



Chairman  
J.A. (Tony) Capon

# TOWN OF LEDYARD

## Planning & Zoning Commission

### Meeting Minutes

741 Colonel Ledyard Highway  
Ledyard, Connecticut 06339

**DRAFT**

Thursday, October 13, 2022

7:00 PM

Council Chambers - Hybrid Format

I. CALL TO ORDER

Chairman Capon called the Regular Planning and Zoning Meeting to order at 7:00pm. Meeting was Hybrid and was recorded.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL APPOINTMENT OF ALTERNATES

Chairman Capon introduced new member Jessica Cobb and announced that Howard Craig would become a Regular Member and Mr. Baudro would stay on the Commission as an alternate effective November 1, 2022.

Commission members present:

Regular Members Tony Capon, Chairman; Marty Wood, Paul Whitescarver, and James Awrach arrived late. Commissioner Thomas Baudro was excused. Alternate Members Jessica Cobb, Howard Craig and Gary St. Vil. were present.

In addition to the Commission members present, John Herring, ZEO, Juliet Hodge, Planning Director and Attorney Fehey were also present.

Howard Craig and Gary St. Vil were appointed as voting members.

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

Jennifer Day, 572 Lantern Hill Rd. Requested that the Commission inform her and other neighbors if they decide to change the Stipulated Agreement in place for Mark Perkins.

Kirk Bryson, 5 Long Pond Rd. South. also urged the Commission to review the Perkins Case before making any decisions.

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

There were no additions to the agenda. Without objection agenda was approved and all exhibits submitted incorporated.

VI. PRE APPLICATION OR WORKSHOP

None

VII. PUBLIC HEARINGS/APPLICATIONS

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

Regulations.

**Chairman Capon opened the public hearing that was continued from Sept. 8, 2022, at 7:07pm.**

Chairman Capon gave instructions to the public and overview of the process.

**The following persons spoke:**

**Angela Cassidy, 62 Hurlbutt Rd.** spoke about preserving property values. She feels by allowing STRs, the home values would be maintained. She felt the possible issues could be managed by adopting strong regulations and enforcing them. She is in favor of non-hosted STRs.

**Terry Eisenberg, 29 Chapman Ln.** spoke in favor of STRs. She feels that clients should be well screened to prevent issues. She feels STRs will attract more commercial activity, and that enforcement and good regulations are key to successful STRs.

**Patricia Willis, 36 Long Pond Rd.,** spoke about great experiences staying in STRs and the benefits some families get from having the opportunity to operate a STR. She would like the opportunity to have one of her own. Generally, in favor of STRs and she spoke about the downside of leaving houses vacant when not rented. Hoped that the Commission will find a way to address the issues that are occurring without having to prohibit STRs or limit them to hosted only.

**Craig Nelson, 149 Whalehead Rd.** spoke in favor of STRs and feels that rules could be enacted to control potential issues that sometimes occur at STRs. He feels they are a good alternative to hotels for temporary workers and a way for visitors to really experience the town. He spoke of the difficulties of long-term rentals and trying to evict a bad tenant.

J. Hodge read 3 letters read into the record.

**Letter #1 from Linda Honeysette, 4-30 Long Pond Rd. S.** wrote in favor of STRs and that she has never had a problem with the STR on her road.

**Letter#2 from Greg Riffle, 43R Long Pond Rd., S.** wrote in favor of STRs - though understands some of the concerns raised.

**Letter#3 from Marie Claude Moriarty, 16 Long Pond Rd., S.** wrote in favor of allowing STRs as it gives owners a reason to invest in their properties.

**Taylor Harlow, 8 August Meadows** felt that the problem is really only with party houses and only 2 properties in particular. He feels there are systems in place to manage issues. He is in favor of STRs.

**Joseph Sullivan, 194 Whalehead Rd.** spoke in favor of STR.

**Mike Cherry, 5 Whippoorwill Dr.,** stated that he read the recent Court ruling about not requiring that the host be domiciled in the STR. Mr. Cherry recommends that the Commission remove the "owner host" requirement, make the enforcement stronger.

