



TOWN OF LEDYARD

Planning & Zoning Commission

Meeting Minutes

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Chairman
Tony Capon

Regular Meeting

Thursday, September 14, 2023

6:00 PM

Council Chambers - Hybrid Format

I. CALL TO ORDER

Chairman Capon called the Regular Meeting of the PZC to order at 6:00 PM. The meeting was hybrid with some attending in person and others via Zoom.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL APPOINTMENT OF ALTERNATES

In addition to Commission members the following staff members were also present: Juliet Hodge, Director of Planning & Development and Alex Samalot, Zoning Enforcement Officer (training).

Present Commissioner Marcelle Wood
Chairman Tony Capon
Alternate Member Thomas Baudro
Commissioner Paul Whitescarver
Commissioner Howard Craig
Alternate Member Jessica Cobb
Commissioner Gary St. Vil

IV. PUBLIC COMMENT (NON-AGENDA ITEMS - LIMITED TO THREE MINUTES)

Mike Cherry, 5 Whipporwill Drive, spoke of Tom Baudro's service to the town.

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

The agenda was approved and all exhibits were incorporated into the record.

VI. PRE APPLICATION OR WORKSHOP

None.

VII. PUBLIC HEARINGS/APPLICATIONS

A. Application PZ#23-6SUP of Dieter and Gardner, Inc, 1641 Route 12, Gales Ferry, CT 06335, for a special use permit at 1340 Baldwin Hill Road, Gales Ferry, CT 06335, for continued processing of earth materials and removal of ledge material.

Chairman Capon explained to the Commission members about the failure to provide notice

to abutters and to SCCOG. Chairman Capon discussed the matter with the attorney.

Chairman Capon reopened the public hearing at 6:05 PM and asked if there were any public comment. There were none present wishing to comment.

Chairman Capon closed the public hearing at 6:06 PM.

Chairman re-opened the discussion and reviewed what was discussed at the last meeting including the findings and several proposed conditions. Chairman Capon read the conditions as follows:

1. Prior to the expiration of the permit, or prior to the issuance of any renewal, the applicant shall provide a “Closure Plan” prepared and approved by a licensed professional engineer that includes details of final grading and planting of the site to prevent erosion at the conclusion of operations in accordance with the State of Connecticut “Guidelines for Soil and Erosion and Sedimentation Control” as amended. The P&Z Commission, or its authorized representative may require a bond until said area is stabilized.
2. The operation shall not result in conditions that could be characterized as unsightly such as open pits, rubble, or other indications of completed digging operations which would have a deteriorating influence on nearby property values, or which would impair the reasonable reuse and development of the lot for purposes permitted under the Regulations for the CIP Zone.
3. Blasting shall not be conducted prior to 11:00 AM or after 4:00 PM and efforts to limit the size of blasting “shots” shall be made as is practicable.
4. Screening, sifting, washing, crushing, or other forms of processing shall only be conducted upon the premises between the hours of 7:30 AM and 5:30 PM, Monday through Friday, and Saturdays 9:00 AM and 5:30 PM. There shall be no operational activities on Sundays and the following holidays: Christmas, New Year’s Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day.
5. Measures shall be taken to minimize nuisance from noise, dust, vibration, and flying debris; all trucks shall be covered for off-site transport.
6. Per Section 8.16(F): Before a permit is granted to an applicant starting an operation regulated by Special Permit under this Section, the applicant shall post a bond to the Town of Ledyard in an amount and form approved by the Commission to guarantee that the premises shall be excavated, graded and landscaped in conformance with the approved Plan of Operation.

Commission members did not have any additional comments.

Staff reviewed the findings as follows.

This Special Permit is being granted under Section 11.3 of the Zoning Regulation to B&R

Holding Company LLC for use of property located at 1340 Baldwin Hill Rd, in Gales Ferry, CT. The overall use being approved under the Special Permit is Excavation Operations, Major under Section 8.16 of the Zoning Regulations. The Excavation Permit will be valid for a period of (3) years from the date of approval.

The Commission had determined that conditions are necessary to mitigate any potential negative impacts to the abutting residential neighborhoods caused by noise, dust, vibrations, odors, and/or appearance of the Excavations Operation; to protect property values and character of the immediate neighborhood (in terms of intensity of use); and to prevent any unreasonable pollution, impairment or destruction of the air, water, and other natural resources.

