



TOWN OF LEDYARD

Planning & Zoning Commission

Meeting Minutes

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Chairman
J.A. (Tony) Capon

DRAFT

Thursday, September 8, 2022

7:00 PM

Council Chambers - Hybrid Format

I. CALL TO ORDER

Chairman Capon called the meeting to order at 7:00 p.m. at the Council Chambers, Town Hall Annex Building.

Chairman Capon welcomed all to the Hybrid Meeting. He stated for the 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.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL APPOINTMENT OF ALTERNATES

All members were present.

Staff Juliet Hodge, Planning Director and Town Attorney Tom Fahey

Craig Howard was appointed as a voting member

Present Commissioner Marcelle Wood

Chair J.A. (Tony) Capon

Commissioner Thomas Baudro

Commissioner Paul Whitescarver

Alternate Member Howard Craig

Alternate Member James Awrach

Alternate Member Gary St. Vil

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

Commissioner Tom Baudro gave a quick history of the town.

Deborah Edwards asked about property for sale across from the DOW Chemical property.

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

Without objection the agenda was approved and all exhibits/documents received were incorporated into the record.

VI. PRE APPLICATION OR WORKSHOP

None

VII. PUBLIC HEARINGS/APPLICATIONS

A. Application PZ#22-9RA of Robert Barnett, 51 Church Hill Rd., Ledyard, CT for an amendment to Section 8.28 (Short Term Rentals) of the current Zoning Regulations.

WITHDRAWN BY APPLICANT

Application PZ#9RA was withdrawn by the applicant.

RESULT: WITHDRAWN

B. 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 7:15. J. Hodge noted the additional letters received after the agenda was posted.

Chairman Capon asked Attorney Fahey to speak about the newly discovered US Court of Appeals 5th Circuit Court case on Short-term Rentals that was decided on August 22, 2022. The Court ruled that the residency requirement violated the Dormant Commerce Clause because it discriminated against interstate commerce.

Mr. Sarita was present for his application. He shared a power point presentation. He stated that he felt that the existing STR regulation is punitive for some and not others. He agreed that rules were needed to control nuisances. He reviewed the proposed additional requirements including exterior video surveillance; special STR insurance; annual inspections by fire marshal; inspection by home inspector and put a cap on the number of STRs.

Chairman Awrach asked about the legality of video surveillance.

Commissioner Wood asked whether the increased number of people in a house used as an STR would impact the septic system, and asked about how an applicant could prove that the water was potable.

He spoke about the possibility of limiting the number of STRs in town.

He showed a video of his current surveillance system.

Commissioner St. Vil asked whether there were requirements for annual inspections for fire alarms or requirements that only licensed professionals be permitted to do repair work like electrical, rather than allowing the homeowner to do so as is currently permitted.

Chairman Capon asked whether "ability to respond within 2 hours " meant that someone had to arrive in person within 2 hours. Attorney Fahey discussed regulations requiring a host or manager to respond.

The following people spoke:

Mike Cherry, 5 Whippoorwill Dr. Gales Ferry. Suggested that the STR use be noted on the property card. Spoke about the requirement for inspection by the fire marshal and LLHD approval.

Jim Harwood, 10 Eska Dr. spoke about greater control of nuisance and illegal activity if the homeowner were present. If the STR is un-hosted, the onerous is on the neighbor to police the STR and try and control the issues that arise. Videos only show what happened after the fact. It does nothing to solve the issue when it arises.

Carol Miello, 12 Cardinal Lane. She stated, given the court hearing she suggested that the Town reconsider even allowing STRs at all. The regulations should not require that the owner respond within 2 hours, it should require that the problem be resolved. The STR next to her has ruined her quality of life.

Greg Macina, 9 Cardinal Lane spoke about issues with the STR in his neighborhood with cars and partying and bizarre behavior. He is worried that the presence of a STR across the

street will impact the ability to sell his house.

Greg Miello, 12 Cardinal Lane spoke about the articles he submitted pertaining to the impacts of STRs on neighborhoods and urged the Commission to read them. He questioned the benefit of STRs for Ledyard.

Deborah Edwards, 30 Bluff Rd. West, Gales Ferry echoed all the points of the prior speakers and pointed to the exhibits 6-9 that were submitted. Feels the Commission should reconsider allowing STRs at all given the difficulty with enforcement due to a lack of staff/resources.

Pamela Bartlett, 62 Long Pond Rd. Discussed an article on STRs. She believes it should not be profit over people. She feels there are many in town against STRs who are concerned about protecting their communities. She submitted her comments and other material for the record.

Law Ager, 5 Eska Dr. has lived here less than a year. Spoke about the unpermitted STR across the street. Need to have immediate repercussions for problems that arise. He personally loves staying in Airbnbs. He spoke about all the surveillance platforms and how they are impacted by power outages and damage to the modem etc. and reliant on the owner checking the notifications. Questioned what Ledyard gains from allowing STRs. Ledyard is not the destination - it is the Casino that benefits.