**Comissioner Awrach** asked Mr. Cherry's opinion about a non-owner host being present.

**Commissioner Whitescarver** asked whether Mr. Cherry would limit the number of STRs in the Town, and spoke of the issues with limited affordable rentals.

**Matt Miello, 12 Cardinal Lane,** spoke about the frequency of events (sometimes disrupting) in a STR compared to a long-term tenant. Doesn't see criteria in the regulations with respect to what a "disturbance" is and how it could be regulated. He stated that he has never even met the owner of the STR next door, as he is never there.

**Eric Treaster, 10 Huntington Way,** passed out written comments to the Commission members and staff. He stated that he was not aware of any issues with a "hosted" STR. He believes non-hosted STRs are commercial businesses and therefore not compatible with



residential uses and have a negative impact on communities as they take away available housing for new families. With non-hosted STRs, the burden is placed on neighbors to essentially monitor activity in a STR. Businesses should only be allowed in commercial districts. He urged the Commission to deny the application.

**Angela Cassidy spoke again.** Addressed the low-income housing comment. She realizes the need for housing but is still in favor of STRs. Feels there is room for both and STRs are great for the community.

**Terry Eisenberg spoke again.** She stated that you cannot choose your neighbors- and there can always be issues with things like blight and loud pets etc. but with AirBnB and VRBO, there are rules to follow in order to use those platforms, so she feels there will not be a lot of issues.

**Planning Director, J. Hodge and ZEO, J. Herring** both made comments about enforcement issues and the difference between prevention of an issue and enforcement after-the-fact. The enforcement process is lengthy.

**Applicant, Jancarlo Sarita addressed the Commission** and addressed the concerns raised by residents and staff. Stated that the new regulation does have a specific language about enforcement, and limits on the number of people that would naturally limit the possibility of a large party. Mr. Sarita summarized the concerns raised. He feels that since regulations have only been in place for a short time, cannot determine whether the requirement for a host present is the key to preventing issues. He stated that with technology today, he is able to speak to his guests in real time through the surveillance system if an issue arises. He feels the existing regulations have a discriminatory tone. Stated that it is easier to manage the behavior of a short-term renter vs. a long-term tenant. The town should have the ability to take away one's privilege of having a STR if rules are violated. He stated that if STRs are banned outright, it would encourage un-permitted STRs which are very hard to control. Mr. Sarita responded to Mr. Treaster's comment about people getting murdered in STRs calling it "fear mongering."

Urged Commission to approve his application to allow a greater number of people participate in the STR market.

**Chairman Capon** asked the Attorney about the 5th Circuit ruling and what it really prohibited.

**Commissioner Awrach** spoke about the difficulties of enforcing rules and asked how the applicant's proposal would prevent STR guest bad behavior and ensure that the STR would be "invisible to the neighborhood." Mr. Awrach also asked about Mr. Sarita's opinion on requiring a non-owner host present when guests are present.

**Commissioner Craig** asked Mr. Sarita about the comments about STRs being discriminatory. Mr. Sarita believes he is being prevented from using his house in the same way other owners can use them.

**Commissioner Whitescarver** spoke about possibly limiting rentals to a minimum of 30 days to prevent the weekend parties.

**Commissioner St. Vil** spoke about the importance of developing a relationship with long-term neighbors that is not possible if your "neighbor" is a short-term renter. Spoke about who had the responsibility to monitor guest behavior.

**Commissioner Wood** asked about how the regulations would handle limiting the number of people coming to the property if one of the "bedrooms" is more like a dormitory. He asked about how the applicant would handle the situation of too many guests.



**Commissioner Cobb** asked how an out-of-state host could stop a problem. Mr. Sarita feels the consequences of violating the regulations would motivate the STR owner to control problems. She asked whether having to reapply every year would help to control problems. She believes the STR regulations are not discriminatory.

