of how land use worked. He went on to state per state statute the Town Council had very little direct impact regarding zoning matters. He stated when residents see development happening near them, that it can become very emotional, and he understood their concerns. However, he stated the town has to permit development in accordance with what the Zoning Regulations allowed.

Councilor Rodriguez stated Mr. Cherry made a good point that the public does not understand how land use worked relative to planning and zoning. Therefore, she stated when a business such as the Dollar General Store comes into town residents question why the Town Council would allow that to happen. She stated these types of comments indicate that residents do not have an understanding of how land use worked. She suggested they consider hosting an Informational Forum to present information regarding the roles and responsibilities of the town's various land use committees/commissions/boards and how the process worked.

Chairman Dombrowski stated the roles and responsibilities of the town's land use commissions were included in the Town Charter, noting that he realized that most people have not read the Town Charter. He stated the Town Council could facilitate a Land Use Informational Forum to provide a platform for the Land Use Commissions to present information on how the land use processes work and to answer residents questions.

The LUPPW Committee discussed making short videos that could be available on the town's website for residents to learn about how the land use commissions worked.

Mr. Cherry stated the November 8, 2022 mid-term election ballot included a question regarding the retail sale of adult use marijuana that may lead to *cultivation and retail sale of marijuana in town*. He stated this may or may not require changes in the Zoning Regulations, depending on how Ledyard categorized it. He questioned if a business was categorized as a *retail outlet* why it would be different from any other retail outlet. He stated the cultivation and sale of marijuana would be controlled by the State and he questioned whether it would be controlled different than a liquor store. He stated Ledyard's Zoning Regulations allowed liquor stores in their commercial districts. He stated if Ledyard residents wanted something different for marijuana retail stores from how liquor stores were zoned, that they were running out of time to make their preferences known for the Planning & Zoning Commission to make the changes required to the Zoning Regulations. He explained otherwise, he could make the argument that the sale of marijuana was a retail business allowed anywhere retail and commercial was allowed in the Town of Ledyard, with the number of stores controlled by the State. He stated this would be a radical argument, noting that it was a hands-off approach, which would let the market drive it, and per the Zoning Regulations it would be segregated by use. However, he stated if a cultivation and retail sale of marijuana business was next door to someone that they probably would not like it. Therefore, he addressed the importance to educate residents before the matter was overcome by events.

Chairman Dombrowski stated the Towns of Preston and Stonington have adopted regulations pertaining to where *cultivation and retail sale of marijuana establishments* would be allowed in town. He went on to state that part of his thinking was as Mr. Cherry noted, in that why would the town regulate the location any differently from any other commercial or retail enterprise, such as a liquor store, regardless of whether he was in-favor or not of the November 8, 2022 Referendum question "*Shall the Sale of Recreational Marijuana be Allowed in the Town of Ledyard*".

Mr. Cherry went on to state the issue *dejour* was “*Short-Term Rentals*”. He stated unless someone had one next door to them that was causing a problem, that some would say that they did not have a problem with *short-term rentals*, they stay at Air BnB’s all the time. However, he stated the question was what was the right answer for the Town of Ledyard.

Councilor Paul questioned whether it was the Land Use/Planning/Public Works Committee’s responsibility to discuss ideas on how to get information to residents or to coordinate a Land Use Informational Forum. Mr. Cherry suggested that Councilor Paul bring the concern that recent issues show that residents do not understand land use to the Town Council. He stated the town had great resources, noting that Land Use Director Juliet Hodge and others who have served in town would be happy to help provide information to residents on how the land use process worked in Ledyard. He stated because people do not know the process, they often become frustrated the day after they could have done something, and then nothing could be done at that point.

Councilor Paul stated the LUPPW Committee would include a discussion on how to get information out to residents pertaining the process to address land use matters.

Chairman Dombrowski thanked Mr. Cherry for his comments this evening.

IV. PRESENTATIONS/INFORMATIONAL ITEMS – None.

V. REVIEW AND APPROVAL OF PRIOR MEETING MINUTES

MOTION to approve the Regular Meeting Minutes of September 5, 2022

Moved by Councilor Paul, seconded by Councilor Rodriguez

VOTE: 2 - 0 Approved and so declared

VI. OLD BUSINESS

RESULT: COMPLETED

1. No Action on the Town-owned property; and update accordingly for the “*Assignment of Administrative Control of Town-Owned and Town-Leased Property*”.

Councilor Rodriguez stated that she would talk with Land Use Director Juliet Hodge regarding the completion of the GIS System update.

RESULT: NO ACTION

Next Meeting: 11/07/2022 5:30 p.m.