Ackley Hollister, 54 Long Pond Road. He moved to the town 28 years ago for peace and quiet. the lake properties are not designed for STR use. There are limits to septic and water capacity; sound travels; pets are left behind when the guest goes out for the evening. He submitted his comments for the record.

Eric Treaster, 10 Huntington Way asked the Attorney whether the decision was likely to be appealed. The response was that the case could get to the Supreme Court if enough interest was there, but it was hard to tell whether it will be overturned. If so, it would be a long process. In the meantime, the recent ruling is applicable today and applicable in CT. Mr. Treaster spoke of crimes committed on STR properties and generally spoke against non-hosted STRs. He passed out 3 documents which were added to the record and read a presentation.

Mr. Sarita responded to some of the comments made.

Chairman Capon continued the public hearing at 9:01pm to the regular meeting on October 13, 2022 at 7pm.

RESULT: CONTINUE

VIII. OLD BUSINESS

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.

There was no discussion as the Public Hearing was continued to October 13, 2022.

RESULT: CONTINUE

B. Application PZ#22-7RA of the Ledyard Planning and Zoning Commission, to consider comprehensive revisions to all sections of the Zoning Regulations.

Chairman Capon opened deliberations on the application. Planning Director Juliet Hodge

went over the major changes to ensure the Commission members understood the impact. She encouraged the Commission to discuss. Commissioner Wood asked whether areas with ledge/steep slopes were considered "unbuildable." Mr. Wood wanted that to be considered, however as it was not brought up during the public hearing. Commission discussed proposed changes to the height of non-residential buildings; changes to required frontage and setbacks; Changes to dimensional requirements for Conservation and Open Space subdivisions to ensure better design in keeping with the purpose of these types of subdivisions. Discussed the limitation on the number of special interior lots in a subdivision and the number of lots that can share a driveway. Some commission members were uncomfortable with the 65-ft height allowance in non-residential zones, but ultimately agreed on the change. Commission reviewed the uses permitted in non-residential zones, particularly for the Multi-family Development District. The Commission discussed the changes to the Agricultural section; the change to allow accessory structures in the front "yard," and the site development standards.

Chairman Capon asked whether the Commission had any other questions or comments. There were none.

MOTION to approve Application PZC322-7RA as modified. In adopting these changes, the Commission finds that the proposed changes are in accordance with a comprehensive plan, the current Plan of Conservation and Development, and the provisions of Sec. 8-2 of the Connecticut General Statutes. The new regulations will have an effective date of September 28, 2022.

Motion passed unanimously.

Chairman Capon thanked Mr. Cherry and Mr. Treaster for all their help and contributions.

RESULT: APPROVED AND SO DECLARED

MOVER: Thomas Baudro

SECONDER: Marcelle Wood

AYE: 5 Wood, Baudro, Whitescarver, Craig, and Capon

ABSTAIN: 2 Awrach, and St. Vil

IX. NEW BUSINESS

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

Without objection, the Public Hearing is scheduled for Oct 13, 2022. Chairman pointed to the documents submitted by J. Hodge for the Commission to review.

RESULT: CONTINUE

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

Without objection, the Public hearing was set for the November 10, 2022 meeting.

RESULT: CONTINUE

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.

Without objection, the Public Hearing was set for Oct. 13, 2022 meeting.

RESULT: CONTINUE

D. 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.

Without objection, the Public Hearing was set for October 13, 2022. J. Hodge stated that she sent the Application to the Attorney to review.

RESULT: CONTINUE

E. 123 Whalehead Rd. PZ#22-4RESUB Request for filing Extension

MOTION made and seconded to approve a request by Mark Coen for an extension of 90 days to file the mylars for the re subdivision at 123 Whalehead Rd. Motion passed unanimously.

RESULT: APPROVED AND SO DECLARED

MOVER: Thomas Baudro

SECONDER: J.A. (Tony) Capon

AYE: 5 Wood, Capon, Baudro, Whitescarver, and Craig

ABSTAIN: 2 Awrach, and St. Vil

X. APPROVAL OF MINUTES

A. Approval of August 25, 2022 Special Meeting Minutes

MOTION was made and seconded to approve the minutes of the August 25, 2022 meeting minutes. Motion passed unanimously.

RESULT: APPROVED AND SO DECLARED

MOVER: Marcelle Wood

SECONDER: Thomas Baudro

AYE: 5 Craig, Whitescarver, Baudro, Capon, and Wood

ABSTAIN: 2 Awrach, and St. Vil

XI. CORRESPONDENCE

None.

XII. REPORTS

A. Zoning Official and Planning Director Reports

J. Hodge went over the report she submitted. She urged Commission members to take the Housing Survey and encourage others to do the same.

XIII. ADJOURNMENT

Without objection the meeting was adjourned at 10:04pm.

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