**Chairman Capon** spoke about giving the current regulation a chance without making an immediate change. Asked how to prevent STR guests from inviting friends over to swim or similar. Is that a "party" per the regulations? Asked how the host or designated representative can be contacted and that it is not the ZEO or police's responsibility to maintain a list of contact people.

**Commissioner St. Vil** asked whether the applicant researched "best practices."

**Commissioner Awrach** asked whether the applicant considered requiring a non-owner host on site. That possibility was in fact added to the most recent revision.

**Atty. Fahey** cautioned the Commission to determine whether they want to use the current application as the basis to amend the things that are missing from the current regulation or coming up with one of their own.

**Without objection, Chairman Capon closed the PH at 9:01pm. There will be no discussion and vote this evening given the late hour.**

- B. 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 9:03pm.**

**Attorney Heller, Andrew McCoy and Peter Gardner were present for the Application.**

Atty. Heller gave an overview of the 8-30g statute (Affordable Housing Act - a workforce housing initiative), how communities are eligible, and the fact that density and bulk parameters are not determined by the Zoning Regulations.

Atty. Heller stated that the neighbors had been notified as well as Groton utilities and the DPW.

Applicant proposed to re-subdivide the existing 4 lots into 36 lots. Applicants have provided an Affordability Plan, Traffic Study and Hydrology report.

The road serving the community will be private and will be maintained by a HOA.

He spoke of the good soils found on the property to support the 36 proposed on-site septic systems.

No drainage systems have been proposed as they are not needed per the applicant.

**The following people made comments:**

**Mike Cherry, 5 Whipoorwill Dr.** provided a report from DPH to the Chairman. Stated that the Commission could suggest alternative designs.

**Mo Duarte, from Groton Utilities and Karl Ackimovic were also present.** Mr. Duarte read his comments into the record and Mr. Akimovic reiterated the concerns and feels that are a lot of missing information to prove health and safety concerns will be addressed.

**James McCarthy, 95 Stoddards Wharf Rd.** spoke about the fact the soils are very permeable might impact all the wells as the leachate from the septic systems would infiltrate well. Concerns about the close proximity of the wells and potential draw-down of these wells. He spoke about the potential contamination of the ground due to the rapid and improper demolition of the former house and mentioned the presence of materials dumped in



the rear of the property. He urged that the Commission require studies be performed. He spoke about the lack of adequate sightlines; the narrow loop private road proposed; lack of sidewalks or access to stores; and no playgrounds etc. Spoke about possible issues with people being unable to stop in time for a car exiting the subdivision. Concerned about the 20ft road width for a 2-way street, and snow removal impacting his driveway.

**Arlene Allard 106 Stoddards Wharf Rd.**, opposed to the proposed density and is concerned about the impact on the water supply. Concerned about possible safety issues and potential increase in accidents. She feels the Aquifer should be protected and that HOAs are a joke.

**Alan Bruckner, 93 Stoddards Wharf Rd.** - Spoke against the project and the proposed density of houses next to the reservoir and wetlands. Begged the Commission not to go forward with this. Concerns that people will not maintain the septic systems. Given the number of septic systems in such a small area - the potential for pollution exists. He understands the need for affordable housing, but feels there are other areas in town that could better support 36 homes. He stated that he served as deputy Fire Chief for many years and that he was concerned that houses are too tightly packed with no hydrants or ready supply of water to prevent the spread of a fire from house to house.

**Randy Palmer, 101 Stoddards Wharf Rd.**, Spoke against the project. He spoke about the volume of traffic on the road. He supports a fewer number of houses though.

**Public Hearing was continued to the November 10, 2022 Meeting.**

- C. Application PZ#22-17RA of the Town of Ledyard Planning and Zoning Commission, 741 Colonel Ledyard Highway, Ledyard, CT 06339 to amend the Zoning Regulations to include new section 3.6.2 (as amended) to establish a six (6) month Moratorium on any new Conventional, Open-space and/or Conservation Subdivision with the Town of Ledyard/Gales Ferry.