2. No Update provided regarding enforcement of regulations to address blight issues.

Councilor Paul stated Blight Reports would be provided on a quarterly basis.

RESULT: DISCUSSED

Next Meeting: 11/07/2022 5:30 p.m.

3. No Action on the Potential future uses for the 101.80-acre Clark Farm property located at 1025 Colonel Ledyard Highway.

RESULT: NO ACTION

Next Meeting: 11/07/2022 5:30 p.m.

4. Security and safety concerns regarding the Park on East Street (Christy Hill Park).

Councilor Paul noted Mr. Jamison's e-mail dated September 27, 2022 which included photographs of the new lights. He stated the electricity has been connected to the poles and the lights looked beautiful.

Councilor Rodriguez stated they were making progress at the Park, noting that the lights have been installed and turned on and that the railroad ties have been delivered. She thanked Mr. Jamison for moving the ties out of the way of the swing set. She noted Parks & Recreation Director Scott Johnson, Jr. talked with the Mayor regarding the special type of paint that was required to cover the graffiti. She stated although progress was slow that it was being made. She stated she looked forward to seeing the Park next Spring, 2023 with the warmer weather.

Councilor Paul stated in his conversation with Parks & Recreation Director Scott Johnson, Jr. they discussed visiting the Park to see the lights turned on. He thanked Mr. and Mrs. Jamison for their interest in the Park and continued updates. He stated they were moving in the right direction.

RESULT: NO ACTION

Next Meeting: 11/07/2022 5:30 p.m.

5. Public Act #21-29 "*An Act Concerning The Zoning Enabling Act, Accessory Apartments, Training For Certain Land Use Officials, Municipal Affordable Housing Plans And A Commission On Connecticut's Development And Future*".

Administrative Assistant Roxanne Maher stated in speaking with Land Use Director Juliet Hodge that she indicated that the Planning & Zoning Commission would be taking action to recommend the Town Council opt-out of Public Act 21-29 *Accessory Apartments and Parking Provision of CT Public Act 21-29 (PA 21-29)* at their October 13, 2022 meeting and would subsequently forward their action to the Town Council.

Chairman Dombrowski stated in accordance with Public Act 21-29 the Opt-Out Process was required to be completed by December 31, 2022. He stated to finalize this process that Town Council action was required.

Chairman Dombrowski went on to note that the Planning & Zoning Commission approved the Zoning Regulations Update, which included Ledyard's Regulations for Accessory Dwelling Units (ADU). He stated the new Zoning Regulations became effective on September 28, 2022. He explained by Ledyard having their own Accessory Dwelling Units (ADU) Regulations that the town would be able to Opt-Out of the State's ADU Regulations; and it would provide the town with more flexibility in regulating the Accessory Dwelling Units in our community.

Chairman Dombrowski concluded by explaining to *Opt-Out of the Public Act #21-29 ADU* that it would require a two-thirds vote of the Town Council.

RESULT: CONTINUED

Next Meeting: 11/07/2022 5:30 p.m.

VII. NEW BUSINESS

1. MOTION to approve the Land Use/Planning/Public Works Committee 2023 Meeting Schedule to meet on the first Monday of each month at 6:00 p.m. as follows:

Land Use/Planning/Public Works Committee (1st Monday, Annex Building 6:00 p.m.)

January 2	February 6	March 6	April 3
May 1	June 5	July 3	August 7
September 5*	October 2	November 6	December 4
January 2*, 2024			

^ Denotes meeting cancelled due to holiday

* Denotes regular meeting date scheduled is different from regular schedule

Moved by Councilor Paul, seconded by Councilor Rodriguez

Discussion: Councilor Paul explained in accordance with CGS 1-225 each Committee must file its meeting schedule for the coming year in the Town Clerk's Office. He stated if there were no objections that the LUPPW Committee would continue to meet on the first Monday of each month. He noted because some of the Committee's dates would fall on a Monday Legal Holiday that they would be scheduled for another day as noted in the schedule above.

VOTE: 2 – 0 Approved and so declared.

RESULT: 2 – 0 APPROVED AND SO DECLARED

MOVER: Gary Paul, Town Councilor

SECONDER: S. Naomi Rodriguez, Town Councilor

AYES: Gary Paul, Naomi Rodriguez

EXCUSED: John Marshall

2. Any New Business proper to come before the Committee. – None.

IX. ADJOURNMENT-

VOTE: Councilor Rodriguez moved the meeting be adjourned, seconded by Councilor Paul.
2 - 0 Approved and so declared, the meeting was adjourned at 6:24 p.m.

Respectfully submitted,

Gary Paul
Committee Chairman
Land Use/Planning/Public Works Committee