As conditioned, of the Commission finds that the Application meets the Special Permit Criteria found in Section 11.3.4 of the Zoning Regulations as well as the requirements found in Section 8.16 and all other applicable provisions of the Zoning Regulations.

A motion was made by Commissioner Wood to approve Application PZ#23-6SUP of Dieter and Gardner, and seconded by Commissioner Craig with the conditions discussed.

RESULT: APPROVED WITH CONDITIONS

MOVER: Marcelle Wood

SECONDER: Howard Craig

AYE: 5 Wood, Capon, Whitescarver, Craig, and St. Vil

- B.** Application PZ#23-10RA of the Town of Ledyard, 741 Colonel Ledyard, Ledyard CT, 06339, to delete Short Term Rental Regulations (8.31) and add to list of prohibited uses in Section 3.8, table of contents, definition and use table to be modified accordingly.

Chairman Capon opened the Public Hearing at 6:14pm. All regular members were seated.

Chairman Capon presented the application on behalf of the Commission.

Application repeals the current regulation that permits STRs. Mr. Capon reviewed the history of the regulations to date and the reasons why the Commission decided to consider this application to repeal the current regulations and prohibit STRs all together.

Given the 5th Circuit Court decision that was rendered in August of 2022, the Commission members attempted to comply with the requirement that the owner did not have to be domiciled at the home being used as an STR, but were unable to come up with adequate regulations.

Other reasons the Commission identified as reasons to prohibit STRs included:

The units being used as a STR take up available housing that could be used to house workers;

STR guests do not typically frequent businesses in Ledyard, creating little benefit for the Town;

Enforcement issues as violations often occur on the weekends and therefore enforcement falls on the neighbors and the Commission did not feel that this burden should fall on the

neighbors.

The following people spoke:

Pam Bartlett, 62 Long Pond Road, spoke in favor of prohibiting STRs and thanked the Commission for their efforts.

Eric Treaster, 10 Huntington Way, spoke in favor of the application and reviewed some key points as to why STRs should be prohibited.

Mike Cherry, 5 Whipporwill Drive, spoke in favor of the Application but was sorry that the Commission could not make it work for those who did follow the rules. He questioned the language of the definition proposed and asked how many Special Permits were already issued.

There were no more comments from the public.

Chairman Capon asked the Commission members if they had any additional comments. Commissioner Wood spoke about the burden placed on neighbors with respect to enforcement.

Juliet Hodge commented on recent additional case law regarding STRs.

Chairman Capon closed the Public hearing at 6:34pm and opened discussion. There was no additional discussion.

For the reasons identified during the Commission's discussion, a motion was made by Commissioner Wood to approve PZ#23-10RA, seconded by Commissioner Whitescarver.

RESULT: APPROVED AND SO DECLARED

MOVER: Marcelle Wood

SECONDER: Paul Whitescarver

AYE: 5 Wood, Capon, Whitescarver, Craig, and St. Vil

VIII. OLD BUSINESS

None.

IX. NEW BUSINESS

A. OSWA Grant Support Letter

Planning Director, Juliet Hodge, reviewed the grant support letter on behalf of the Commission which discusses their support for Avalonia's to apply for grant funding to purchase the 223-acre "Rowley Property" located at 148 Stoddards Wharf Road. Ms. Hodge explained the importance of the "Rowley Property" to the Tri-Town Trail.

The Commission followed with discussion.

Without objection, the Commission approved to move the grant support letter forward to Avalonia.

X. APPROVAL OF MINUTES

A. Draft Meeting Minutes - August 10, 2023

The draft meeting minutes from the August 10, 2023 meeting, were approved as submitted.

RESULT: APPROVED AND SO DECLARED

XI. CORRESPONDENCE

None.

XII. REPORTS

A. Staff Reports

Planning Director, Juliet Hodge, presented her staff report and commented on the number of new single family homes being constructed.

Alex Samalot, presented his staff report. He commented on the enforcement cases that have closed since last meeting, and new cases that have opened. He also noted that many blight enforcement cases are actively being resolved.

XIII. ADJOURNMENT

Without objection, the meeting adjourned at 6:53 PM.