**PH opened at 9:59**

Planning Director J. Hodge spoke on the importance of making the changes to the Subdivision Regulations given the recent overhaul of the Zoning Regulations. The two documents must match.

**Mike Cherry, 5 Whipoorwill Dr.** stated that there were 3 major Zoning Regulation rewrites without amending the Subdivision Regulations.

Commission members asked clarifying questions.

Attorney Landolina spoke on the process of ending the moratorium.

**Without objection, Chairman Capon Closed the Public Hearing at 10:04pm.**

- D. Public Hearing to opt out of PA21-29 (CGS 8.2(o))

**Chairman Capon opened the public hearing to opt out of PA21-29 (CGS 8-2(o)) at 10:04pm**

Commission reviewed the materials provided.

Opting out would give commission the flexibility to amend regulations regarding accessory apartments and parking requirements in response to unexpected issues or unintended consequences.

**Eric Treaster, 10 Huntington Way**, spoke in favor of opting out.

**Without objection, Chairman Capon closed the Public Hearing at 10:06pm.**

## VIII. OLD BUSINESS

## A. Application PZ#22-15RA - Discussion &amp; Possible Vote

There was no discussion on the application. Deliberations will begin at the November 10, 2022 PZC Meeting.

## B. Application PZ#22-17RA - Discussion &amp; Possible Vote

Commission members all in agreement that the Subdivision Regulations must be updated to be consistent with the newly adopted Zoning Regulations, and that a moratorium was needed to give staff time to make the updates.

A motion was made by Chairman Capon, seconded by Commissioner Craig, to APPROVE Application PZ#22-17RA. The motion passed unanimously.

**RESULT:** APPROVED AND SO DECLARED

**MOVER:** J.A. (Tony) Capon

**SECONDER:** Howard Craig

## C. Opt out of PA21-29 - Discussion &amp; Possible Vote

Chairman Capon cited the draft Resolution which gives the reasons to Opt-out of PA 21-29 and that the Town Council would also have to vote on this.

A motion was made by Commissioner Whitescarver, seconded by Commissioner Wood to adopt the resolution to Opt-out of PA-21-29. The motion passed unanimously.

**RESULT:** APPROVED AND SO DECLARED

**MOVER:** Paul Whitescarver

**SECONDER:** Marcelle Wood

## IX. NEW BUSINESS

## X. APPROVAL OF MINUTES

## A. September 8, 2022 Regular Meeting Minutes

A motion was made by Chairman Capon, seconded by Commissioner Wood, to APPROVE the minutes of the September 8, 2022 meeting. Motion passed unanimously.

**RESULT:** APPROVED AND SO DECLARED

**MOVER:** J.A. (Tony) Capon

**SECONDER:** Marcelle Wood

## XI. CORRESPONDENCE

Planning Director J. Hodge summarized a letter from Atty. Heller regarding Commission approval of the proposed Surety Bond for the Eagle's Landing Subdivision on Vinegar Hill in the amount of \$311,130. Commission approved the bond type and amount.

## XII. REPORTS

## A. October 13, 2022 Staff Reports

Planning Director J. Hodge and ZEO J. Herring reviewed their submitted reports and

answered questions. Staff discussed staffing shortages. J. Hodge discussed the status of the Housing Plan and other active grants and that the Commission may need to have a workshop to discuss possible goals for the Housing Plan.

**XIII. EXECUTIVE SESSION: Pending Claims and Litigation. Ledyard v. Perkins**

A motion was made by Chair Capon, seconded by Commissioner Whitescarver to go into Executive Session at 10:22pm to discuss pending claims and litigation: Ledyard v. Perkins with Attorney Landolina and staff members Juliet Hodge and John Herring present and participating. Motion passed unanimously. Meeting reconvened at 10:42. No votes were taken during Executive Session.

**RESULT:** APPROVED AND SO DECLARED

**MOVER:** J.A. (Tony) Capon

**SECONDER:** Paul Whitescarver

**XIV ADJOURN**

Without objection, Chairman Capon Adjourned the meeting at 10:44PM.



